

**THE ROLE OF CAMEROON-NIGERIA MIXED COMMISSION IN THE
IMPLEMENTATION OF THE JUDGMENT OF ICJ ON THE
CAMEROON-NIGERIA BOUNDARY DISPUTE (2006-2017).**

BY

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**BEING A DISSERTATION SUBMITTED TO THE FACULTY OF SOCIAL
SCIENCES DEPARTMENT OF POLITICAL SCIENCE, NASARAWA STATE
UNIVERSITY, KEFFI.**

**IN PARTIAL FULFILMENT OF REQUIREMENT OF THE AWARD
OF MASTER OF SCIENCE (M.SC) DEGREE IN INTERNATIONAL
RELATIONS.**

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OCTOBER, 2018

DECLARATION

I hereby declare that this dissertation has been written by me and it is a report of my research work. It has not been presented in any previous application for M.Sc. International Relations. All quotations are indicated and sources of information specifically acknowledged by means of references

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DATE

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CERTIFICATION

The dissertation **The Role of Cameroon-Nigeria Mixed Commission in the Implementation of the Judgment of ICJ on the Cameroon-Nigeria Boundary Dispute 2006-2017** meets the regulations governing the award of M.Sc. International Relations, of the School of Postgraduate Studies, Nasarawa State University, Keffi, and is approved for its contribution to knowledge.

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DEDICATION

This project work is dedicated to God Almighty and my entire family who have always been there for me while the programme lasted in the University.

ACKNOWLEDGEMENTS

In a research of this nature, it is impossible to single handedly complete it. Against this background, let me begin by giving glory to Almighty Allah for His knowledge and wisdom without which it would not have been possible for me to complete this project. I am highly indebted to my project supervisor, Professor AbdullahiNuhuLiman who contributed immensely to the shaping, organizing and re-organizing the quality of this work. I am also grateful to all my lecturers in Political Science Department; Dr.SundayJacho, Dr.JidefoAdibe ,Dr. M.B, BabanUmma, Prof. Assisi Asobie, Professor A.S Ibrahim, Mallam Mrs Ruth I. Caleb, for criticism and academics contribution to this research work.Auwal Musa Ibrahim (Rafsanjani) Executive Director of CISLAC, a mentor and some who has always assisted me on many occasions. Mr Paul Ibe. The Director of Atiku Media Office, also the contribution and the encouragement of Mallam Garba Shehu, Senior Special Assistant to the President on Media and Publicity cannot be forgotten as he was instrumental to my success in this study. I am also thanking my parents Alhaji Umar Mato Kano and HajiaRabi'atu Umar Mato for their prayers in course of this study, alongside my in-laws who were also praying for me.

I will like to use this opportunity appreciate the support and the encouragement I received from my lovely Wife, FauziyyaAbdullahi and my lovely children, Muhammad Arfat and Khadija (Hanan) who are always by my side whenever I am carrying out the research. Ustaz Abubakar AhmadAkwah's effort really need to be commended for the role he has played in the success of my study, the Director General of National Boundary Commission, Muhammad Abdul, SaniAyuba, HadizaRimi, that have impacted me in one way or the other. My warmth appreciation goes to all my course-mates for their unflinching assistance to me at the cause of this research work. Most especially HajiaAmeenatBagudu, Mrs Sarah Azi,the effort to Mrs Rita Tor, BenajminAwua, Many thanks to my colleagues in the department for all the ideas we shared together. Also Mallam Mahmud, Aliyu, HauwaLamino Abubakar, Uatazibn Mahmud and

family. I will like to use this opportunity to MallamUbale Musa of Deustchwelle, Radio Abuja, for his encouragement and support. Not forgetting Abubakar Bakari (Bamanga) for his immense contribution and concern in the process of carrying out this research.

In addition I will like to use this medium to thank the Director General of National Boundary Commission (NBC) Dr Muhammad Ahmad Bose, for the assistance he has been rendering to me in course of this study by giving me the access to the library of the Commission and other important documents that make my research to less tedious.

My appreciation also goes to Mallam Muhammad Jibrilla of the DG's office and Muhammed Abdul who was also played very important role in the course of this research. HajiaHauwa Ibrahim, Assistant Director in the Department of International Boundary of National Boundary Commission. Not forgetting Surveyor Duniya of the Office of the Surveyor General of the Federation, Mr MomohAiyegbeni, of OSGOF, Mr TofeeqOdeniran, Deputy Director, in Department of International Boundary in the Office of the Surveyor General of the Federation (OSGOF)

AlhajiMallaKachalla of the Border Communities Development Agency (BCDA), HajiaJimlari of the BCDA. And the those who I cannot mention their names, God will continue to bless them.

ABSTRACT

This research sets out to analyze the role of the Cameroon-Nigeria Mixed Commission in the implementation of the judgment of ICJ on the Cameroon-Nigeria boundary dispute 2006-2017. The objective of the study is to examine the role of the CNMC in the implementation of the judgment of the ICJ in the area of promotion of confidence building between the people and governments of both countries, the protection of the rights of the affected population from both sides. The contribution of the Mixed Commission in the promotion of the draft joint economic ventures and cross-border cooperation. The success of the Mixed Commission in the process of demarcation, delineation, and delimitation of the land and maritime boundary of the two countries. In the pursuance of this objectives, the research takes a critical look at the historical evolution of the CNMC and also unravels the genesis of the boundary disputes between Nigeria and Cameroon and it became imperative for the intervention of the ICJ after the Cameroonian government have taken the matter to the court in which it delivered its judgment on the matter on 10th of October, 2002 which led to the establishment of the Mixed Commission on the 1st of December, 2002. As a means of putting a mechanism that would maintain and promote confidence building between the two countries and to also serve as model of peaceful boundary disputes resolution on the Continent. The Theoretical framework adopted for this study is the Functionalism theory. The method utilized is the Secondary and Primary sources of data. The Secondary data were gathered from books, journals, Official publications, Newspapers, Communiqué of meetings and reports. While the Primary data were gotten through questionnaires and interview methods. The study found out that the formation of the Mixed Commission has led to the effective implementation of the ICJ judgment in the area of promotion of confidence building measures; the demarcation, delineation and delimitation of the land and maritime boundary of the two countries; the promotion of draft economic venture and cross-border cooperation between Nigeria and Cameroon as tension between the countries has been cut down to the bearest minimum with the signing of the Green Tree on the 12th of June, 2006 in New York by President Obasanjo of Nigeria and President Biya of Cameroon. The research recommended that the CNMC should be well funded in order to carry out its final activities, and the welfare of the affected population from both sides most especially, those from Nigerian side really need to be improved. The challenges of security in both land and maritime boundary needs to be addressed to enable the Mixed Commission completes its mandate.

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CHAPTER ONE

INTRODUCTION

1.1 Background to the study

African borders are the products of the rivalries that characterized the relationships between the imperial powers in the late nineteenth and early twentieth century. Added and related to these rivalries were the obsessions to exclusively corner certain real or imagined African resources. More often, the imperial powers were interested in one resource or the other, the control of commerce and markets or access to trade routes and rivers transport system. The colonial state and their borders that therefore emerged out of these rivalries largely depended on how one imperial power were interested in one resources or the other, the control of commerce and markets or access to trade routes and rivers transport systems. The colonial states and their borders that therefore emerged out of these rivalries largely depended on how one imperial power out-smarted its rival. (Ahmad, 2013: 16). The present boundaries in Africa were drawn by the Europeans colonial powers. The boundaries were drawn without due regards to the wishes and needs of the African people. Symptoms of the boundaries dispute began to surface across the continent as early as the 1950's.

By the 1960's when most of the African countries had attained independence, boundary disputes resulting in conflict, were already becoming a threat to the unity of the continent. The way and manner in which political boundaries were created by the Europeans colonial masters constituted major factor in the frequent occurrence of boundaries disputes in Africa. The colonial powers who first draw the boundaries at their conference table far away in Europe at the Berlin conference of 1884/1885. The boundaries they created were in utter disregard of the wishes of African people and of local circumstances, such as ethnic distribution economic need (land and water use), and communication patterns (Barkindo, 1999: 227).

The Berlin West Africa conference of November 1884 to February 1885 and the events that followed it had the effect of not just giving Africa its present borders; it has also the effect of at least attempting to integrate Africa into European concept of nation states with clearly defined and demarcated borders. The scramble for Africa by imperial Europe, and to that effect the beginning of the rudimentary aspects of nation state type of borders in Africa had already started before the conference, Berlin conference came to regulate the process. It was naturally followed by very keener competitions amongst the European powers because then, more than ever before, the concept, of effective occupation was added to the rule of the game. In this context, the border imposed on Africa were conceived to be exclusive, meant to separate a sovereignty from another and supposed mirror the European nation states' borders with their characteristics paradoxical role as factor of peace and war, as noted by Lord Curzon known to have memorably observed that "frontiers are indeed the razors edged on which hang suspended the modern issues of war and peace, life or death of nations".

The artificially and arbitrariness of the African borders are testified to by the key actors at the time when boundaries were being designed and constructed. A few examples relating to the Nigerian borders will suffice. On the occasion of signing the Anglo-French Convention on the Nigeria-Niger boundary in 1906, Lord Salisbury, then the British Prime Minister was to have remarked:

we (the British and the French) have been engaged in drawing lines upon maps where no white man's foot ever trod: we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediments that we never knew exactly where the mountains and rivers were". And from Nigeria's eastern border with Cameroon, a British Colonial officer has recorded the method they used in delimitating the border. He says: "In those days we just took a blue pencil and a ruler and put it down at old Calabar, and drew that blue line to Yola... I recollect thinking when I am sitting having audience with the Emir (of Adamawa) surrounded by his tribe, that it was a very good thing that he did not know, that I, with a blue pencil, had drawn a line through his territory.

The resultant effect of this exercise, which was common all over Africa is divided peoples, bifurcated political and social system, fractured culture areas, which eventually led to further dislocations and disorientations, particularly amongst the border populations. On this Asiwaju (1984) has confirmed that: the boundaries have been drawn across well-established lines of communications including, in every case, a dormant or active sense of community based on tradition concerning common ancestry, usually very strong kinship ties, shared socio-political institutions and economic resources, common customs and practices, and sometimes acceptance of a common political control. In many instances ... the boundary has separated communities of worshipers from age-old sacred groves and shrines. In other instances, well exemplified by the Somalis, the water resources in a predominantly nomadic culture area were located in one state and the pastures were in another''.

The borders were thus arrived at without much reference to the social, political or cultural characteristics of the people they partition. A clear indication of the arbitrariness of the borders, according to Posner (2006), is the fact that 44 % of the African borders either follow meridians or parallels, and another 30% follow other rectilinear or curved lines. Further indication of their disrespect to the people they partitioned comes from Asiwaju (1985) estimate that the 104 international borders then existing in Africa, in 1984/85 have dissected 177 culture areas groups. (Bose,2013:15)

According to Ahmad (2013) Post-Colonial African states have to contend with the colonially inherited borders. They either maintain the status quo by accepting the imperfections inherent in the colonial partitions with the attendant consequences of managing separatists and irredentists tendencies, or go all out to re-design the borders. The aforementioned characteristics of African borders and the problems faced by various African states in co-existing with them have led to conflict and even crisis. Among the major crises which Africa has witnessed mention must be made of the Ogaden, war, in the horn of Africa involving Ethiopia, Kenya, and Somalia, the

Chad/Libyan war over the then disputed Ouzou strip, the Burkina/Mali wars, the Ethiopian/Eritrean war, and the shootouts between Cameroon and Nigeria and between Guinea and Senegal. Border tensions are known to exist between several neighbouring African countries such as Guinea and Liberia, Liberia and Sierra Leone, Eritrea and Sudan, Uganda and Sudan, Kenya and Uganda, Equatorial Guinea and Gabon, Rwanda and DRC, Burundi and DRC, Angola and Congo etc. It is not therefore, an over-statement to say that related conflicts have taken greater part of the total conflicts, which African countries encountered. At the centre of All African borders wars, the conflicts and tensions were the poorly and in some instances undemarcated borders and questions over border related pre-colonial territorial claims such as that of Somalia in relations to ethnic Somalis in neighbouring countries and Morocco over her claims of the Saharawi Arab Republic territory. There is no doubt that Africa is challenged to find solutions to the recurrent border conflicts. As a result, African leaders have adopted a number of decisions to tackle the border issue as a security concern. In other wisdom, the founding Fathers of the Organization of the African Unity (OAU), decides to retain the boundaries as inherited when the members states of the organization each attained independence. This was certainly a security guarantee of some sorts, to avoid political problems and insecurity which redrawing the borders would have generated. It was one way of achieving continental peace. Thus, the principle of the respect of borders existing at the time of the achievement of independence, also known as the principle of In-allignability (Intangibility) of Borders, which is enshrined in both the Charter of the OAU (Resolution AHR./R.S.16 (1)) and the constitutive Act (Article 4b) of the AU, and subsequent political and legal actions of the two bodies are designed to reduce the conflictual characteristics of Africa's borders.

The Nigeria-Cameroon International Boundaries were also drawn along political lines without giving a due considerations to the major ethnic groupings that constitute the bulk of the population of the given states. The people living along this boundary have a long history of

social, cultural economic relations notwithstanding this, the Republic of Cameroon had on 29th March, 1994 taken the Federal Republic of Nigeria to the International Court of Justice (ICJ) concerning the dispute relating to the sovereignty over the Bakassi peninsula in the South. It requested the Court to ‘‘.... determine the course of the maritime boundary between the two States beyond the line fixed in 1975’’ by the Agreement between the two Heads of States.

In an additional application on 6th June, 1994, the Republic of Cameroon had further requested the Court to also specify definitely the land boundary between the two states from Lake Chad to the Sea. It further requested the court to compel the Federal Republic of Nigeria to appropriate compensation and/or damages consequent upon the alleged violation of its territory and sovereignty. The court delivered its verdicts on the 10th of October, 2002 and stated that the boundaries in the Lake were determined by Thomson-Marchand Declaration of 1929-1930 and the boundary in Bakassi was determined by the Anglo German Treaty of 11 March, 1913. The court requested Nigeria to quickly and unconditionally withdraw her administration, police, military, from the Lake Chad under the Cameroonian Sovereignty and from the Bakassi Peninsula. The ICJ equally requested Cameroon to expeditiously and without condition remove any administration or military or police force which may be present along the land boundary from Lake Chad to the Bakassi Peninsula on territories which, pursuant to the judgment, fall within the sovereignty Nigeria. (Chidi, 2018. P:4) The aim of this research is not only to study the boundary dispute between Nigeria and Cameroon, but rather to establish how the judgement of the ICJ is being implemented by the Nigeria-Cameroon Mixed Commission (CNMC). The Commission is an instance of United Nations conflict preclusion successes, in which the UN's methodological, political, and legal expertise and good office function, to firstly get the commitment and to sustain the implementation of an agreement between the two countries.

Also, this study is an attempt to find out the impact of international organization's role in conflict resolution with emphasis on the United Nations through one of its organs the ICJ

popularly known as the “World Court”. So that, the CNMC’s role in the implementation of the judgment will serve as a model for others to follow by accepting and complying with the rulings of the court by the defendant states because of their various national interests. Even though the court is criticised as an ineffective player in achieving international peace and security, largely because of its perceived inability to control state behaviour, but it has boosted a positive spirit in international law by infusing the basic ideologies and fundamental principles courtesy its various pronouncement which are slowly transforming into the customary rules of international law.

1.2 Statement of the problem

Border disputes the world over, is perhaps as old as mankind. The problem posed by structures inherited from the colonial authorities paved the way for boundaries disputes among the newly emerging African states. The greatest challenges of African boundary-making generally lie with the nature and essence of the African boundaries themselves which were drawn by the Europeans Colonial powers without due regards of considerations and wishes of the African people and this manner contributed tremendously to the occurrence of boundary disputes on the continent. The resultant effect of the boundary creation by the colonial masters which was common all over Africa is divided people destroyed political, economic, and social system, fractured cultures areas, which eventually led to further dislocation and orientations, particularly amongst the population of border areas. The aforementioned features of the African borders are problems faced by various African States in the process of interacting with one another led to conflict and even serious crisis. Among the major crisis, is the Cameroon/Nigeria boundary disputes which escalated as a result of the invasion of the Nigerian territory by the Cameroonians Gendarmes in 1981 which resulted in the killings of Nigerian soldiers in Cross Rivers State. Also, in the early 1990’s Cameroon went to the same area collecting taxes, raping and killing of Nigerian citizens. Cameroon in 1994 had taken the Federal Republic of Nigeria to the International Court of Justice (ICJ) concerning the disputes relating to the sovereignty over

the disputed territories the two states from Lake Chad to the Sea. The ICJ delivered its judgement on the matter on 10th of October 2002 that covers the disputed areas which are:

Lake Chad Area, the Land Boundary, Bakassi Peninsula, Maritime Boundary and State responsibility. Both Nigeria and Cameroon accepted the judgment and also agreed on its implementation.

It is against this background that this research work seeks to examine the impact of the Nigeria/Cameroon Mixed Commission in the implementation of the judgment of the ICJ of 10th October, 2002, which was established after the tripartite submit of 15th November in Geneva that was chaired by the former Secretary General of United Nations, Kofi Anan. The study here is an attempt to analyse how colonial boundary creation has hampered the peace and development in the African Continent most especially, in the case of the boundary dispute between Cameroon and Nigeria, that has affected negatively on the way the people and the government of both countries were relating with one another. The exchanges of inflammatory statements between the officials of both countries, which has also led to the positioning of troops along the International land boundaries of the two countries as a result of absence of a clearly defined boundary dividing the two countries. There was high level of the militarization of the Bakassi Peninsula due to the strategic importance of the area to both countries. There was nearly a total collapse of the activities of the Lake Chad Basin Commission as result of the boundary disputes that affected the relationship between the two countries.

Considering the roles that border communities played as gatekeepers whose actions and/or inactions impact on the member of states and the entire region, the control and regulation of cross-border activities becomes essential in ensuring peace and stability as well as for the promotion of pertinent political and socio-economic activities needed for integrating sub-regional activities.

However, the problems to be investigated will be stated as follows:

1. Does the boundaries designed and constructed by the imperial powers affect the level of relationship between the people and the government of both Cameroon and Nigeria?
2. Does the various Treaties entered by the colonial masters in the process of boundary demarcation affect the judgment delivered by the International Court of Justice in the boundary dispute between Cameroon and Nigeria?
3. Does the judgment delivered by the ICJ on the Cameroon-Nigeria boundary disputes affect its implementation process by the Cameroon-Nigeria Mixed Commission in the area of confidence building between the people and the government of both countries; the protection of the right of the affected population; the promotion of draft joint economic development ventures and cross-border cooperation between the two countries; the demarcation, delineation and delimitation of the Land and Maritime boundaries between the two countries?

1.3 Research Questions

- (i) How successful is the Cameroon-Nigeria Mixed Commission in the promotion of confidence building between the people and the government of both countries?
- (ii) What is the role of the Cameroon-Nigeria Mixed Commission in the protection of the rights of the affected population?
- (iii) How has the Cameroon-Nigeria Mixed Commission contributed in the promotion the draft Joint development economic ventures and cross-border cooperation between the two countries?
- (iv) What has been the level of success of the Cameroon-Nigeria Mixed Commission in demarcation, delineation and delimitation of the Land and Maritime boundaries between the two countries?

- (v) What are the challenges faced by the Mixed Commission in the implementation of the ICJ rulings?
- (vi) How can those challenges be overcome?

1.4 Objectives of the Study

The general objective of the study is to examine the impact of the Cameroon -Nigeria Mixed Commission in the implementation of the ICJ judgment of 10th of October 2002 as it deals with boundary disputes between the two countries which cover land and maritime boundaries. This is as a result of how the boundary disputes between the two countries drew the attention of the International community, as it has even threatened the stability of the region where these two countries are located. And this led to the intervention of the former Secretary General of the United Nations Dr. Kofi Anan, in which he invited the leaders of the two countries in Geneva, on November, 15, 2002 to follow on the rulings of 10th October, 2002 of the ICJ in order for the two presidents to acknowledge the importance of their countries of respecting their obligations under the United Nations charter. Also by renewing their commitments to be law-abiding countries to renounce the use of force in their bilateral relations and pursue peaceful means for the settlement of their boundary differences, as well as the constructive spirit which would paved the way to solving many of the issues which are subject of the ICJ rulings. Also, the Cameroon – Nigeria Mixed Commission was established in pursuance to the joint communiqué adopted at the Geneva meeting of November, 15, 2002.

However, the specific objectives of the study are as follows:

- (i) To determine how successful the Cameroon-Nigeria Mixed Commission is in the promotion of confidence building between the people and the government of both countries.

- (ii) To examine the role played by the Cameroon-Nigeria Mixed Commission in the protection of the rights of the affected populations.
- (iii) To find out how the Cameroon-Nigeria Mixed Commission has contributed in the promotion the draft Joint development economic ventures and cross-border cooperation between the two countries
- (iv) To analyze the level of achievements of the Cameroon-Nigeria Mixed Commission in the process of the demarcation, delineation and delimitation of the land and Maritime boundaries between the two countries.
- (v) To examine the challenges faced by the Cameroon-Nigeria Mixed Commission in the implementation of the ICJ rulings.
- (vi) To make appropriate recommendations on how best to tackle the challenges faced by the Mixed Commission in the implementation of the ICJ rulings.

1.5 Research Propositions

The propositions that will guide the conduct of this research are as follows:

- (i) The Cameroon-Nigeria Mixed Commission has promoted confidence building between the people and government of both countries.
- (ii) The Cameroon-Nigeria Mixed Commission has contributed in the protection of the rights of the affected population.
- (iii) The Cameroon-Nigeria Mixed Commission has contributed in the promotion of draft joint development economic ventures and cross-border cooperation between the two countries.
- (iv) The Cameroon/Nigeria Mixed Commission has been successful in the process of the demarcation, delineation and delimitation of the land and Maritime boundaries between the two countries.

1.6 Significance of the Study

Cameroon and Nigeria are members of the United Nations and are bound by the International Court of Justice judgment of 10th October 2002. In view of their compliance with the judgment of the ICJ, which then paved the way for its implementation by the Cameroon-Nigeria Mixed Commission, it has become very important that this study is made. The significance of this work will therefore be theoretical and practical.

Theoretically, this study will make its vital contribution for the growth of scholarship especially, as it is expected to benefit researchers, analysts, and policy makers in formulating a comprehensive framework to the role of the Cameroon-Nigeria Mixed Commission in the implementation of the International Court of Justice (ICJ) rulings of October, 10, 2002, and the importance of using bilateral/multilateral relations rather than the use of force, and the pursuance of peaceful ways for the settlement of their boundary disputes through the instruments of international organizations and international law. And it will explain or add the existing knowledge on the area. The general reader will also benefit from fresh perspectives to the implementation of the ICJ judgment by the Cameroon –Nigeria Mixed Commission. The process is also a model of preventive diplomacy and a new approach for peaceful settlement of border disputes on the African continent which at one point has also led to the prevention of outright conflict between the two countries. It will also serve as a model for other African countries to follow by involving the role of International Organizations like the United Nations in the enforcement of the ICJ judgment through the role of the Cameroon-Nigeria Mixed Commission in the promotion of continental and global peace.

However, on the practical side, this study will let the people that have been affected by the judgment of the International Court of Justice and also affected by the implementation of the judgement by the Cameroon-Nigeria Mixed Commission to know that their rights need to be

safeguarded in accordance with International law and as also contained in the Article 3 of the Green Tree Agreement of 12th June, 2006, which guarantees Nigerians Nationals living in the Bakassi Peninsula the exercise of their fundamental human rights and freedom as enlisted in the international human rights law and in other relevant provisions of the international law.

That in particular, Cameroon shall:

- (a) Not force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality.
- (b) Respect their culture, language and beliefs.
- (c) Respect their right to continue their agricultural and fishing activities.
- (d) Protect their property and their customary land rights;
- (e) Not levy in any discriminatory manner any taxes and other dues on Nigerian nationals living in the zone; and
- (f) Take every necessary measure to protect Nigerian nationals living in the zone from any harassment or harm.

This work will also let the International Community as well as the governments of Nigeria and Cameroon know that the failure to protect the rights of the affected or ‘displaced population’ will militate against human well-being and the overall development of the society. Also this study will make the security organs and law enforcement agencies of both Cameroon-Nigeria to note that intimidation, harassment, and the violation of the rights of the affected or displaced population will led to the increase in the emergence of many resistant movements in the affected areas which will lead to increase in the displacement of civil and traditional authorities as experienced in the Bakassi and Akpabuyo Local Government areas of Cross Rivers State and beyond as a result of the injustice meted on them.

1.7 Scope of the Study

As reflected in the topic, the research will look into the works of the Cameroon-Nigeria Mixed Commission in the implementation of the ICJ'S rulings of October, 10, 2002 concerning the boundary disputes between the two countries (2006-2017). A critical examination is given to the evolutions, nature, characteristics of the African borders, boundary creations in Africa and its problems which reflected in the boundary disputes between Nigeria and Cameroon. In this regard, a detailed examination of the ICJ's rulings is highlighted, the reasons behind its decisions and the acceptance of the judgements by the two countries. The important role of the United Nations in the enforcement of the judgement through the Mixed Commission is not only crucial in the strengthening of International law and the settlement of disputes through peaceful means but a model in the resolution of African boundary disputes. A cursory comparative study is undertaken of the ICJ's judgement, in the past it compliance and non -compliance by the different parties involved.

The major limitations of this research work are funding and the inability of the researcher to visit most of the area under study, like the Lake Chad Region, the land boundary due to the security challenges of the stated areas, recently, in the report of the United Nations Office for the Coordination of Humanitarian Affairs, in the North East Humanitarian update of December, 2017, stated that the Humanitarian condition in that region remains severe due to on-going conflict with the Boko Haram terrorists group. Also the Maritime Area is not left out in the contemporary security challenges as a result of conflict that has continued to erupt in the Bakassi area which has resulted to the emergence of many militia organizations.

1.8 Definition of Terms

Borderland

This is sub-national areas whose economic and social life is directly and significantly affected by proximity to an international boundary.

Border

The concept of border refers more commonly to the boundaries between politically sovereign territorial entities, the line that demarcates one country from another. Borders define geographical areas of legal jurisdiction of political entities such as sovereign States, Federal, States, Government and Sub-national entities. A border is generally regarded as the marker of people's culture and historical background.

International Boundary

Can simply be defined as boundary that delimits the areas of jurisdiction of two adjoining sovereign states. Also, a community which lives within the vicinity of a line demarcating, the legal, political, and administrative limits of two or more Nations States.

Boundary Demarcation

Is the end point of the boundary processes.

Boundary Delineation

act of getting the boundary on the map.

Is the

Boundary

Delimitation

confirming the exact limit of each of the two countries.

Is the act of

Border Dispute

This applies to a situation where a limited territory is being disputed by two or more States

Border Community

Is that community which lives between the vicinity of an international boundary; demarcating the legal, political and administrative limit of two or more Nations State.

1.9 Organization of the Study

The entirety of this study is divided into five chapters which will be chronologically connected. Chapter one includes: The background of the study, statement of the problem, research

questions, Objectives of the study, Significance of the study, Research Propositions and scope of the study. Definition of Operational Terms

Chapter two covers literature review and theoretical framework. Chapter three covers the research methodology. Chapter four covers data presentation, analysis and findings.

Chapter Five is the last will encapsulate on the summary, conclusion and recommendations. The major points will be summarily given and followed by the findings in order to ease the understanding. The recommendations will be suggested so as to solve the problems identified in all the research.

CHAPTER TWO

LITERATURE REVIEW

- (1) Is the literature extensive enough to cover the subject matter of the investigation?
- (2) If not then, is there any gap under the literature?
- (a) What are the missing gaps in the research work under study?
- (b) Is there any that has not been stated?
- (c) Are there any theoretical or methodological inadequacies that led the author to making hasty conclusions or wrong conclusions?
- (d) Are there any controversy they raised which are yet to be developed?

This aspect of the study shall examine available literature and scholarly view of the subject matter under investigation. It discusses issues such as conceptual analysis of major concepts, the nature and character of Cameroon-Nigeria boundary disputes, the International Court of Justice role in the resolution of the boundary disputes between the two countries, the role of the Cameroon-Nigeria Mixed Commission in the implementation of the judgment in the area of the promotion of confidence building between the people and government of both countries.

It's role in the protection of the rights of the affected population. The promotion of draft joint development economic ventures and cross-border cooperation between the two countries, and its success in the process of the demarcation, delineation and delimitation of the land and Maritime boundaries between the two countries. As well as the relevant related literatures on the research topic.

2. 1 Conceptual Framework

2.1.1 The concept of Border& Boundaries

According to Oxford Advanced learners Dictionary, Sixth edition, (2000), Border is defined "as the lines that divide two countries or area; the land near this line". Also borderland is

an area of land close to a border between two countries. According to Hansen (1981), a borderland is defined as “sub-national areas whose economic and social life is directly and significantly affected by proximity to an international boundary”. Within this context, closeness to international boundary is the key issue in Asiwaju’s (1989) opinion on borderlands as “Coherent areas split into two or more separate jurisdiction spheres; their immediate neighbours are in a foreign jurisdiction, their peripheral location put them at a structural disadvantages vis-a vis core areas of the state.” (Amdii, 2004: 10)

A border according to Asiwaju (1984) refers more commonly to the boundaries between politically sovereign territorial entities, the line that demarcates one country from another. Borders define geographical areas of legal jurisdiction of political entities such as sovereign States, Federal, States, Government and Sub-national entities. A border is generally regarded as the marker of people’s culture an historical background. Broadly speaking, therefore, borders are critical factors in the promotion of good neighbourliness, peace, integration, development, transnational crime combat and security of nation-state. Boundaries can therefore be used as barriers or bridges reflecting the degree of understanding and accommodation by the two or more Nation-state involved.

To Raimando Strassoldo, “(borders), divide and unite, bind the interior and link it with the interior; (they) are barriers and junctions, walls and doors/organs of defence and attack. Frontier areas (borderland) can be managed so as to maximize either of such functions. They can be militarized as balwarks against neighbours or made into areas of peaceful inter change.

To Lord Curzon, “Frontiers (i.e borders are, indeed the razor edge on which hang suspended the modern issues of war or peace, of life or death to Nations (Asiwaju, 2003:130).

Also, Boundary is defined according to Oxford Advanced Learners Dictionary (2000) “as a real line or imagined line that marks the limits or edged of something and separates it from other things or places; a dividing line: national boundaries”.

As for Bobo, (2004) Border Regions alternatively referred to in broad terms as borderlands or frontier region is defined as “sub-regional areas whose economic, cultural. Social and historical life is significantly affected by its proximity to the international boundary”. The geographical position of that infinitesimal line called boundary means a lot to the millions of living in close proximity to such lines. According to Whiter More Boggs who perceived the line as “State frontier”, and “line which marks the limit of the region within which the state can exercise its own sovereign rights”. The location of the boundary may therefore determine for millions of people the language and ideas which children shall be taught at school, the books and newspapers which people will be able to buy and read, the markets in which they may be identified, the army in which they may be compelled to serve.

As for Mohammad (2012) some borders such as state’s internal administrative borders, or inter-state borders, according to special arrangements, are open and completely unguarded. Other borders are partially or fully controlled, and may be crossed legally only at designated border checkpoints. Some, mostly contentious, borders may even foster the setting up of buffer zones. In general, the following constitute the basic nature of all borders:

“all boundaries are leaky no matter how well they are fenced and patrolled by police or military force;

“ all boundaries generates interaction across both sides of the border” ; and

“ some boundaries will generate more interaction than others depending on the gradient and wealth of the two bordering state.

The terms ‘boundaries’, frontiers’ are sometimes used interchangeably According to (Cukwurah, 1993 & Adalem, 2007). Boundaries are perceived variedly by the academic disciplines in the arts and the social sciences. The various definitions focus on physical socio-cultural economic, historical or political phenomena of identified regions in the geographical perspective. Adalemo (2007) views borders as the limit beyond which a phenomenon is no

longer dominant or existent. It contains within it the notion of contact, which may be punctiform, lineal or areal. A boundary may be real or imposed. In a spatial context, boundaries represent areas of various shapes, whose cores and peripheries can be distinguished from other contiguous or adjacent geographical area. Thus, boundaries may be identified with respect to the phenomenon of discourse. We can then identify natural and ecological, socio-political, socio-economic, theoretical and analytical boundaries.

In the view of Wilson and Donna (1998), borders represent eminent domains of a state. They are markers of present and past relationships with its neighbours. Characteristically, they identify three elements of borders; the legal borderline, the physical structures of the state (people and state institutions at the border) and frontiers and territorial zones of varying width stretching across and away from the borders. They also note that historically these frontier areas are associated with ancient city states, kingdoms and empires.

In the context of the state, Akinyele (2008) notes that a boundary generally marks the limit of political or administrative jurisdiction, in other words, boundaries of nation states in African are mere administrative liens that separate contiguous nations that demarcate their areas of jurisdiction and sovereignty.

Udo (1992), says that due to the hurried way African boundaries were made and the limited state of knowledge about the geography of Africa, there is no type of boundary (astronomical lines, mathematical lines or boundaries based on relief features), which does not suffer from the effect of cutting across and thereby dividing the territories of man African peoples. Bobbo defines a boundary as an administrative jurisdictions, as evident in those of the Nigerian nation and her proximate neighbours.

However, as Bobbo (2006) adds, the modern trend of globalization and integration of modern states such as those in the European Union, boundaries could now be seen as points of contacts and bridges of cooperation and socio-political and economic exchanges.

2.1.2 Borderlands/Cross Border Areas

Both terms may be used simultaneously to define land areas around the boundary or international boundaries where the locational effect of the border is felt in their social, economic and cultural activities. Cross border areas are overlapping regions at state frontiers. Unfortunately, these zones in most countries are neglected in planning and development, yet possess characteristics that can be harnessed for regional development.

Kolars and Nystuen (1974) have given the appellation ‘boundary dwellers’ to the population group inhabiting these zones. They contend that these unique set of inhabitants are noted for adjusting to the peculiarities that result from the inter-fingering and interaction of adjoining domains. These populations more or less in some cases have similar ethno-cultural characteristics, which tend to engender as well as sustain social and economic relationships despite the existing national boundaries between states.

According to Diarrah (2007), that the Sikasso Sub Regional Seminar (March, 2002) reached a consensus identifying a ‘cross border area’ or triangle as a geographical areas that overlaps between two or more neighbouring states and whose populations are linked by socio-economic and cultural bonds. In the light of this definition, cross border areas can clearly be identified in terms of their physiographic, ecological, cultural, social and economic characteristics at the micro state level. These can be harnessed for regional development. The objectives for focusing on cross border areas as a new approach to bottom – top integration as highlighted in Sikasso, is with the broad aims of creating local integration zones. The specific objectives include:

- Creating homogenous areas of development and cooperation
- Encouraging trade and social and cultural exchanges across borders.
- Creating better conditions for the circulation of goods and people.

- Promoting cross-border co-operation and help communities undertake common development actions in the fields of health, education, arts, sports and culture, agriculture, transport, energy, environment and industry.
- Harmonizing national sectoral policies on health, education, infrastructure, sports, art and culture.
- Intensifying trade flows by providing infrastructure and capital equipment for border markets and by creating and strengthening production to distribution chains and
- Creating a sub-regional unit on ‘cross border areas’ and a monitoring unit at the Sahel and West Africa club.

From the above, the cross border area development strategy will not only be a driver for public policy but a way to speed up development at the grass root level and accelerate the process of peaceful co-existence and sub-regional integration. Thus, the concept of border areas and their development has become germane in contemporary attempts to enhance cooperation between and among contiguous states in an attempt to attain sub-regional cooperation, particularly in Arica where the application of the concept is still at its infancy (Onovughe, 2012: 437-438)

2.1.3 International Boundaries

According to Diggi (2004) International boundary can simply be defined as boundary that delimits the areas of jurisdiction of two adjoining sovereign states. The main characteristics of international boundaries especially in Africa is the fact that such boundaries were arbitrary lines imposed on the nations by the colonial powers during the 1884/1885 Berlin conference.

To Dahiru Bobbo (2004) International boundary is a wall within which one brand of propaganda is confirmed and against which another is supposed to be ineffectually. Also as highlighted by Sven Tagal, (1969) that the problems of international boundaries are

studied in several different fields of scholarship. That a geographer's main interest is perhaps the relation between boundary lines and various geographical elements, but it can also be the boundaries' influence on, for example, society and the economy. A lawyer specializing in international law may concentrate on the interpretation of international agreements for the regulation of boundaries. The historian studies individual boundary disputes, preferably along a time axis, while the political scientist may analyze present day boundary problems, possibly in a synchronous context. The problems of boundaries are attacked from many angles, methods differ and the end products are of varying value. Since boundaries and boundary problems can be studied from so many different angles, it is not surprising that many different suggestions have been made for the classification of boundaries. Wittermore Boggs' classical work, *International Boundaries* (1940), suggested a system of classification with four main types, though all with further subsidiary divisions, boggs speaks of:

- i. Physical boundaries, which follow a particular natural feature, such as a range of mountains, a watercourse, a desert area, etc.
- ii. Geometric boundaries, that is to say, straight lines, arcs of a circle, meridian boundaries and such like.
- iii. Anthro-po-geographical boundaries, which are related to various features of human settlement and culture, for example, linguistic, economic, cultural and historical boundaries. In this category should be included national boundaries (the problem is to decline them, but I shall return to that further on),
- iv. Compounded Boundaries, which are declined as compromises between the various basic types. This phenomenological classification system has decided advantages if one wants to study the stability and instability of different types of boundaries. For other purposes, of course, a more historical classification may be more practical. Norman Pounds (1963) classifies

boundaries according to the cultural development in the borderland at the time when the boundary was drawn. He mentions:

- i. Antecedent boundaries, here the boundary is drawn before the development of the cultural landscape.
- ii. Subsequent boundaries. The boundary has been drawn after the development of the cultural landscape and follows cultural boundary lines.
- iii. Superimposed boundaries. In this case, the boundary has been drawn after the development of the cultural landscape but without regard to possible cultural boundaries.
- iv. Relict boundary. These are boundaries which can still be seen in the cultural landscape, even though they no longer have any function of political division. (Sven, 1969: 23)

2.1.4 Phases of boundary -making in Africa

In the making of African boundaries according to Okunmu (2009) had three distinct phases:

Phase 1 (1850-86) – The conquering and the rigorous acquisition of territories by the British, Germans, Portuguese, Italians and French. Colonial mischief in territorial acquisition and boundary making included deceit, fraud, intimidation, bribery, and confusion of the African rulers. In territories, that were highly regarded as rich in mineral wealth, such as the Uganda – Congo border, European tried to cheat each other.

Phase II (1886-1900) –Pacification and creation of colonial states through small-scale mapping and treaties. Many errors were made due to scanty knowledge of the continent and rudimentary maps that existed.

Phase III (1900-1930) - completion of cartographic and geographic surveys of territories by boundary commissions that enabled total domination of colonies. These commissions were

tasked with the responsibilities of carrying out geographic explorations, geodetic and geographic surveys, and demarcations.

The acquisition of African territories and definitions of their boundaries were done by the following means:

(a) Cession through treaties and agreement. This favoured European interests and took and took advantage of African lack of codified laws.

Major Arthur Blyford Thruston described a common practice of colonial treaty making as follows:

I had a bundle of printed treaties which I was to make as many people sign as possible. This signing is an amicable farce, which is supposed to impose upon foreign government, and to be in an equivalent of an occupation A ragged untidy European, who any civilized country would be in danger of being taken up by the police as a vagrant, lands in a native village, the people run away; he shouts after them to come back, holding out, before them a shillings worth of beads the so-called interpreter pretends to explain the treaty to the chief. The chief does not understand a word of it, but he looks pleased as he receives another present of beads; a mark is made on a printed treaty by the chief and another by the interpreter, the vagrant, who professes to be the representative of a great empire, signs his name... The boat sails away, and the new ally and protégé of England or France immediately throws the treaty into the fire.

(a) Conquest – Although by 1876, more than 90% of the African Continent was ruled by Africans, it had all but Liberia and Ethiopia been brought under the control of European powers by 1914 using advanced weapons. These conquests were characterized by massive human rights abuses, wanton looting, and sadistic use of violence.

(b) Occupation through terra nullius- Using this principle, Europeans proceeded to “Civilized” Africans, since they were “not recognized as belonging to the great family of states to whom international law applied” but were rather “savage, barbarous tribes” that had to be civilized. A

French colonial historian, George Hardy, characterized Africa as a mediocre land with hostile climate and poor lack of political organizations ‘‘spread unchecked like mushrooms and know to natural borders.’’

This ‘‘artificiality’’ of African colonial entities made them subjects to arbitrary manipulations and rearrangements.

(d) Usage and sufferance- Some of the territories fell under certain colonial administrations by virtue of being used by nationals of a specific colonial powers. Examples of such territories are the islands of Likoma and Chizumulu in Lake Malawi which fell under British colonial rules due to the presence of missionaries from the United Kingdom. Mention must also be made of the presence of Missionaries and commercial interests of the British along the Nigerian coastal region as prelude to colonialism.

As observed by Dahiru Bobbo (2004), that despite the colonially imposed divisionary line called international boundaries, the people in the Border Regions continue to view the people on the other side of the boundary as their kith and kin’s as if the artificial divisionary line is not there or irrelevant. They have maintained contacts social extraction and shared views as if the boundary does not exist because they view themselves in their historical links more important than nationality. Worthy of mentioning is the ever relationship among the Yorubas in Nigeria/Benin Republic, the Hausas along Nigeria/Niger/Chad/Cameroon frontiers, the Fulanis along Nigeria/Cameroon border, the Efiks and Ibibios also along Nigeria/Cameroon border just to mention a few. In all these areas, the people share similar historical background, culture, tradition and even economic aspirations. The social bonds existing among them were so strong that nationality is secondary to these people. Any administrative arrangement that does not take cognisance of these historical relations will no doubt hit the rocks as the people perceive themselves first in their historical perspective than nationality. Normally, history informs us about the past, make us understand the present and forecast about the future.

2.2 International law

To (Palmer & Perkins, 2010) International law proper, that is, public international law is commonly divided into the law of war and the law of peace. Hugo Grotius called his great pioneering work on the law of war and peace; Oppenheim's classic treatise consisted of one volume on peace and one on war. The conventional view was that public international law is made up of two separate and distinct branches, with the law of war being necessary to regulate the rights and obligations of belligerents and neutrals when the law of peace is no longer applicable. But in an era of protracted conflict the boundary lines between war and peace are becoming more obscured and the new techniques and new weapons of destruction have made conventional laws of war inadequate, if not obsolete.

The present international law, as we know it today.

According to Adeniran (2007) International law developed several centuries ago. It was developed as far back as 500 years ago. Because of the dominant influence of European culture on its development, it is assumed to be a creation of the nation-state of the western world. To many scholars the growth and development of international law seem to have been, as Werner levi has put it:

A continuous response to the needs at successive stages of political and economic European life'. On this course, international law was designed meet more or less the needs of the European, especially the Western States'.

While in the pre-classical years of the formation of international law, international law was known as the law of nations. through the world of Jeremy Bentham who first used the word "international law" in 1780, the term "Law of Nations" or "droit de Jens" was replaced by the term "International Law." Since then international law has undergone series of transformation, which are not without any effect on its definitions. Thus, international law has broken from its

scope to a more encompassing one, so much so that international law refers to those rules and norms which regulate the conduct of states within the international system.

Similarly, international law is that body of laws comprising the principles, rules and regulations to which states adhere or are forced to adhere to, and as such are commonly observed by the states of the international community in their relationship with one another. It is said to have widened with the Treaty of Westphalia in 1648 which marked the end of the Thirty Years War that granted freedom and basic rights to the hitherto oppressed nations of Europe (Orobator, 2004: 2), cited in Tomwarri (2015). International law is a body of rules, principles and standards by which all free nations abide by consensus and if and when violated could attract some measure of international reaction and sanctions. Yet it does not necessarily guarantee international peace, but it could help to ameliorate a would be dangerous situation.

Thus, as noted by Orobator (2004) the *raison d'état* of international law is to form a framework within which international relations can be conducted and to provide a system of rules facilitating international intercourse. It is, of course, true that the ideal of international law must be a perfectly legal system in which war will be entirely delimited, just as the ideal of municipal law is a constitution and legal system so perfect, that revolution, revolt, strikes, etc. can never take place and every man's rights are speedily, cheaply and infallibly enforced.

As noted by Bazuaye and Enabulele (2006) a lot of controversies have arisen as per the true nature of international law. Some theorists like the English writer, John Austin (1790-1859), have argued that "International law is no true law, but "a code of rules of conduct of moral force only". Austin maintained that law is essentially a collection of edicts issued by a recognized sovereign authority, without which such edicts could not be legally binding and hence could be easily flouted. Thus, international law, according to Austin, was not true law since it was made up of rules almost exclusively customary "international morality" similar to the rules governing clubs or societies, which he likened to "opinions or sentiments current among nations generally.

Other scholars like Harts Herbert (1961) contends that even if international law is not “law” in the strict sense in which Bentham used the term, it is closely analogous to it. It is similar to law in function (being different from morality) and content (its principles, concepts and methods), but not in its form, since it does not have a significantly developed system of secondary rules. Bentham, the inventor of the expression “international law” defended it simply by saying that it was sufficiently analogous to municipal law. To this, two comments are perhaps worth adding. First, that the analogy is one of content not of form. Secondly, in this analogy of content, no other social rules are so close to the municipal law as those of international law.

Akpotor (2004) stated that other theorist also argued that in modern historical jurisprudence, the absence of formal legislative authority does not prevent a system of law from being enforced and obeyed. In modern times, a lot of international legislations resulting from law making, treaties and conventions has come into existence and that the procedure for enacting these rules of international legislation notably through international conferences or existing international organs is as settled if not as effective as any state legislative procedure. Problems of international law are treated as legal problems by those who conduct international business and not simply as a matter of moral code. According to Sir Frederick Pollock; if international law were only a kind of morality, the framers of state papers concerning foreign policy would throw all their strength on moral argument. But as a matter of fact, this is not what they do. They appeal not to the general feeling of moral rightness, but to precedents, treaties, and to opinions of specialists. They assume the existence among statesmen and publicists of series of legal as distinguished from moral obligations in the affairs of nations. The relevance of international law in the modern international system is best demonstrated in the constitution of the United States of America Article VI paragraph ii which recognizes treaties as the “supreme law of the land.

To this end, Orobator (2004) contends that:

International law is part of our law and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination.

(Bazuaye and Enabulele, (2006) argued that International law is said to have weakness of its law enforcement mechanisms. The inability of international community, to sanction the United State of America over the invasion of Afghanistan and Iraq is a clear example.

Henderson, (1998) stated that in assessing the fragility of international system and international law reminds one of proverbial glass filled to mind-level with water. To the pessimist the glass is half empty, and to the optimist it is half full. The reality of international law allows us to see considerable failure and success. International law is inadequate when states are in serious conflict, and leaders regard force as a viable option.

Realist paragon, Hans Morgenthau, (1986) recognizes that many states, in their normal business, regularly follow international law, but he views this law as weak, primitive, and decentralized concerning enforcement. Morgenthau finds that international law cannot effectively regulate the pursuit of power by states, a failure shown in the histories at the League of Nations and the United Nations.

States can shift from non-coercive, to coercive means. If they choose to in the self-help centuries old tradition of customary law, thus tradition emerged because international law is primitive law, meaning a central government for enforcement is absent. Self-help enforcement can amount to simple acts of retorsion, acts that are legal, though unfriendly such as breaking-off diplomatic relations, or self-help can involve a naval blockade or military intervention to protect property and citizens on another state's territory (Morgenthau, 1986: 371).

According to Walter Jones, (1996) International law is a law that governs relations between independent states. The rule of law binding upon states therefore emanate from their own free will as expressed in conventions (treaties) or by usage generally accepted as expressing

principle of law established in order to regulate the regulations between these co-existing independent communities or with a view to the advancement of common aims. Restrictions upon the independent states cannot therefore be presumed.

AS observed by Tomwarri (2015) International law which is too remote, suspended and strange to individuals, and once it impinges on individual, it generates a high level of domestic reactions over the source of sovereignty under which the law operate, legitimate and enforceable. Individuals are prone to their municipal laws that governed them; they adhered to it, with every sense of humility and cooperation. This is because they grow with it, it is people-oriented, and has regulated their conduct and daily national lives over the years. It is from this point of view that the impact of international law on individual is viewed as an intrusion into the life of individuals. The international law is barely a law to regulate the conduct, and behaviour of states in the international system. Hence it faces condemnation and criticisms as it affect individuals from an independent country.

Adeniran, (2007) stated that States have been referred as the ‘foundation of the international political system’. International law is the commonly accepted tool with which states assert their existence and their personality within that system. It is also the basis on which they behave towards each other. If states use international law as tool and basis for inter- relations, in what ways, therefore, are they real subjects of international? That to answer this question, we should begin with what a state is in this regard.

Whether an entity – area of land and people, etc.- is a state depends on the purpose it is expected to serve. States usually have the characteristics in the 1933 Convention on the Rights and Duties of Sates. In Article 1 of the Convention it is stated that:

The state, as a person of international law, should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (c) capacity to enter into relations with other states.

Also on the Attitude of Third World Countries to international law, Adeniran (2007) also argued that the general Third World attitude to international law is largely reflected in the African States attitude. There is a popular African belief that the European states have designed a world system that they would want to see through the type of international laws that developed through them. They quote the concert of Europe which came to existence in 1815. They point to it as having taken upon itself the task of being the guardian of the European community as well as being the executive directors of affairs. It is theirs (Africans) contention that the concert assumed the authority to admit new states and to re-admit older members who probably did not take part in the foundation of the concert. The Third World States, who had for Centuries been members of the family of nations, simply found themselves in an ad hoc created legal vacuum which not only reduced them from the statute of international personalities to the status of those competing for such personalities, but to an entity that would have any choice but to operate by the rules of the games, lethal as they are to the security and development of Third World personalities, as established by those with the authority to admit them. The Third World countries were also viewed or considered to be inadequate for full membership of the family of nations because of the presumed under-development of their civilization. Their lands or territories, for example, were characterized as *terra nullius*; that is, lands that belonged to nobody and could be competed for grabbed. This view of international law had a corresponding impact on international legal relations. The law between nations, which originated in Europe was, therefore, applicable to only between the peoples of Europe who were regarded as civilized Christian people. Beginning from 1856, the door had, of course, been opened to Eastern European states to become members with admission of Turkey. The common requirements for qualification into the family of nations then, was civilization and the ability to demonstrate power.

2.3 Empirical Review of Previous Studies

This aspect of the study deals with pre-existing review and perceptions of various scholars and academicians as regards to their contributions to subject matter as a result this aspect will focus on the following major issues.

2.3.1 Nigeria-Cameroon borders

According to Familugba and Ojo, (2013). Nigeria and Cameroon are located on the West Coast of the Continent of Africa. Both of them shared common political and economic institutions as part of the British West Africa. Nigeria with population of over 180 million covers a land area of 924,630 KM extending from the Gulf of Guinea in the South to Niger and Chad Republics in the North. It shares common border with the Republic of Benin on the West and the Republic of Cameroon on the East. Cameroon on the other hand is a smaller both in land mass and population. The population of Cameroon is estimated at 24 Million occupying an area of 475,442 Km. Cameroon shares borders with the Republic of Chad on the North, with the Central African Republic on the North-West, with the Republic of Gabon and the People's Republic of Congo on the South and with Nigeria on the West.

According to Oscar (1981) Boundary development between Nigeria and Cameroon cannot be traced in isolation of events in the entire African continent between 1830 and 1960. That by looking at the boundary development between 1920- 1960, at the end of the first World war, with the humiliation of Germany, all her African possessions were lost. They became mandate territories to the advantage of the British and the French. The League of Nations which emerged apportioned the Western area of Cameroon (North and South) to Britain which was ruling Nigeria. In addition, British gained Tangayika and jointly ruled the Sudan with the Egyptians who had attained independence in 1922. France on her part gained the larger chunk of Cameroon (Eastern Cameroon) and Togo.

Naturally this partitioned was not kindly received by the people of Cameroon as some resistance movements emerged. At the same time, resulting from the presence from the Pan African Movements and other “enlightened” groups, there was a worldwide call for independence to be granted to all colonized people in Asia, Latin America and Africa. And under the auspices of the United Nations which succeeded the League of Nations, all mandates territories in Africa in 1946, became Trusteeships. As a result the Mandate territories of British Cameroon and French Cameroon were Trusteeship until 1960. That with the pressures from groups within Cameroon, particularly, the Union Populaire Camerounaise (UPC) and from within the United Nations, Britain and France were forced to grant independence or self-rule to the people of the Cameroons. As a result, in 1957, the French Cameroon became internally self-governing. And in January 1960, it was granted Independence. So as also was Nigeria (not a Trusteeship, but with British Cameroon still a part of it) in October 1960.

However, in 1958, before Nigeria’s independence, the United Nations had to decide the fate of the trusteeship territory of British Cameroon. Administratively, both the Northern and Southern sections of British Cameroon were integral part of Northern and Eastern Nigeria respectively. But in 1954, a minor administrative change made the Southern section a separate region in the Nigerian Federation.

The change was necessitated by a series of complaints of political neglect and unproportionalrepresentation in the Eastern Assembly by people of British Southern Cameroon. This According to Oscar (1981) further prompted the United Nations to send a visiting mission. The visiting mission after an intensive tour discovered that though British Cameroon was supposed to be a single trusteeship, there were separate developments, politically and economically between the North and South. Most noticeable was the difference in political activation. The South was more politically activated. The mission, therefore recommended that plebiscites should be held for the people to determine their own future. In the first of such

plebiscites in 1959, the population of the North voted to continue trusteeship .Whereas in the South the population was divided between the choice of re-uniting with Cameroon or uniting with Nigeria.

And in the Plebiscites, which were finally conducted, in 1961, the North voted by a margin of 146, 296 to 97,659 to remain with Nigeria , while the South with a margin of 233,571 to 97,741 voted to re-unify with independent Cameroon. As a result, by October 1, 1961, border adjustment was made with Nigeria retaining the former Northern Cameroon, and this section constituted the former Adamawa Province. And Cameroon Republic retained the former Southern Cameroon. The two countries had therefore, inherited with few adjustments the boundaries delineated by former Western Imperial powers. And these delineations were largely boundaries set out by various agreements between Britain and Germany before 1920. With the French little or no concrete adjustments were carried out. Naturally the inadequacies of such agreements become post-independence problems for Nigeria and Cameroon to iron out (Oscar, 1981 p. 5)

As for Bonchuk, (2013) He made the observation that the various border mutations mentioned above have compounded the Nigeria-Cameroon border development. It has posed challenges not only to trans-border development, but, it affects trans-border co-operation. It generates serious security concerns not only to both states but to the border impacted populations. The germinal substance of the ado lies in the fact that the referent has been mobile. This in turn renders the task of delimitation and demarcation onerous.

2.3.2 Dominant causes of the boundary dispute between Cameroon and Nigeria

According to Saidu (1981) the origin of the boundary disputes can be traced back to the partitioning of Africa among the Colonial masters in 1884- 1885. At the Berlin Conference, they took little or no account of the ethnic and linguistic distribution of the people. As a result of these

artificial frontiers created by the colonial masters, various agreements were concluded by Germany, France, and Great Britain to delimit the boundaries of their respective Colonial Territories. The Boundary between Great Britain and Germany colonial territories was defined by the agreement between Great Britain and Germany in respect of boundaries in Africa were signed in Berlin on 15 November, 1893, and supplemented by a further Agreement of 19 March, 1906 respecting the boundary between Great Britain and Germany Territory from Yola to Lake Chad. (Here in after the “Anglo-German Agreement of 1906”). The Southern part of the boundary was subsequently redefined by two agreements concluded between Great Britain and Germany in 1913. The first of these Agreements signed in London on 11 March, 1913. (here in after the Anglo German Agreement 11 March 1913) concerned

- (1) The settlement of the frontier between Nigeria and the Cameroon, from Yola to the Sea and
- (2) The regulation of Navigation on the Cross River and covered some 1,100 KM of boundary; the second signed in Obokum on 12 April, 1913 by Hans Detner and W.V Nugert representing Germany and great Britain respectively (here in after the Anglo-German Boundary between Nigeria and the Cameroon from Yola to the Cross River and included eight accompanying maps.
- (3) At the end of the First World War, all the territories belonging to Germany in the Region, extending from Lake Chad to the Sea were apportioned between France and Great Britain by the Treaty of Versailles and then placed under British or French mandate by agreement with the League of Nation. On 1st January, 1960, the French Cameroon’s acceded to independence on the basis of the boundaries inherited from the previous period. Nigeria did likewise on the 1st October, 1960.

To Adigbuo (2012) the Nigeria-Cameroon border conflict is similar to other boundary crises in post-colonial Africa. These boundary crises have their roots in the hasty and haphazard

partition of the continent by imperial European powers in the late 19th century. Whereas the boundaries of modern European states evolved over time as a result of revisions after wars and conquests. African state boundaries were established by imperial fiat within a space of two years and enforced through colonial marital laws. The aftermath was that the long established African communities were suddenly terminated to accommodate imperial desires and norms. To give legal legitimacy to the newly established imperial boundaries new notions of national sovereignty, territorial integrity and exclusive jurisdiction of states were transferred from post 1648 Westphalia European state system. From this perspective, the formulation of any theory of role conflicts that has application to nation-states in the international system must specify and define rigorously the most common and relevant type of conflict that characterizes the system.

As argued by Familugba & Ojo (2013) the boundary disputes between Nigeria and Cameroon Republic was engendered by the long but not clearly defined border (1680 Kilometres or 1050 Miles) could be traced to pre- colonial when the Europeans Imperialists sat at the Berlin in the year 1884 to partition the Continent of Africa among themselves.

However, the boundary disputes had remained a source of the conflict in the bi-lateral relations of the two counties since Independence. The line which emerged as the first section was the Eastern International boundary of Nigeria was the Rio –Del – Rey -Yola line described in the Anglo- German agreements of 1885 and 1886. This is the Eastern Nigeria-Western Cameroon International boundary. This zone includes the territory watered by the Cross River and its tributaries issuing from the Cameroon Mountains and the Plateau of Bemanda. The region near the Coast is a low- lying plain, swampy, encumbered by with mangrove trees. The conflict between Cameroon and Nigeria is a boundary and a territorial dispute one of the territories is the Land and Maritime and Bakassi Penninsula which is a highly contestable one.

According to Asobie (2015) the dispute over the Bakassi Peninsula is the product of a number of a contradiction. First there is a clash between tradition and modernity. The pre-

colonial history of the ancient kingdom of Calabar is haunting the Post-Colonial reality of contemporary Nigeria and Cameroon. Secondly, there is tension between cartographical fact and cultural reality. The map in conflict with the people. Third, there is conflict between the dictates of abstruse international law and the essential imperatives of struggling humanity. Fourth, there is a gap between the demands of *raison d'état* and the need concerns of citizens. That in pre-colonial time, Bakassi was under the ancient Kingdom of Calabar which in 1914 became part of Nigeria under the British Rule. The people of the main settlement in the Bakassi owed allegiance to the Obong of Calabar. It was therefore, the Obong of Calabar. That placed not only the kingdom of Calabar itself, but also Efik and Idombi (in the peninsula) under the British protectorate via a treaty of September 10, 1884. The chiefs of Efik and Idombi were co-signatories to the treaty. However, subsequently through a series of bilateral treaties and other legal instruments, the British ceded the territory, first to Germany and then placed it under the League of Nations and the trusteeship of the United Nations.

Meanwhile, the British protectorates in Nigeria, including the Kingdom of Calabar, were merged with its colonies in the area, as one integrated British colony. Later largely due to the political errors and indifference of Nigerian politicians, the Republic of Cameroon obtained the Bakassi peninsula in the process of plebiscites conducted by the United Nations in 1959 and 1961. By the same process, Nigeria also obtained some territories which formerly belonged to Cameroon.

In particular, the critical legal instruments that changed the status of the peninsula and its inhabitants were the following:

The agreement between the United Kingdom and Germany that was signed in London on March, 11, 1913, the Anglo-German protocol signed in Obokun, on April, 12 1913; the exchange of letters between the British and German Government on July, 6, 1914. The endorsement in 1961

by both the United Nations Germany Assembly and the International Court of Justice of the results of the plebiscites conducted in Northern and southern Cameroon February 11 & 12, 1961, and the diplomatic note, accompanied by a map, dispatched to the government of Cameroon by Nigeria in 1962 accepting the results of the plebiscites.

Before 1913, the Southern part of Nigeria Eastern boundary, which is to the sea, had been located at the right bank of River Rio-Del-Rey estuary. But, by the Anglo-German Agreement and protocol of 1913, confirmed by the exchange of letters between the British and German governments of July 6, 1914, the international Maritime boundary between British Nigerian and German of “Kamerun” was drawn through the thalweg of River Akpayefe;

In consequence, Bakassi fell on the Cameroonian side of the boundary. Not only did the Anglo –German Agreement of 1913 attempt to solve, definitely, the international boundary problems between the two countries that is Nigeria and Cameroun, but also it essayed to put to rest an questions concerning the international frontiers between the two countries from Yola to the Sea. Those agreements also regulated navigation, and the use of Cross River placing on the shoulders of the British Government (rather than the Germans), the responsibility for “the making, dredging or buying of navigable channels of the Cross and Calabar Rivers from 3 mile limit down (Ate and Akin Akinterinwa, 1992:144).

The Anglo-German Agreement and protocol of 1913 formed the basis, subsequence of the delimitation definition of Nigeria’s Eastern boundary with Cameroon to the point of even being reflected in Nigeria law. Thus a Hon. Justice Elias pointed out in 1972. “The Northern Region, Western Region and Eastern Region (Definition of Boundaries) proclamation (L.N. 126 of 1954) showed the Bakassi Peninsula as forming part of the then Southern Cameroon” (Elias, 1994) Besides, on in defence, the Nigerian Federal Government undertook, and declared itself, to be bound by a number of pre-independence treaties and other international agreements inherited from Britain. This solemn undertakings were made by virtue of the exchange of Notes

on October 1, 1960 between Nigeria and Britain on treaty obligations.

The United Nations was also involved in the process of the transfer of Bakassi to Cameroon, as stated by Asobie (2005) it should be recalled that, until 1916, the territory which later became known as Cameroon was a German protectorate. “But in that year, the allied forces occupied the Cameroon protectorate. At the end of the First World War, Germany renounced its rights to the territory under the Treaty of Versailles. And on 1922, it was split into two and placed under the League of Nations mandate system, with France and Britain respectively, as the administrative power of each part. Britain in turn, divides its mandate into two: Northern Cameroon which are administered as part of Northern Cameroon which was administered as a successor organization of the League of Nations both mandate territories (French Cameroon and British Cameroon) were placed the trusteeship of the United Nations System. This was affected by the trusteeship agreements approved by the United Nations General Assembly on 10th December, 1946. (Report on Cameroon under UK to the United Nations 1958:1-4). In 1958, Southern Cameroon under British supervision, was made a quasi-Federal territory in the Nigerian Federation; it attained full Regional States in 1958 (Asobie 2005:79)

According to Akinyemi (1974) a serious and open struggle for the British administered of Northern and Southern Cameroon started as soon as it became clear that the territory administered by the French would become independent on 1st January, 1960 and that Nigeria would also attained independence later, in the same year. Some Nigerians wished to retain the whole of British administered Cameroons as part of the independent federation of Nigeria, on the ground that the two territories had been governed together with Nigeria, by the British and had associated politically since 1922, On the other hand, some political leaders of French Cameroon’s within the boundaries of the Pre-1916 German – Cameroon protectorate.

2.3.3 Attempts to resolve the boundary disputes between the two countries in the past

According to Oscar (1981) real negotiations to settle the boundary problem did not begin

until the early 70s. Perhaps we could explain this by the fact that President Ahidjo of Cameroon because of his grudge against the 1st Sardauna of Sokoto, Ahmadu Bello, for the “loss” of the Adamawa province did not want to negotiate with the Nigerian government then. By 1971, a joint Nigeria-Cameroon Permanent Consultative Commission was set up to look into, among other things, the boundary problems and possible solutions. Cameroon had, however, earlier requested the United Nations Secretary-General to clarify the boundary problem and by a note verbale of 18/1/71 the Secretary-General pointed out that all the areas around the Bakassi and Enong Peninsular were part of the former trusteeship. Specific reference was made to paragraph 20 of the 1913 Anglo-German agreement which stated that if the Aquayafe’s lower course changes its mouth and transfers its waters to the Rio del Rey, the area shall remain German Territory. The Nigerian government rejected this argument since the basis of measuring the maritime boundary has altered in the course of the years due to geographical factors on the rivers.

However, in the first concrete meeting, based on the progress report from the joint consultative Commission, Gowon and Ahidjo met in September 1974, and issued the Kano Declaration which declared among other things that a Corridor of 2 kilometers either side of the line joining fairway bouy to bouys Nos. 1, 2 and 3 existing on the British Admiralty Chart No. 3433 should be an area free from all oil prospecting activities.

This was followed in June 1975, by the celebrated Maroua, Cameroon, meeting between the two heads of state. Before the meeting, Cameroon had erected an oil rig somewhere in the Calabar channel contrary to the Kano Declaration. Nigeria demanded that the rig be removed. Invariably, the position of the rig was on Nigerian territory. At the Maroua meeting, under the spirit of “compromise and understanding”, Ahidjo was prepared, and readily agreed to “concede” the Calabar Channel to Nigerian, since according to him, Nigeria has been using it from time immemorial. Technically and Legally speaking Ahidjo made no concession whatsoever to

Gowon since Calabar Channel actually belongs to Nigeria. Rather it was Nigeria that considered Ahidjo's plea when he begged that Nigeria should allow the oil prospecting activities of Cameroon based companies within the channel to continue. Gowon accepted.

Also at the Maroua meeting Gowon and Ahidjo agreed to extend the delineation of the maritime boundary between the two countries from point 12 to point "G" on the Admiralty Chart NO. 3433 (British) which was annexed to the declaration. No doubt Gowon's concessions involved a large stretch of high economic area which ordinarily should have been unacceptable even to a reverend negotiator. A careful examination of appendix 9 would reveal the area in question (see the shift from the broken lines on the right of the rectangle the "original" boundary, leftwards to the thick unbroken lines). It was agreed at the Maroua meeting that the agreement should be ratified by the legislative authorities for the two countries. However when Gowon presented the agreement for ratification, the Supreme Military Council felt that negotiations were unfair to Nigeria. It was thrown overboard without ceremony. The Cameroonians who clearly knew their gains rushed to ratify it. The SMC's action definitely angered the Cameroonians who till today still believe on the Gowon-Ahidjo agreement. Since then it has been difficult to get the Cameroonians to the negotiation table. Due to this recalcitrant behaviour and the Cameroonian belief that they now possess a trump card, the late Murtala Mohammed threatened that rather than accept, the outrageous agreement, Nigerian would go to war if the Cameroonians refused further negotiations.

General Obasanjo made three or more attempts, the last being in 1978 to re-open the boundary negotiation, but Ahidjo has consistently refused to re-open negotiations. He claims that for him, negotiations are closed, while Obasanjo claimed the right of re-opening negotiation since the Gowon-Ahidjo Agreement did not have any specific clause indicating the closure or sealing on further negotiation. And even if such clause existed it does not have the support of any principle-of international law. (Oscar, 1981.P: 12-15)

Funteh (2015) opined that the major areas of dispute between Nigeria and Cameroon was the Bakassi Peninsula. The clash of interest over this areas began with low profile clashes in 1965 when the people of Bundan near Memfe (Cameroon) were attacked by the people of Ikom in the Cross Rivers States of Nigeria due to mere suspicion checked if both parties were ready to follow the course of peace and end the conflict. This meant down playing their ego and providing workable opportunities for peace. The opportunity for the course of serenity was working together. As the conflict was putting both at daggers at daggers drawn, they were at the same time looking for the most appropriate opportunity to challenge the status quo. This opportunity began showing up incident of 1965 both government decided to cooperate in creating a Joint Commission to look into the cause (The defined boundary limits) of and attempt of settling the matter. The Joint Nigeria- Cameroon Boundary Demarcation was then set up and while OA Aqua and Mr Dennis Mbata represented Nigeria, Mr G Obenson led the Cameroon delegation. After serious study of the issue, they all settled for the Anglo-German Treaty of 191 and agreed to place inter visible beacon along the 1913 boundary.

Meanwhile (Soh1998; Onowo, 2003) explains that this decision was based on the respect of the OAU's sovereignty and boundaries precepts. In January 1966, Major General Ironsi came to power in Nigeria. He committed his government to respect all prior international agreements made by the Balewa government. In July 1966, then Lt. Col. Yakubu Gowon came to power in Nigeria and committed his government to respect all international agreements made by the Ironsi and Balewa governments.

However, the beacon placement exercised was suspended due to the 1966 Nigerian Civil war and also due to the support President Ahidjo gave to Nigerian and during the secessionist attempts of the Biafra which the prevention of the flow war materials to the secessionists that contributed favourably to the end of the crisis, the Nigerian government remained grateful to Cameroon with the reign of peace in Nigeria, both government resumed consultation about the

boundary issue. In 1970, both government constituted the Joint Commission which accepted the Anglo- German Agreement of 1913 as its points of reference. But disagreement in Commission centred around the definitions of the course of the Akwayafe River for fear that such disagreement could prolong matters, both government decided to explore possible avenues in the pursuit of peace (Funteh, 2015: 42)

2.4 How International Court of Justice delivered its rulings on the boundary disputes between the two countries.

On the pronouncements of the ICJ on the Bakassi Peninsula and other disputed territories between Nigeria and Cameroon. According to (Cukwurah, 2012) that from the beginning of the case, Nigeria was well aware of the possible adverse effect on Nigeria of the Anglo- German agreement of 1913 when anchored on-

- (a) The International law concept of UTI POSSIDETIS, UTI POSSIDEATIS and
- (b) The OAU now (AU) Cairo Declaration of July 17-21 1964, which solemnly reaffirmed a respect for the sovereignty” and territorial integrity of each state and then declared that “... all member states pledge themselves to respect the frontier on their independence “ the ground that the borders of African States on the day of their independence constitutes, as the preamble to the resolution note, “.... A tangible reality”.

All the same, Nigeria had believed that the 1913 Anglo-German Treaty was not “unassailable” hence the well-crafted Submissions by Nigeria grounded, inter-alia upon-

- (i) The Western Sahara case, ICJ Report (1975)
- (ii) The Principle of “NEMO DAT QUODNON HABET
- (iii) The concept of HISTORICAL CONSOLIDATION OF TITLE and

- (iv) Nigeria's EFFECTIVENESS on the disputed territory (the Bakassi Peninsula) intended to break down what otherwise was the only strong point in Cameroon's case .

The court pronouncements on these aspects of Nigeria's submission left gaps which seriously undermined the effectiveness and finality of the court's judgment

2.4.1 The Judgment

During the judgment, the court addressed the various issues involved in the following sequence viz:

- i. Lake Chad Area
- ii. The Land Boundary
- iii. Bakassi peninsula
- iv Maritime Boundary
- v .State Responsibility

2.4.2 The Lake Chad Area

In the Lake Chad area, the court decided (by fourteen to two votes) that the boundary has already been delimited by the Thomson-Marchand Declaration of 1929/930 as incorporated in the Henderson Fleuriau Exchange of Notes of 9th January 1931 between Great Britain and France. In particular, the court decided that the boundary in the Lake Chad area should start "from a tripoint in Lake Chad lying at 14° 04' 59" 9999 Longitude East and 13° 05' 11" Latitude North, in a straight line to the Mouth of the river Ebeji, lying at 14° 12' 12" longitude. East and 12° 32' 17" Latitude North". The river Ebeji on approaching the Lake Chad divided into two channels Nigeria claimed the eastern channel while Cameroon opted for the western channel. At

the LCBC level, a consensus position for the mouth of river Ebeji was taken by scaling the point on the treaty map. This left a gap of about 4 kilometres from the point of bifurcation. The ICJ Judgment drew a straight line from the adopted mouth of river Ebeji to the point of bifurcation as a result Nigeria gained some territory and the settlement of Danbore.

The coordinates given for the “tripoint” (i.e. Cameroon Nigeria – Chad tripoint) and the Mouth of River Ebeji” are almost exactly the same as those of the pillars placed at major points II and V (respectively) carried out by the France Institute Geographique Nationale (IGN) between 1988 at the request of the Lake Chad Basin Commission (LCBC) to which, Nigeria, Cameroon, Niger and Chad Republics belong. The IGN demarcation was infact based on the same two colonial treaties mentioned above. In consequence, the court decided that the situation was essentially one where the effective addressed by Nigeria did not correspond to the law and that accordingly, preference should be given to the holder of the title” Thus by this judgment, Nigeria has not lost the following villages to Cameroon, viz: Asia Kura. Ba Sahkka, chika’a, Darak, Darak Gana, Doron Liman, Doro Mallam, Dororoya, Fagge, Garin Wanzam, Gorea change, Gorea Gutun, Kafuram, Kamunna, Kanumburi, Karakaya, Kasuram, Mareya, Katti Kime, Logon Labi, Loko Naira, Mukdala, Murdas, Naga’a, Naira, Nimeri, Njia, Buiba, Ramin Dorina, Sabon Tumbu, and Sokotoram ((*Federal Government of Nigeria/CNMC, 2003, P: 6*)

2.4.3 The Land Boundary

As requested by Nigeria during the hearing, the Court decided that it would consider in success in each of the points in dispute along the boundary from Lake Chad to pillar 64 (Cross River State) along the Nigeria-Cameroon border designating them as follows:

Limani (2)Kirawa River (3)The Kohom River (4)The watershed from Ngosi to Husiki (Roumsiki/Kamale/Turu(The Mandara Mountain (5)From Mount Kuli to Bourha/Maduguva (6)Kotcha “(Koja) (7)Source of the Tsikakiri River (8)From Beacon 6 to Wamni Budungo

(9)MAJO Sanche (10)Jimbare and Sapeo, the Hambere range area (15)from the Hambere range to the Mburi River (Lip and Yang) (16) Bissaula Tosso (17) the Sama River Details fo the above sectoral resolution of the Court and its interpretation as unanimously decided by the judges as contained in paragraphs 91, 96, 102,114,119,124,129,134,139,146,152, 156, 160, 168, 179, 184 and 189 of the judgment. ((*Federal Government of Nigeria/CNMC, 2003, P: 6*)

2.4.3.1 Borno State Sector

On Paragraph 91 (Liman), the Court concludes that the “river” mentioned in paragraph 14 of the Thomson-Marchand Declaration is the channel running between Narki and Tarmoa, and that from the Agzabame marsh the boundary must follow that channel to its confluence with the Ngassaoua River

Paragraph 96 (The Kirawa River) the Court unanimously decided that paragraph 18 of the Thomson Marchand Declaration must be interpreted as providing for the boundary to follow the eastern channel of the Kirawa River.

Paragraph 102 (The River) the Court accordingly concluded that paragraph 19 of the Thomson-Marchand Declaration should be interpreted as providing for the boundary to follow the course of the River Kohom as identified by the Court as far as 13b 441 2411 Longitude East and 10b 591 911 Latitude North, and then to follow a straight line in a Southernly direction until it reaches the peak shown as having elevation of 861 m on the 1:50,000 map in figure 7.8 at page 334 of Nigeria’s Rejoinder and located at 13^b 45¹ 45¹¹ Longitude East and 10^b 59¹ 45ⁱⁱ Latitude North, before following the River Bogaza in a South Westerly direction as far as the summit of Mount Ngosi.

2.4.3. 2 Adamawa State Sector

Paragraph 114 (The watershed from Ngosi to Humsiki), the court accordingly concluded from the foregoing that in the area between Ngosi and Humsiki the boundary follows the course described by paragraphs 20 to 24 of the Thomson Marchand Declaration as clarified by the Court.

Paragraph 119 (From mount Kuli to Bourha Maduguva) the Court accordingly concluded that paragraph 25 of the Thomsom-Marchard Declaration should be interpreted as providing for the boundary to run from Mount Kuli to the point marking the beginning of the “incorrect line of the watershed”, (on Moisel map) located at 13^b 31¹ 47¹¹ Longitude East and 10¹ 27¹ 48¹¹ Latitude North, having reached that point by following the correct line of the watershed. Then from that point the boundary follows the “incorrect line of the watershed” to the point marking the end of that line located at 13¹ 30¹ 55¹¹ Longitude East and 10^b 15¹ 46¹¹ Latitude North. Between these two points the boundary follows the course indicated on the map annexed to the judgment, which was prepared by the Court by transposing the “incorrect line of the watershed” from the Moisel map to the first edition sheet “Uba N E” of the Dos 1:50,000 map of Nigeria. From this latter pint, the boundary will again follow the correct line of the watershed in a southerly direction.

Paragraph 134 (From Beacon 6 to Wamni Bundungo) the Court accordingly concluded that paragraphs 33 and 34 of the Thomsom-Marchand Declaration must be interpreted as providing for the boundary to pass through the points having the above mentioned coordinates, which it has identified as corresponding to Beacons, 6, 7 and 8 as referred to in paragraphs.

Paragraph 139 (Mayo Sanche) the Court confirmed that the boundary in the Mayo Senche area follows the line of the watershed between Rivers Benue and the Faro Paragraph 55 of the Thomsom-Marchand Declaration is quite clear on this point, which is indeed not disputed by the parties. After studying the cartographic materials provided to it by the parties, the Court

observed that it cannot accept the watershed line proposed by Cameroon in particular because it follows the course of a river over the greater part of its length, which is incompatible with the concept of the line of a watershed. The watershed line passes, as Nigeria contends, between the basin of the Maio Senche and that of the two rivers to the south. (FGN/CNMC, 2003, P: 9)

Paragraph 146 (Jimbare and Sapeo) the Court accordingly concluded, first, that paragraphs 35 and 36 of the Thomson-Marchand Declaration must be interpreted as providing for the boundary to pass over Hosere Bila, which it has identified as the “South Peak of the Alantika Mountains”, referred to in paragraph 35, and then from that point along the River Leinde and River Sassari “as far as the confluence with the first stream coming from the Balakossa range” The court further concluded that paragraphs 37 and 38 of the Thompson-Marchand Declaration must be interpreted as providing for the boundary to follow the course described in paragraph 1 of the Logan Le Brun Proces Verbal, as shown by Nigeria in Figure 7.15 and 7.16 at pages 346 and 350 of its Rejoinder.

Paragraph 152 (Namberu Banglang) the Court accordingly concluded that the final part of paragraph 38 of Thomsom-Marchand Declaration must be interpreted as providing for the boundary to follow the course of River Noumerou as far as its source and then from that point to run in a straight line as far as Hosere Tapere as identified by the court.

Paragraph 155 (Tipsan) the court observed that at the hearings the parties agreed that the boundary must follow a line running parallel t the Fort Lamy. Bare road some 2 km to the West thereof, as paragraph 41 of the Thomsom-Marchand Declaration provide. The Court took note of that agreement. However, the Court considered that, in order to remove any doubt, it should identify the terminal of this section of the boundary namely the point situated on the MAYOTipsan “2 km to the South West of the point at which the road crosses the said MAYO Tipsan” as corresponding to the co-ordinates $12^{\circ} 12' 45''$ Longitude East and $7^{\circ} 58' 49''$ Latitude North.

Paragraph 160 (Crossing the Maio Yin) the Court accordingly confirmed that the boundary in the area where it crosses the Maio Yin follows the course described in paragraphs 48 and 49 of the Thomsom-Marchand declaration

Paragraph 168 (The Hambere Range Area) the Court concluded from the foregoing that paragraph 60 of the Thomsom-Marhand Declaration must be interpreted as providing for the boundary to follow the line of the watershed through the Hambere or Gesumi as shown on sheet NB-32-XVIII-3a-3b OF The 1955 IGN 1:50,000 map of Cameroon, produced in the proceedings by Nigeria, as far as the foot of Tamiyar Peak; which the Court has identified as the fairly prominent, pointed peak which the Court has identified as the fairly prominent, pointed peak referred to in the Declaration.

Paragraph 184 (Bissaula Tosso) the Court therefore concluded that the 1946 Order in Council should be interpreted as providing for the boundary to run through the point where the southern tributary of the River Akbang, as identified by the court, crosses the Kentu-Bamenda road, and then from that point along the southern tributary until its junction with the River Akbang

Paragraph 189 (The Sama River) the Court concluded from the foregoing that the Order in Council of 1946 must be interpreted as providing for the boundary to run up the River Sama to the confluence of its first tributary, that being the point, with coordinates 10b101123ii Longitude East and 6b56112911 Latitude North, which the Court had identified as the one specified in the Order in Council where the river Sama “divides into two” and then, from that point, along a straight line to the highest point of Mount Tosso.

The Court upheld the Anglo-German treaty of 1913 and thus maintained the status quo in the area.

2.4.4 The Bakasi Peninsula

With respect to the Bakassi Peninsula, the Court first decided (by thirteen votes to three) that the land boundary between the two countries had been fixed by treaties entered into during the Colonial period and thus upheld the validity of those treaties. It rejected the theory of historical consolidation put forward by Nigeria and accordingly refused to take into account the “effective” relied upon. It ruled that in the absence of acquiescence by Cameroon, these “effective” could not prevail over Cameroon’s conventional titles as defined in the colonial treaties.

Accordingly, the Court decided that pursuant to the Anglo-German Agreement of 11th March, 1913, the Declaration of Younde 11 (197) and the Maroua Declaration of 1975 (which were essentially a re-affirmation of the Anglo German Treaty of 1913), sovereignty over Bakassi lies with Cameroon. Specially, the Court decided that pursuant to Articles XVIII to XXI of the aforesaid treaty the boundary “follows the thalweg of the Akwayefe River as far as the straight line joining Bakassi and King Point” and that “should the lower course of the Akwayafe so change its mouth as to transfer into the Rio Del Rey, it is agreed that the area now known as Bakassi Peninsula shall still remain in German territory”.

In refuting the theory of historical consolidation put forward by Nigeria, i.e. Nigeria’s Memo dat quod non-baht agreement based on the 1884 Treaty of protection signed with the kings and chiefs of Old Calabar, the Court distinguished between cases of protection entered into with entities which retain a previously existing sovereignty under international law and treaties made in Sub-Sahara Africa with “important indigenous rulers exercising local rule over identifiable areas of territory”. It made comparisons with Morocco, Tunisia and Madagascar which were French Protectorates and protected States like Bahrain and Oatar. The Court noted further that “Nigeria could not have been acting a titre de sovereign before the late 1970s as it did not consider itself to have title over Bakassi, and in the ensuing period the evidence does not

indicate an acquiescence by Cameroon in the abandonment of its title in favour of Nigeria” In sum, the court found no title of ownership deriving from the kings and chiefs of Old Calabar and that Cameroon had succeeded to the title over Bakassi under the 11th March, 1913 Agreement ((Federal Government of Nigeria/CNMC, 2003, p,13)

2.4.5 Maritime Boundary

As regards the maritime boundary, the court (by thirteen votes to three) having established that it has jurisdiction to address this aspect of the case-which Nigeria had earlier contested fixing the course of the boundary between the two states; maritime areas. In accepting Cameroon’s contention, the court upheld the validity of the Declaration of Yaoundé II (1971) and Maroua (1975), pursuant to which the Heads of State of Nigeria and Cameroon had jointly agreed upon the Maritime. Boundary between the two countries from the mouth of the Akwayefe River t a point G situated at 081b 221 1911 Longitude East and 04b 17 002. Latitude North. From point G the Court directed that the boundary line should move westwards to the equidistance (median) line to a point X with coordinates 8” 21”20” Longitude East and 4ⁱⁱ 17ⁱ 00ⁱ Latitude North and then the boundary line should move southwards towards the tripoint between Nigeria/Equatorial Guinea Cameroon having an Azimuth of 187⁰ 52ⁱ 27ⁱⁱ. The Court rejected Cameroon’s claim to large areas of Nigeria’s Maritime zone including those included in the Nigeria Sao Tome and Principle Joint Development Zone. (Federal Government of Nigeria/CNMC, 2003, P: 12)

2.4.6 State Responsibility/Payment of Damages

The Court in a unanimous vote rejected the claims of Cameroon for payment of damages arising from alleged violation of its territory and other sundry violations. This was due to Nigeria’s strong argument in its counter claims. The Court however noted that the

implementation of the judgment would sufficiently address any injuries suffered by Cameroon by reason of Nigeria's occupation of its territory and would further afford the parties to the dispute a beneficial opportunity to cooperate in the interest of the peoples affected by the judgment. ((Federal Government of Nigeria/CNMC, 2003)

2.4.7 Specific Directives of the Court

In all respect, the Court directed (by fourteen votes to two) that Nigeria is under an obligation to expeditiously and without any condition withdraw its administration. Military and Police Forces which may be present on Cameroonian territory along the land boundary from Lake Chad in the North to Bakassi Peninsula in the South. Similarly, the Court also directed Cameroon to expeditiously and without condition withdraw its administration, military and Police Force which may be present on Nigerian territory along the land boundary from Lake Chad to the Bakassi Peninsula.

The Court further directed that this judgment should not affect the rights of the population to continue to reside where they are today.

The court also directed that the people affected by the judgment should continue to have access to educational and health services comparable to those enjoyed by the people of the two countries. (FGN/CNMC, 2003, P: 13)

2.4.8 Areas Where the Court Made Special Note

The court specifically took note of the commitment undertaken by the Republic of Cameroon the "faithful to its traditional policy of hospitality and tolerance" she would continue to afford protection to Nigerians living in the Bakassi Peninsula and in the Lake had area that have been ceded to Cameroon as a result of the judgment. (*Federal Government of Nigeria/CNMC, 2003, P: 15*)

2.5 International mediator's role in the management and the implementation of the ICJ's rulings on the Cameroon-Nigeria boundary disputes.

By looking at the complex nature of the boundary dispute between the two countries, it has become so glaring that the decisions from the ICJ alone is not enough to bring a sustainable peace and competence agreement between the two countries who are involved in the conflict over the years in the anticipation of the final judgment of the court, the then United Nations Secretary General, Dr. Kofi Anan invited the two Presidents, Chief Olusegun Obasanjo, and Paul Biya of Cameroon to a crucial meeting in Paris, France. At the end of the meeting, which was held on the 15th day of September, 2002, both Presidents agreed to respects and implement the decision of the ICJ on the disputed territories establish a mechanism for implementation with the support of the United Nations and adopt conference building measures among other things. The Secretary- General and the parties agreed to continue the bilateral negotiations at the ministerial level.

According to Alobo et al (2016), the United Nations through the good offices of the Secretary-General played a vital role in the enforcement of the judgment of the ICJ in the Bakassi case and other areas affected by the judgment of the Court. And the role manifested mainly in the following respects:

Extraction of pre-judicial commitments, the convening of post judgment tripartite submit, the setting up of Cameroon/Nigeria Mixed Commission, and the midwifing of the Green Tree Agreement. Several weeks before the pronouncement of the judgment, the Secretary- General of the United Nations invited the Presidents of Cameroon Nigeria to a crucial meeting in Paris, France. At the end of the meeting, which was held on the 15th day of September, 2002, both Presidents agreed to respects and implement the decision of the ICJ on the Bakassi and to also establish a mechanism for implementation with the support of the United Nations and to adopt conference building measures among other things. The Secretary- General and the parties agreed

to continue the bilateral negotiations at the ministerial level. This achievement of the Secretary-General, According Alobo (2016) is unprecedented and marks a distinguishing feature of the settlement of the Bakassi dispute. The Communiqué of the meeting between the United Nations Secretary-General and President Biya and President Obasanjo in Paris, 5, September, 2002 is highlighted as follows:

At the Secretary-General's invitation, President of Cameroon, Nigeria met in Paris to discuss Bakassi Peninsula, and other issues of common interest. The following statement was issued by the spokesman of the then Secretary General Kofi Anan in the course of the meeting, both the Presidents agreed to:

Respect and implement the decision of the International Court of Justice (ICJ) on Bakassi Peninsula; establish an implementation mechanism, with the support of the United Nations, and resume, in Abuja on 30 September, Ministerial-level meetings of the Joint Commission. The two Presidents also agreed on the need for confidence –building measures, including the eventual demilitarization of the Peninsula, with the possibility of international observers to monitor the withdrawal of all troops; and early visit to Nigeria by President Biya and the avoidance of inflammatory statements or declarations on the Bakassi issue by either side. There was also recognition by the two Presidents that the Bakassi Peninsula issue needed to be seen in the wider context of the overall relationships between Nigeria and Cameroon. Also, in this context, the two leaders expressed their determinations to restore the fraternal and neighbourly relations that existed between Cameroon and Nigeria and until that period. That possibilities were also discussed for cooperation in the economic field, including joint ventures, for example in the water and electric sector.(32nd Session of the Cameroon- Nigeria Mixed Commission, 2014: 29)

Moreover, after the judgment, according to Alobo (2016) that the Secretary-General of the United Nations, convened four tripartite meetings with the Presidents of Cameroon and

Nigeria in the meeting of 15th November, 2002, held in Geneva, the parties re-iterated their commitments by the spirits and letters of the judgment and to ask the Secretary- General to established a Mixed Commission of Cameroon/Nigeria and the United Nations. “To consider ways of following up on the International Court of Justice (ICJ) rulings and moving the process forward” The Joint Communiqué adopted by the delegations of Cameroon/Nigeria on the Geneva, 15 November, 2002 meeting is as follows:

That at the invitation of the Secretary- General of the United Nations, President Paul Biya of Cameroon and President Olusegun Obasanjo of Nigeria met in Geneva, Switzerland in the Secretary- General’s presence to follow the rulings of 10 October 2002 of the International Court of Justice (ICJ). In this connection, the two presidents acknowledged the importance of their countries of respecting their obligations under the United Nations Charter.

The Secretary-General welcomed President Biya’s and President Obasanjo’s renewed commitment as Heads of states of law- abiding countries , to renounce the use of force in their bilateral relations and pursue peaceful ways for the settlement of their boundary differences, as well as the constructive spirit which prevailed throughout the various meeting held during the day. In the course of these meeting, both parties agreed to identify a number of confidence – building measures which would paved way to resolving many of the issues which are the subject of the ICJ ruling. These include measures considered by the two Head of States in Paris on the 5 September and those agreed upon the Ministerial – level meeting of the Joint Commission in Abuja 30 September, 2002, as well as additional relevance measures.

(32nd Session of the CNMC, 2014: 30)

2.5.1 The adopted Communiqué at the first meeting of the Cameroon/Nigeria Mixed Commission

The Meeting took place on the 1- 2 December, 2002 in Yaoundé, Cameroon in a cordial atmosphere and discussions were conducted in an open, constructive and transparent manner. Both delegations expressed their commitments to sustain the spirit of peaceful and good neighbourly relations between their two countries, which had characterized the discussions between President Biya and President Obasanjo in Paris on 5 September 2002 and Geneva on 5 September 2002 and Geneva on 15 November 2002. The delegations further expressed their determination to build upon to build and consolidate the progress made during the summit, as well as the meeting of Cameroon- Nigeria Joint Commission held in Abuja on 30 September 2002. The Mixed Commission decided that the working documents for its meeting shall consists of the ICJ judgment of 10 October 2002, the press release issued following the Paris Summit on 5 September 2002, as well as the Joint Communiqué adopted at the Geneva Summit on 15 November 2002 and other documents that may be adopted at the meetings of the Commission. The Mixed Commission also decided that it would be necessary for a joint assessment mission of the Commission to undertake a visit to the affected areas in order better understand and appreciate the practical problems it would have to deal with and resolve in the course of the implementation of its mandate as defined in the Joint Communiqué of 15 November 2002. (First Meeting of CNMC, 1-2 December, 2002)

In the meantime, the parties reiterated their undertaking to respect the rights of the populations of the other country residing in these affected areas and to afford them full protection in accordance with the international human rights law. The Mixed Commission decided to establish a Sub- Commission which would be responsible the demarcation of the land boundary between the two countries. The Sub- Commission shall be composed of legal experts and cartographers, from the two parties and the United Nations. That it shall meet before the end

of January 2003 to prepare a small –scale map indicating the boundary and to consider the nature and characteristics of the map that need to be prepared for the demarcation. That on the basis of the presentation by the Sub-Commission, the Mixed Commission will decide on the work plan of the Sub-Commission.

The Mixed Commission agreed to consider the assignments of the United Nations Military liaison officers in both countries at a later date.

With regard to confidence- building, the Mixed Commission reaffirmed the measures agreed upon at the Paris, Geneva summit. Also in particular, the Mixed Commission decided that Lake Chad Basin Commission should re-energized at the earliest possible date. The assistance of the international community will be sought to support the work-plan of the Lake Chad Basin.

The Mixed commission also agreed that both Governments should proceed with the project relating to the improvements of the Mamfe-Eyumojok –Ekok –Mfum –ikom road and related socio-economic projects. The mixed Commission decided that, henceforth, it shall meet on the first Tuesday every two months, on understanding that it may adjust the timing of each particular meeting, should circumstances so require. Special meetings of the Commissions may be convened, of necessary by the chairman upon consultation with the members of the commission. (First Session of the CNMC, 2002)

2.6 The Green Tree Agreement

The Agreement between the Republic of Cameroon and the Federal Republic of Nigeria Concerning the Modalities of Withdrawal and Transfer of Authority in the Bakassi Peninsula that took place at New York in the Green Tree Tower is on June 12, 2006 is being referred to as Green Tree Agreement. As stated by the treaty that: The Republic of Cameroon (hereinafter referred to as “Cameroon”) and the Federal Republic of Nigeria hereinafter referred to as “Nigeria”)

Reaffirming their willingness to peacefully implement the judgment of the International Court of Justice. Commending the Secretary-General of the United Nations for his efforts made in this respect in organizing the tripartite summits and establishing the Cameroon-Nigeria Mixed Commission. Considering that the question of the withdrawal from and transfer of authority over the Bakassi Peninsula should be treated in a forward looking spirit of goodwill in order to open new, prospects for cooperation between the two countries after decades of difficult bilateral relations.

Determined to encourage the consolidation of confidence and peace their two countries for the wellbeing of their peoples and for stability in the sub-region,

Have decided to conclude the present Agreement:

Article 1

Nigeria recognizes the sovereignty of Cameroon over Bakassi Peninsula in accordance with the judgment of the International Court of Justice of 10 October 2002 in the matter of the Land and Maritime Boundary between Cameroon and Nigeria. 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.

Article 2

Nigeria agrees to withdraw all its armed forces from the Bakassi peninsula within the 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 thirty days. This withdrawal shall be conducted in accordance with the modalities envisaged in Annex 1 to this Agreement. (Green Tree Agreement, 2006 P: 2)

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 fundamental rights and freedoms enshrined in the international human rights law and in other relevant provisions of international law.

In particular, Cameroon shall:

- (g) Not force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality.
- (h) Respect their culture, language and beliefs.
- (i) Respect their right to continue their agricultural and fishing activities.
- (j) Protect their property and their customary land rights;
- (k) Not levy in any discriminatory manner any taxes and other dues on Nigerian nationals living in the zone; and
- (l) Take every necessary measure to protect Nigerian nationals living in the zone from any harassment or harm. (Green Tree Agreement, 12, June, 2006 P: 3)

Article 4

Annex 1 and the map contained in Annex II to this agreement shall constitute an integral part thereof

No part of this Agreement shall be interpreted as renunciation by Cameroon of its sovereignty over any part of its territory.

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 Nations, the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 6

A follow-up Committee to monitor the implementation of this Agreement is hereby established. It shall be composed of representatives of Cameroon, Nigeria, the United Nations and the witness States. The Committee 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 the interpretation and implementation of this Agreement.

The activities of the Follow-up Committee shall cease at the end of the period of the special transitional regime provided for in paragraph 4 of Annex 1 to this Agreement.

Article 7

This agreement shall in now be construed as an interpretation or modification of the judgment of the International Court of Justice of 10 October 2002, for which the Agreement only sets out the modalities of implementation. *(Green Tree Agreement, 12 June 2006. P4)*

According to Adigbuo, (2012) that despite its period for indecision, Nigeria finally agreed to hand over Bakassi to Cameroon in an unbroken Green Tree. Agreement signed in New York on 12th June, 2006 by Presidents Olusegun Obasanjo (Nigeria) and Paul Biya (Cameroon) under the auspices of the Niger-Cameroon Mixed commission that was set up by the then UN

Secretary General. Kofi Annan. Many Nigerians have warned that the Green Tree Agreement, as presently constituted is inimical to the nation's interest; moreover it is not binding since it is yet to be ratified by the National Assembly. What is more, there is no way Nigeria can cede Bakassi without amending its Constitution. To date, Bakassi Local Government Area is one of the Local Government Councils listed in the Nigerian Constitution. Section 12 of the Nigerian Constitution states inter-alia that: "No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.

The interpretation of Section 12 quoted raised a lot of dust in the National Assembly as the parliamentarians questioned the constitutionality of the Green Tree Agreement. Yar'adua on August 2008 handed Bakassi to Cameroon. Rationalization followed subsequently. Senator Bassey Ewa-Henshaw, who represents Cross River South Senatorial District that once includes Bakassi, said the deed was irreversible. He said that although he supported the continued work on the Green Tree document by the Senate, there was little the upper legislative chamber could do to influence the executive's decision. He added: "Ours is advisory by way of resolutions; there is nothing in the constitution that says that the President must obey the resolution of the Senate"

Although Article 3 of the Green Tree Agreement purported to have guaranteed the interests of Nigerians in the territory, the Cameroonian troops did not waste time to sack 50,000 Nigerians living in Bakassi, while many fled on their own volition for fear of being killed or molested. In 2010, about 300 Nigerians were reportedly tortured by Cameroonian paramilitary forces in the peninsula who accused them of over fishing in the area and of not paying taxes to Yaoundé. The impose and vulnerability of Nigerians in Bakassi was compounded by the hasty implementation of the Green Tree Agreement imposed on Nigeria by Article 2 of the Agreement in which Nigeria was meant to withdraw all its armed forces from Bakassi within sixty days of

the signing of the treaty. The sad result is that people of Bakassi have been displaced and separated from their ancestral abode, representing a fatal psychological blow on this unfortunate group of Nigerians. But where is the assurance of safety coming from: from a battered municipal law or from an international statute that lacks domestication”(Adigbuo, 2012: 391)

On April 15 2013, the United Nations Security Council issued a Press release about the successful implementation of the Green Tree Agreement on the settlement of the dispute over the Bakassi (SC/11094) noting the achievements of the Cameroon-Nigeria Mixed Commission's mediation as an outstanding outcome of preventive diplomacy. (UNOWA, 2014)

2.7 Promotion of Confidence Building between the People and Governments of both Countries by the Nigeria-Cameroon Mixed Commission.

The mixed Commission considered and adopted the final report of the working group on withdrawal and Transfer of Authority along the land Boundary area which took place on 13th July, 2004. It noted that it successfully presided over ceremonies in NARKI, ADABAKURA and BURHAWANGO, symbolizing the withdrawals and the transfers to authority. It also considered and adopted the first report of its observer Personnel following its field visit on month after the withdrawal and transfer of authority in that area. It noted with satisfaction the general state of peace and good relations prevailing among the population and the new authorities in the area in the aftermath of the transfer of authority.(11th Session of CNMC, August, 2004)

The mixed Commission was briefed on Confidence Building measures. A team recently travelled to Cameroon and Nigeria to assess the progress and needs in confidence building activities. The team met with representatives of United Nations development and humanitarian agencies and programmes, and of bilateral and multilateral donors. A representative of the African Development bank provided an update on the Enugu-Abakaliki-Mamfe-Mutengene cross-border road project for which construction work is expected to start in Mid-2005. The

Mixed Commission urged both Cameroon and Nigeria to expedite their respective Governments' requests for funding assistance. The Executive System of the Lake Chad Basin Commission (LCBC) provided an update on the preparation for the upcoming Conference on the Lake Chad. Tentative dates for the Conference have now been proposed for February, 2005. The Mixed Commission confirmed its willingness to work with the secretariat of the LCBC towards the completion of this project. A representative of the Federal Ministry of Water Resources of Nigeria provided an update on the current status of the Water Transfer Project from Oubangui Basin to the Lake Chad. (12th Session of CNMC, October, 2004)

The mixed commission noted with satisfaction the peaceful atmosphere prevailing in the Lake Chad and Land Boundary areas one year after the withdrawals and transfers of authority that occurred there as well as the good relations existing between the populations and the new authorities.

The observer Team of the Mixed Commission set up to shed light on the incident that occurred in Bakassi Peninsula in June 2005, an issue noted by Cameroon, informed the Mixed Commission that its report will soon be ready. The Mixed Commission decided that the report, when submitted, will be forwarded by the Chairman of the Mixed Commission to the Heads of state of both countries and the United Nations Secretary-General. The Mixed Commission noted that progress had been made in implementing confidence building measures, and that both countries had participated in meetings on the rehabilitation of the Enugu-Abakaliki-Mamfe-Mutengene road and the Lake Chad Basin Commission. (13th Session of CNMC, 28 – 29 July, 2005)

The Mixed Commission also supported and encouraged the efforts of implementing confidence building measures and strengthening regional cooperation. To that extent, it welcomed the recent initiatives by the Lake Chad Basin Commission regarding the recharging of

Lake Chad. It also hailed the recent decision of member countries of the Gulf of Guinea Commission expresses its gratitude for the support provided by some members of the international community and development partners to the affected population in the two countries. To that end, it urges the speedy implementation of the Enugu-Abakaliki-Mamfe-Mutengene Road Project between Cameroon and Nigeria as well as other projects under preparation in the areas concerned. Finally, the Mixed Commission expresses the wish that the Cameroon-Nigeria Joint Commission resume its meetings as soon as possible. (15th Session of Cameroon-Nigeria Mixed Commission 6-7 September, 2006)

The Mixed Commission noted again on the need to organize a Summit of Heads of Members States of the Lake Chad Basin Commission and those of other affected States to consider the serious environmental situation in the Lake Chad Basin area in order to design appropriate strategies for mobilizing resources to fund the inter-basin water transfer project. In view of facilitating the organization of such a Summit, the Mixed Commissioner decided to undertake, as soon as possible, a sensitization mission led by the Mixed Commission Chairman and made up notably of the Heads of the Cameroonian and Nigerian delegations as well as the Executive Secretary of the Lake Chad Basin Commission. (20th Session of the Cameroon-Nigeria Mixed Commission, 16th November, 2007)

The Mixed Commission expressed satisfaction with the presentation made by the Representative of the African Development Bank on the Nigeria-Cameroon Multinational Highway project, which it regarded as a concrete milestone in the development of economic cooperation and the strengthening of good neighbourly relations between the two countries. It took note of the African Development Bank's call upon Cameroon and Nigeria to address the issues of harmonization of laws, regulations and standards governing the use of commercial vehicles as well as movement of goods and persons between the two countries. (22nd Session of the Cameroon-Nigeria Mixed Commission, 20 June, 2008)

Regarding the Multinational Highway Project linking Cameroon and Nigeria, the Mixed Commission expressed satisfaction with the loan agreement signed on 15 May 2009 by Cameroon and Nigeria and the African Development Bank, which is a visible milestone in the development of economic cooperation and the strengthening of good neighbourly relations between the two countries. As a concrete confidence building project, the Mixed Commission encourages this effort. The Senior Economist of the United Nations presented a report on the confidence building mission he undertook to Yaoundé in November 2008 on the follow-up concerning assistance to the affected populations and the development projects proposed for the Bakassi “Zone”. Nigeria expressed interest in receiving, for purposes of information, the Cameroon Government project documents on development priorities in Bakassi. Cameroon reiterated its interest in the work of the United Nations, observer missions in Bakassi for monitoring and confidence building purposes. Furthermore, the Mixed Commission agreed that the United Nations Civilian Observers be involved in the sensitisation of the populations living in the boundary areas within the context of the pillar emplacement process.

The Mixed Commission noted the support of Cameroon and Nigeria to a proposal from the United Nations to organize a meeting of both United Nations Country Teams and interested partners to explore ways and means of supporting community development projects all along the land boundary and in the Bakassi peninsula. This meeting is intended to establish common ground for a new approach to the initiation of cross-border development programmes. Cameroon and Nigeria took note that a formal request should be submitted to the United Nations in order to elicit its support. (24th Session of the Cameroon-Nigeria Mixed Commission, 12 June 2009)

Moreover, concerning confidence-building measures, the Mixed Commission took note of the progress in the construction of the Enugu-Abakaliki –Mamfe-Mutengene cross-border road and the progress in discussions on the construction of a bridge over the Mayo Tiel river between the localities of Demsa (North Cameroon Region) and Bebel (Adamawa State, Nigeria).

The Mixed Commission also took note of the progress made in the electricity interconnection project between the two countries. (25th Session of the Cameroon-Nigeria Mixed Commission, 9 October, 2009)

The Mixed Commission noted with appreciation the progress reported by the UN Resident Coordinator for Nigeria and the representative of the UN Country team for Cameroon, regarding the confidence building initiatives in favour of the populations affected by the demarcation. It commended the efforts of the United Nations to emphasize the human dimension of the demarcation process and its commitment to support the development of cross boarder socio-economic initiatives toward harmonious co-existence between populations on both sides of the boundary and sub-regional security, peace and stability. (28th Session of the Cameroon-Nigeria Mixed Commission, 23 July, 2011)

The Mixed Commission noted that appreciation the progress reported by the UN Resident Coordinators for Nigeria and Cameroon, in particular the preparatory work carried out in support of confidence building initiatives. The Coordinator of the Observer Group presented the report of the 16th Observation Mission of the Bakassi zone (the Zone). The Mixed Commission noted with satisfaction the peaceful atmosphere prevailing in the Zone in compliance with the Green Tree Agreement, and Congratulated both countries for their commitment to peace and cooperation. *(30th Session of the Cameroon-Nigeria Mixed Commission, 14 December 2012)*

The military forces of the two countries are holding joint training, and they are considering joint patrols in the Gulf of Guinea to discourage piracy.

Saddiq Marafa Diggi former Director General of the National Boundary Commission, who led a Nigerian delegation to one of the session of the Mixed Commission in Cameroon's capital, Yaoundé, salutes the progress being made.

Diggi says, "I'm going home as a happy man -- happy in the sense that Cameroon has now

agreed that it's going to sign the document on confidence-building. That's the one concerning the proposed highway. I'm also going home to sensitize our local population concerning the pillar construction to tell them that the demarcation is not meant to divide us. It's just a necessity so that we can know where Cameroon ends and Nigeria begins."

However, Nigerians doing business across the border still complain of harassment and extortion at the hands of Cameroonian gendarmes. In Bakassi, the predominantly Nigerian population says its rights are not being fully protected. (VOA, January, 9, 2010)

According Djinnit

it's a border which is meant to bring people together, not to separate them. He says it gives people an opportunity to work freely within a context of clear borders that will prevent further disputes so that all the energies, resources of the two countries are channelled towards addressing the real socioeconomic problems of the people.

2.8 Protection of the rights of the affected population by the Cameroon-Nigeria Mixed Commission in accordance with the ICJ judgement.

The court freed the land boundaries from Lake Chad in the North to Bakassi in the South. However, the court did not specify a definite location off the Coast of Equatorial Guinea where the Maritime Boundary between the two countries will terminate (Bekka, 2003). When it became difficult to implement the ICJ rulings, the United Nations Secretary General Formed the Cameroon-Nigeria mixed Commission. It first demarcated the land boundaries. The development of projects to promote joint economic ventures are cross-border cooperation monitored by the mixed commission included the construction of border markets and roads linking the two countries. All appeared on lack some villages for them North and around Lake Chad were exchanged until the handing over process reached the oil rich Bakassi peninsula. Two withdrawal timetables were not respected; thousands of Nigerians in the Bakassi Peninsula were

not sure where they stood in terms of citizenship and may hard to remain in Nigeria since they had more social and economic ties with Nigeria (Borzello 2004).

Nigeria's failure to give Cameroon Full control of Bakassi on 15th September, 2004, president on the argument that their withdrawal would lead to the collapse of law and order. In addition, Nigeria submitted that the most democratic manner to decide Bakassi's sovereignty would be to hold a referendum since about 90% of the people on the peninsula did not want to become Cameroonian (Eboh, 2005).

Nigeria claimed that the sovereignty of Bakassi was not a matter of oil or natural resources or land or in coastal waters, rather the welfare and well-being of Nigerians on their land (FGN, 2005).

There were calls on the Nigerian government by some Nigerians to go to war over the matter. This school of thought according to (Etim Bassey, 2002) argued that, there is no morality in international relations and that it is against the National interest of Nigeria interest of security and economic interest to accept the ICJ verdict on its totality as it will surely affect the populations (Etim Bassey 2002).

However, other Nigerians cautioned against war arguing that women and children are the most vulnerable victims of war and that youths are the greatest losers in all social conflict, domestic or international not the men who usually ask for war (Asobie 2003). They further maintained that the principle of good faith in international relations demands that Nigeria should not disfavour her word of honour as evidenced by the diplomatic note of 1962 Aghemelo & Ibhassebhor (2006).

There is no doubt that the ICJ has limited capacity to facilitate enforcement because, there is a very weak interplay between passing judgment and abiding implementations of ICJ rulings is largely dependent on the good will message of countries in conflict in situation where the countries involved are outward looking and cherish international credibility diplomatic

pressures can act as credible tool which can be used to generate incentives for compliance with international obligation Baye, (2010. P: 25)

The Mixed Commission decided that the Observer Personnel would continue their regular visits to the land boundary to observe the situation in villages affected by the decision of the ICJ, including the demarcation. (13th Session of Cameroon- Nigeria Mixed Commission, 28 – 29 July, 2005)

The Working Group set up at the X111th meeting prepared a new programme of withdrawal of Nigerian troops and authorities from the Bakassi Peninsula and submitted its report to the Heads of the two delegations in accordance with its mandate. The leaders of delegations considered and amended the report of the Working Group which includes the new programme of withdrawal. They decided to submit the new programme to both Heads of state and the UN Secretary-General. (14th Session of the Cameroon-Nigeria Mixed Commission, Abuja 13 – 14th October, 2005)

The Mixed Commission adopted the report of the 13th Meeting of the Sub-Commission on Demarcation. Regarding the delineation of the boundary in the Mada-Sahle-Zigague sector, it directed the Joint Technical Team to returned to the field to conduct further investigations in order to fix the boundary line in this area in accordance with the International Court of Justice ruling of 10 October, 2002. This visit will take place before the end of October, 2006. 4. Boundary The Mixed Commission was also satisfied with the conduct of the process of withdrawal of Nigerian troops from the Bakassi Peninsula, the official ceremony of which was conducted peacefully on 14 August, 2006. In connection with the affected population of Bakassi, the Mixed Commission agreed to take further initiatives in order to prevent any incident, notably the deployment of an observer mission at the earliest, opportunity. (15th Session of Cameroon-Nigeria Mixed Commission 6-7 September, 2006)

The mixed Commission noted with satisfaction the approval of the report of the UN Observer Team on the latter's second visit to Bakassi from 9 to 14 December, 2006 by the Follow-Up Committee and equally adopted it. While commending the Team, the Commission requested the Observers to be mindful of the needs of the affected population, the protection of their rights and educating them on their obligations. The Commission lauded the efforts of the Government of Cameroon in making appropriate. (17th Session of the Cameroon-Nigeria Mixed Commission, 25 – 26 January, 2007)

The Mixed Commission noted with satisfaction the approval of the report of the UN Observer Team on the latter's third visit to the Bakassi peninsula from 12 to 13 February, 2006 by the Follow-Up Committee and its adoption. It hoped that everything would be done to meet the socioeconomic needs of the affected populations, especially in terms of provision of education and health infrastructures, portable water and environmental protection. The mixed commission also took due note of the imminent opening of a UN Office in Calabar. To that effect, it was informed that the Government of Nigeria had authorized the opening of the said office. (18th Session of the Cameroon-Nigeria Mixed Commission, 5-6 April, 2007)

The Mixed Commission noted with satisfaction the approval and adoption by the Follow-up Committee of the report of the Joint Observer Group on the latter's fourth visit to the Bakassi peninsula from 27th April to 2nd May, 2007. While commending the work carried out by the Observers, the Mixed Commission recognizes the need to ensure the well-being of the populations of the peninsula, notably in terms of the social infrastructure as well as environmental protection. The Mixed Commission commended the efforts of Governments of Cameroon and Nigeria to meet the needs of the populations. It also heard the representative of UNITAR (United Nations Institute for Training and Research) on the assistance that this organization can render for the capacity building of the local communities. (19th Session of the Cameroon-Nigeria Mixed Commission, 6 July, 2007)

The Mixed Commission invites its Chairman to take all necessary measure in consultation with the concerned parties with a view to prepare the practical modalities for the peaceful withdrawal and transfer of authority from the Zone in Bakassi Peninsula to be implemented on 14August 2008 in accordance with the Green Tree Agreement of 12 June 2006.

The Mixed Commission considered the issue of affected populations. It commended the Governments of Cameroon and Nigeria for the efforts deployed to address the humanitarian needs of the concerned populations. It agreed with a proposal by its Chairman to strengthen coordination efforts of the United Nations in Cameroon and Nigeria to work out, with the backing of donors, programmes in support of each country's endeavours to simultaneously contribute to relief projects throughout the Bakassi peninsula and to assist with the resettlement of the affected populations of both countries. *(22nd Session of the Cameroon-Nigeria Mixed Commission, 20 June, 2008)*

The Mixed Commission took note of the presentation and exchanged views on the oral report of the mission of the United Nations to Calabar, in Cross River State, on the situation of Nigerian citizens who opted to return to Nigeria. It expressed the wish that all effort will be made to find satisfactory solution s to the situation of both Nigerian and Cameroonian populations affected by the ICJ ruling of 10 October, 2002. Thus, it was agreed that other visits be made soon to the Bakassi Peninisula, the Lake Chad area and other areas along the land boundary, for the purpose of strengthening confidence building measures between the populations of both countries. *(23rd Session of the Cameroon-Nigeria Mixed Commission, 10 October, 2008)*

The Mixed Commission expressed gratitude to the World Bank and the European Union for their encouraging responses to the recent appeal for funds by its Chairman for the consolidation of peaceful relationships between Cameroon and Nigeria. The Mixed Commission also commended the initiatives of the United Nations Systems in Cameroon and Nigeria for

development projects for the benefit of populations affected by the demarcation operation. Despite the security challenges, the border area is now heavily patrolled, with military factions from both governments on either side. UN observers are also in place to monitor people's protection and basic rights. (*31st Session of the Cameroon-Nigeria Mixed Commission, 26 April, 2013*)

2.9 Demarcation, delineation and delimitation of the land and Maritime boundaries between the two countries in accordance with the ICJ rulings.

The demarcation process involved four (4) separate sections, the Lake Chad Basin, the Land Boundary the Maritime Boundary, and the highly contested Bakassi Peninsula which has rich of shore oil deposits and fish stocks. In June, 2006, the parties agreed on the withdrawal of Nigerian forces and the transfer of authority in the peninsula to Cameroon under the Green Tree Agreement. The Cameroon-Nigeria mixed commission, collocated with the United Nations Office for West Africa (UNOWA) with the Special Representative of the Secretary General, is mandated to complete technical aspect such as border demarcation, delineation and demilitarization, but also provides monitoring and early warning mechanisms to ensure the projection of rights of those in the area of transition and encourages cooperative economic and environmental agreements between the two populations. UNOWA'S SRSG also serves as both the chairman of the CNMC and follow up committee for the Green Tree Agreements which is in place until 2013. UNOWA, (2014)

The Mixed Commission considered the report of the Working Group on the Maritime Boundary presented after its second meeting held in Yaoundé on 13th and 14th August 2004. In this regard, it decided that each Party will submit to the Chairman by the end of this month a proposal containing its methodology of the implementation of the ICJ judgment including a map incorporating the delineation of the maritime boundary as delimited by the Court in its decision of 10 October, 2002. The Mixed Commission also adopted the report of the Tenth meeting of its

Sub-Commission on Demarcation, including the report of its Senior Cartographic Consultant on the multi-task approach which includes the production of the preliminary image maps and the availability of the image mapping on a sheet by sheet basis progressively along the boundary. This new approach will allow the early assessment of the boundary by the Joint Technical Team and provide significant information on the demarcation. The Mixed Commission noted with satisfaction the new timetable proposed by its Senior Cartographic Consultant for the demarcation exercise. It also urges the UN Procurement Division to proceed with immediate advertisement for the various Demarcation contracts, so that the exercise may be completed on schedule. *(11th Session of Cameroon – Nigeria Mixed Commission August, 2004)*

The Mixed Commission considered the report of the 3rd meeting of the Working Group on Maritime Boundary. It also listened to a presentation by the expert of the United Nations on the map prepared by him for the delineation of the maritime boundary between the two countries in accordance with the ICJ decision. While Cameroon agreed with the work of the expert, Nigeria requested to be given a few days to formally send its comments. It was agreed that this will be submitted to the Chairman of the Mixed Commission before the XVth Session of the Mixed Commission. *(14th Session of the Cameroon-Nigeria Mixed Commission, Abuja 13 – 14th October, 2005)*

The Mixed Commission considered and adopted the report of the 14th Meeting of the Sub-Commission on Demarcation. It also reaffirmed its commitment to resolving, within the shortest possible time, the issues raised under Phase 1 of the field assessment exercise, especially Kotcha, Kerawa, Mada-Gougourou, Zigague – Sahle – Mada. Regarding the last sector, the Mixed Commission decided that the Joint Technical Team set up by the Sub-Commissioner on Demarcation will undertake a field visit from 30 November to 3 December, 2006. *(16th Session of Cameroon-Nigeria Mixed Commission, 6-7 November, 2006)*

The Mixed Commission also undertook to resolve, as soon as possible, pending issues on the demarcation activities along the boundary in Kerawa River and Zigague-Sahie-Mada sectors. *(17th Session of the Cameroon-Nigeria Mixed Commission, 25 – 26 January, 2007)*

The Mixed Commission considered and adopted the report of the Sixteenth meeting of the sub-commission on Demarcation. The Commission commended the excellent demarcation work that made it possible to cover an additional distance of 235 km during phase Two of the field assessment exercise, thus bringing the total distance covered to about 700km of the land boundary. The Mixed Commission decided that Phase Three (A) of the field assessment exercise should be carried out from 14 May to 24 June, 2007, when it is hoped that the Joint Technical Team could cover an additional distance of 205 km. *(18th Session of the Cameroon-Nigeria Mixed Commission, 5 – 6 April, 2007)*

The Mixed Commission examined and adopted the reports of the Second Extraordinary Meeting of the Working Group on the Maritime Boundary held on 15 and 16 January 2008 and of the Twelfth Ordinary Meeting held on 12 and 13 March, 2008 in Yaounde. The parties agreed on the delineation of the loxodrome extending from point X seawards. The British Admiralty Chart 1387, “Calabar to Bata, including Isla de Bioko” 2007 edition, including the transposition of the Loxodromic line was formally approved and signed by the Heads of Delegations and the Special Representative of the Secretary General of the United Nations, Chairman of the Cameroon Nigeria Mixed Commission. This ends the implementation of the international court of justice’s judgment of 10 October 2002, in respect of the Maritime Boundary. The Commission expressed satisfaction at the results achieved so far, which no doubt will pave the way for increased cooperation between the two states. *(21st Session of the Cameroon-Nigeria Mixed Commission, 14th March 2008)*

The mixed Commission agreed on the need for a public information campaign on the demarcation process and welcomed the UN proposal for the production of a documentary-film that would illustrate the Cameroon-Nigeria experience of peaceful resolution of their boundary dispute. (24th Session of the Cameroon-Nigeria Mixed Commission, 12 June 2009)

To ensure proper sensitization of the population along the boundary, the Mixed Commission agree to set up a sensitization mission within the Sub-Commission on Demarcation comprising five representatives from each of the Parties and the United Nations with a view to sensitizing the population in the concerned areas of the demarcation process. This will be done in collaboration with local authorities, traditional rulers and security services. The commission requested the two Parties to designate their representatives on the mission as soon as possible. The terms of reference of this mission will be considered and adopted during the next extraordinary session of the Sub-commission on Demarcation scheduled to be held in Yaounde from 12 to 15 April, 2011. (27th Session of the Cameroon-Nigeria Mixed Commission, 11 March 2011)

Concerning the resolution of the issue of the village of Mada as referred to in the Thomson-Marchand Declaration, the Mixed Commission agreed on the terms of reference of a Joint Technical Team Mission to identify its location. In order to resume pillar emplacement works along the land boundary, the Mixed Commission requested the committee established by the Sub-commission on Demarcation, to review the existing pillar emplacement project document. The Mixed Commission further requested the committee to prepare a comprehensive document reflecting the budget estimates for the entire operation, with a view to fund mobilization from bilateral and multilateral donors. (30th Session of the Cameroon-Nigeria Mixed Commission, 14 December 2012)

Twelve years after an international court of justice (ICJ) ruling demarcated the Cameroon-Nigeria border, the UN and the governments of both countries are making headway in physically laying down the border and helping develop the long-marginalised oil-rich Bakassi region. But while many positive lessons can be drawn from the Nigeria-Cameroon demarcation process, when it comes to development, there remains much work to do, according to Bakassi residents.

The Cameroon and Nigeria governments have overcome tense periods of negotiation over control of Bakassi, in the Gulf of Guinea, and the Lake Chad area further north, both of which were assigned by the ruling to Cameroon. With the help of mediators, trust between the two countries has gradually improved, paving the way for joint security and economic ventures in support of Bakassi's fishing and oil industries.

Since 2011, technical and logistics teams have travelled from Senegal's capital, Dakar, to lay down the concrete pillars that form the Cameroon-Nigeria border. The UN support team to the Cameroon-Nigeria Mixed Commission (CNMC), which is charged with physically demarcating the land and sea boundaries, is based in Dakar. The job poses enormous physical, logistical and legal challenges. The border spans 2,100km across mountains and desert in the north, dense forests in the south, and 21 border points in the ocean. (The Guardian Development work, February, 16, 2014: 2)

Najat Rochdi (2014) said the topography "and the climatic conditions present an unprecedented challenges in the demarcation process", said a member of the UN team. The project was "longer than the sum of the UN-led demarcation projects between Ethiopia and Eritrea, Indonesia and East Timor, and Iraq and Kuwait".

The concrete primary and secondary pillars – placed every 5km and every 500 metres respectively – are cast on site, but getting the materials to areas inaccessible by road is a hurdle, said team members. Steps involved in setting up a pillar include mapping the co-ordinates;

preparing and excavating the site; constructing the pillar; curing the concrete and verifying it, said the project manager of the UN support team to the CNMC in Dakar.

Some mountainous areas, such as the Alantika Mountains, are inaccessible to boundary-markers; cartographers have mapped these locations digitally, using global positioning system coordinates and a "digital elevation model", a programme that enables accuracy within 1cm.

Complicating this process is insecurity in many of the target areas: Bakassi is on the Gulf of Guinea, where piracy is rife, on the Nigerian side Boko Haram and its affiliate militant groups engage in kidnapping and other violence , and there are "acts of banditry all over," said the UN head in Cameroon, Najat Rochdi.

Still, the largely peaceful resolution of the border dispute – which at one point led to outright conflict – should act as a model for other boundary discussions ongoing elsewhere in Africa, said an official with the African Union. Just 30% of Africa's borders are precisely demarcated, he added, with ongoing discussions continuing all over the continent, from Burkina Faso to Sudan.

While still insecure, the border area is now heavily patrolled, with military factions from both governments on either side. UN observers are also in place to monitor people's protection and basic rights.(The Guardian Development work, February, 16, 2014, p.3)

2.10 The Promotion of the Draft Joint Development Economic Ventures and Cross-Border Cooperation between the two countries by the Mixed Commission

The Mixed Commission was informed of the report of the mission to the Secretariat of the Lake Chad Basin commission (LCBC) within the framework of the appeal by the Mixed Commission to the member states of that organization to organize a Summit on the worrisome situation of the Lake Chad. It reaffirmed the important role that the LCBC could play in strengthening cross-border cooperation between Cameroon and Nigeria. The Mixed Commission

was also informed of the signing by the two parties, of a Memorandum of Understanding on the road rehabilitation project for the Abakaliki-Mutengene road and hoped that the execution of this important project would be expedited. (18th Session of the Cameroon-Nigeria Mixed Commission, 5 – 6 April, 2007)

Conclusion between Cameroon and Nigeria of a framework agreement on cross-border cooperation in matters concerning oil and gas production from fields straddling or along the maritime boundary which will include a resource clause;

Review of national legislation on oil and gas resources to take into account the requirements of cross-border cooperation, Inclusion of national institutions in charge of matters concerning oil and gas, as well as oil and gas companies operating in the area in the process. (23rd Session of the Cameroon-Nigeria Mixed Commission, 10 October, 2008)

The Mixed Commission considered the agenda item on Cross-Border Cooperation on hydrocarbons. The Nigerian Delegation undertook to expedite the consideration process of the Draft Framework Agreement on Cross Border Cooperation on Hydrocarbons along the Maritimes boundary or straddling said Boundary. (29th Session of the Cameroon-Nigeria Mixed Commission, 31st August, 2012)

Due to the historical and ethno-linguistic ties between Nigeria and Cameroon even during the hostilities, trans-border trading did not stop (Konings, 2005) said, it is expected that with the peaceful handing over of Bakassi to Cameroon, fruitful Socio-economic activities between the two countries would be revamped. In this regard, it will be in interest of both countries if more formal trading arrangements are negotiated, so as to curb smuggling, enhance the competitiveness of home industries and increase tax revenues accordingly. Cross border activities will be enhanced further if Cameroon and Nigeria push forward their intentions to

initiate a number of political and economic confidence-building measures and to consider the adoption of a Treaty of friendship and no aggression between them (Baye 2010: 28-29)

Nigeria is Cameroon's biggest economic partner in sub-Saharan Africa, after the Economic and Financial Affairs Council of the European Union. The two governments are building cross-border roads to try to support the fishing trade, and they have drawn up an agreement for joint management of oil resources in the Bakassi area.

"The most important thing now is to make people understand that the border is not a barrier but a bridge between them," a former UN observer based in Yaoundé said.

The governments, along with UN country teams, have developed several projects aimed at supporting cross-border inter-community relations, cementing social cohesion, cutting poverty and improving basic services. Several of these projects are carried out including a measles vaccination campaign, community radio programme and project to build a refrigerated storage room for traders. But not all of the programmes have received financing, and progress has been slow. And though the government is increasingly its role, people will need time to adjust, said a 37-year-old trader said Bakassi villagers ... have never witnessed the role of public authorities. We have only known traditional chiefs, but today that is changing. (Oyang 2010)

According to Ndip (2010) Cameroon government has made education free, and in Ija-Bato 2, the area's municipal headquarters, it has equipped teaching hospitals to provide services for free. He said though "very few people use them. He says that while primary school enrolment rates are up, "no one cares about schooling ... Early every morning, kids as young as five go out in canoes fishing with their parents. Very few people attend the hospitals ... Most of them do not use the mosquito nets that are given to them. They prefer to use them for fishing.

Some Bakassi residents do not access basic services because they lack identity papers, said Martin Edang, (2010) a trader and resident of Ija-Bato 1. According to the UN's Rochdi, some people in northern Nigeria living in areas ceded to Cameroon have still not received identity cards or documents allowing them to stay there legally.

Cameroon has informed residents that they can get their papers free of charge, Bakassi residents said. It is more a question of choice, said Edang. "Many are still not willing to visit public offices many are still confused over which country they want to belong to. Donors are also encouraging both to pursue cross-border cooperation in oil, gas and palm oil production. The African Development Bank is providing \$155 million (U.S.) for the construction of a multinational highway to boost trade between the neighbours, and trade fairs are being organized, alternating between Cameroon and Nigeria. (VOA, January, 9, 2010)

The Gaps in the Literature

From the extensive review of the related literature, it is pertinent to observe that most of the Scholars were concerned and interested about the evolution of the African boundaries and its colonial connotations and how such boundary creation had resulted in the escalation of boundary disputes among various African countries. In particular the Cameroon-Nigeria boundary disputes over Land and Maritime territories which resulted to an open confrontation between the two countries before the Judgment of the International Court of Justice of 10th October, 2002, and the effort made in the implementation of the judgment by the United Nations through the establishment of the Cameroon-Nigeria Mixed Commission in 2002. That is to say the Scholars are yet to answer critically the crucial questions of the role of the Cameroon-Nigeria Mixed Commission in the aspect of the promotion of confidence building between the people and government of both countries, protection of the rights of the affected population in the course of the implementation of the ICJ judgment of 10th October, 2002. Most importantly, the scholars are

yet to critically answer the if there has been success in the activities of the Cameroon-Nigeria Mixed in the demarcation, delineation and delimitations of the land and maritime boundaries between Nigeria and Cameroon. And also how the judgment and its process of implementation is faced with a lot of challenges which has also contributed to the emergence of some militia groups in the Bakassi Zone and other areas that were affected by the ICJ judgment. Like in the Bakassi Zone, Militants under the aegis of Bakasi Strike Force (BSF) have set up a parallel administration in Bakassi and Akpabuyo Local Government Areas for many years in which Civil and traditional authorities have been displaced by the militants, who many believe are also responsible for cases of kidnapping, armed robbery and other criminal activities in the area and in Calabar the State Capital.(The Guardian Newspapers, July, 10, 2006: 1-2) elected officials and civil servants, for fear of being kidnapped or attacked by the militants have long deserted the secretariats of both local councils, even as judicial organs and traditional institutions have been rendered impotent in the two councils.

This study had been designed to fill in this lacuna in the literature by assessing the extent of role played by the Cameroon-Nigeria Mixed Commission in the promotion of confidence building between the people and governments of both countries, the protection of the rights of the affected population and also the level of achievements by the Mixed Commission in the process of the demarcation, delineation and delimitations of the land and maritime boundaries between the two countries. The Mixed Commission role in the promotion of the Joint Development Economic Ventures and Cross-border Cooperation between the two countries. The challenges faced by the Mixed Commission in the implementation of the judgement and how such challenges can be overcome.

2.11 Theoretical framework

The functionalism theory will be used in this research work, is a theory of international relations that arose during the inter-war period principally from the strong concern about the obsolescence of the State as a form of social organization. Its main background was the experiences from the 1930s and the war. Fundamentally, the goal of the early functionalism was to establish a way of organizing the international system which could lead to peace and welfare in a period of dynamic change. The main idea was that conflicts in the international system are related to the problems between nation states, and that these conflict can be overcome by organizing and placing authority according to functions. Form should follow functions.

The result would be multitude of international organizations, functionally in specific areas. The specialized agencies of the United Nations can as examples of such functionally differentiated organizations, however, with limited authority. The idea was that many international organizations which worked effectively, each within its functional context, could provide greater efficiency, attract support, be able to respond to change in a flexible way, and contribute to peace. (Dauda, 2013: 106)

Functionalism is a pioneer in globalisation theory and strategy. States had built authority structures upon a principle of territorialism. State-theories were built upon assumptions that identified the scope of authority with territory (Held 1996, Scholte: 1993, 2000, 2001), aided by methodological territorialism (Scholte 1993). Functionalism proposed to build a form of authority based in functions and needs, which linked authority with needs, scientific knowledge, expertise and technology, i.e. it provided a supra territorial concept of authority. The functionalist approach excludes and refutes the idea of state power and political influence (realist approach) in interpreting the cause for such proliferation of international organizations during the inter-war (which was characterized by nation-state conflict) and the subsequent years⁺

Also, according to functionalism, international integration is the collective governance and 'material interdependence' (Mitrany, 1933:101) between states – develops its own internal dynamic as states integrate in limited functional, technical, and/or economic areas. International agencies would meet human needs, aided by knowledge and expertise. The benefits rendered by the functional agencies would attract the loyalty of the populations and stimulate their participation and expand the area of integration. There are strong assumptions underpinning functionalism: (1) That the process of integration takes place within a framework of human freedom, (2) That knowledge and expertise are currently available to meet the needs for which the functional agencies are built. (3) That states will not sabotage the process.

Pragmatic functionalism sees the importance of international organizations for welfare and for the creation of an international interdependence which create common interests and thus make conflicts between states less likely. It believes that functional integration in a network of international institutions can secure higher welfare and more peaceful world. But at the same time pragmatic functionalism retains the state as the most important unit in the international system. It accepts that states can delegate and may be "pool" their authority. But pragmatic functionalists do not seek to abolish the state, rather, to modify state interaction through a network of international cooperation organization on the basis of functional criteria.

System- transforming functionalism: The main thought in the more radical form of functionalism, is that by a functional organization of the entire international system, it is possible to "overcome" the dominance of the nation states within the international system and to establish a "working peace system". The stages in the somewhat utopian strategy for a change of the international system are first to have the nation states delegates authority to the international organizations, and secondly, to have these organizations work so effectively and efficiently that they initiate learning processes in which first the public and then the governments turn their attention more and more towards international bodies.

2.11.1 Major Postulations of Functionalist Theory

The modern origins of the functionalism may be traced to the writings of David Mitrany and the utterances of John Monnet, a statesman who advanced the arguments of a peaceful, unified and cooperative world. Functionalism situates national exclusivism and arbitrary fragmentation of the world at the heart of the security/conflict conception of international politics. This, it considers an anachronistic and a dangerous heritage of the pre- industrial age. Hence, the traditional doctrine of sovereignty and any form of aggressive and chauvinistic nationalism is abhorred by functionalism and as a solution the war-prone mentality of the world states. It advocates the need for regional cooperation and integration of states that would naturally led to the emergence of a new and war- free world. Functionalism's vision looks beyond the present nation- state system – a post Westphalian world.

Functionalism proposes a gradualists approach the development of piecemeal non-political cooperative organizations, which are established most effectively in the economic, technical, scientific, social and cultural sectors, referred to collectively as the “functional sectors”. Hence, advocates of functionalism are called “Functionalists”. The major postulations of the functionalist Theory are as follows:

First, the intensity of political rivalry between states and the firm entrenchment of sovereignty avails states only non- political avenues in economic and social spheres to establish and expand habits of cooperation among themselves. Functionalism maintains that the problems of the economic and social spheres are relatively devoid of the conflict of national interests; which appeals to the human senses of social justice which require international cooperation for solution and the resolution of which works to the mutual advantage of all. Also, advancements in sciences and technology have multiplied the amount of international economic and social

cooperation due to the increase of interdependence between states, while political rivalry and national loyalists seem unchanged.

Second, Functionalism proposes the concept of “Spill-Over”. Its main thesis regarding this asserts that an increase in the amount of economic and social (non-political) cooperation will eventually build habits of interaction and a broader base of common values that will “Spill-over” into the political sphere. Thus, the obstacles to political integration will gradually be eroded and world unity will be achieved.

Thirdly, Functionalism’s strategy emphasizes cooperation in all aspects of international behaviour and opposes conflictual international behaviour. Hence, Politics should be guided by cooperation and reasons, not conflict and irrationality. It envisages a future in which a large variety of functional boundaries would be transformed both national attitude and institutions, thereby relegating the nation-state to the museum institutional curiosities.

Fourth, world unification may be achieved through a piecemeal, gradualist approach beginning with the formation of regional organizations and subsequently, widening their operational scope.

Mitrany in his writing during the periods of between the World Wars, as well as the generation following World War II, suggested that the growing complexities of governmental systems had increased greatly the essentially technical, non –political tasks of forming governments. Such tasks not only created a demand for highly trained specialists at the national level, but also contributed to the essentially technical problems at the international level, whose solutions lies in collaboration among technicians rather than political elites. The growth in the importance of technical issues in the twentieth century is said to have made necessary the creation of frameworks for international cooperation. Such functional organizations could

expected to expand both in their numbers and in scope as the technical problems confronting mankind grew in intensity and magnitude.

Functionalism asserts that for an organization, a functional collaboration might eventually supersede, or make superfluous, the political institutions of the past. It identifies as the dominant changes in the world during the twentieth century, economic development, the increasing role of national governments in economic matters and the consequent need for technical, or functional collaboration across national frontiers and the challenges to democratic political institutions as a result of the growing complexity of the tasks facing them. Functionalism, regards all things technical, or functional as political. Functionalism asserts that to move from a political to a technical framework is to limit drastically or even eliminate the potential for conflict, hence its emphasis on the progressives restriction of the role of political actors in favour of the technicians.

Functionalism is not a promise to act in a crisis, but itself the action that will avoid crisis (Mitrany, 1943). It is not a perspective theory and followers tend to coalesce around a broad agenda centered on public welfare and human needs, rather than the sanctity of nations states or an ideological credo. It states that the best way to provide for these needs is a world in which a number of supra- or transnational organizations control specific functions of human life.

2.11.2Rejection of the State

Functionalism rejects nation states as the main international agents and claims that their very existence implies a distraction from the maximization of public welfare. Mitrany claims that the state is an outmoded concept and that a system of national states is not the best way to provide public welfare. As Rosamond points out,

To regard the state as given was to impose an unnecessary inflexibility when it came to thinking about how the requirements of human beings could be best served (*Rosamond, 2000*)

Part of Mitrany's disgust of the state came from his insight into the inter-state dealings that led up to the two great wars. He was involved with League of Nations and witnessed firsthand its ineffectiveness. He ascribed this ineffectiveness not to a lack of powers but the fact that the League had been drawn up using out of date principles. He states that the League was an attempt to codify the 19th Century rules for international relations that simply did not work. In addition to its fault as an organization, he believed it persuaded the wrong agenda.

A change of frontier is bound to disturb the social life of the groups concerned, no matter whether it comes about peacefully or forcibly. This purpose of peaceful change can only be to prevent such disturbance; one might say indeed that the true task of peaceful change is to remove the need and the wish for changes for frontiers (Mitrany 1943).

Mitrany also disliked the limited thinking that a state-centric view imposed upon international relations, the assumption that the only alternative to nation states was a world state which was fundamentally flawed as it would be analogous to "Empire Building" and so would practice the antagonism that goes with that rather than bring peace. This was one of the reasons for Mitrany's dislike of Marxism with its final goal of a single world state. Mitrany also believed that with the birth of the welfare system there was a need to re-examine the state at a domestic level as the provider and organizer of functions. He saw states moving towards a more functionalist approach, responding to needs with a functional solutions, rather than a general rule that could not adapt to the specific situation. Mitrany's work with the Tennessee Valley Authority in the 1930's convinced him that constitutional politics was losing out to functional administration. The same creative that was reorganizing the domestic state would lead to the rational conclusion that some transnational activity was required due to the material independence of states. He believe that the only reason that functional thinking had not yet

penetrated the international means that “social nature, so to speak, has not had a chance to take its course” (Mitrany 1943).

Finally, Mitrany was against the concept of nation states as he feared that it would impair individual freedom. This is a fear that is echoed today and even at the regional level of a European state there are restrictions applied to the individual that did not previously exist. (Dauda, 2013)

2.11.3 Relevance of the Theory to Research Work

This has played a pivotal role in persuading Nigeria and Cameroon who are faced with boundary dispute to opt for the involvement of international organizations like the United Nations through one of its principal judicial organ, i.e. The International Court of Justice (ICJ) in the resolution of the boundary disputes between them through peaceful means without conflict. The ICJ being a prestigious, highly respected World Court that exists for the settlement of the international disputes by peaceful means as clearly outlined in the Charter of the United Nations, the establishment of its principal organ as contained within the Statute of the principal judicial organizations.

As stated in Article 93, of the United Nations Charter it provides that all members of the United Nations are ipso facto parties to the statute of international court of justice, gets secured support from all members of the Charter. To follow up and to the maintenance of Regional/Global peace.

The Nigeria Cameroon Mixed Commission was established in pursuant to the joint Geneva Communiqué of 15 November 2002. It held its first meeting on the 1-2 December, 2002. It was chaired by the Special Representatives of United Nations Secretary General. The United Nations coordinates its meetings and activities in its capacity as the chairman and the secretariat

to among other things to consider is the implications of the decisions of the court including the need for the promotion of confidence building mechanism between the people and the government of both countries. To protect the rights of the affected population in both countries the promotion of joint development economic ventures and cross –border cooperation and the demarcation, delineation, delimitation of the land and maritime boundary between the two countries.

CHAPTER THREE

RESEARCH METHODOLOGY

This section will centre on the method that will be used to gather data for the purpose of this study; it comprises of the research design, population sample and sampling techniques, Method of data collections techniques for data analysis and justification of method.

3.1 Research Design

The tenet of research design is that it describes the major procedure to be followed in carrying out the research work. It specifies the plan of the study, choice, pattern or scheme for solving research problem systematically. To put it simply, research design is essentially research plan that provides necessary details about the structure and strategy of the research at hand.

Also research design is a blueprint, or outline, for conducting the study in such a way that maximum tool will be exercised over factors that could interfere with the validity of the research result (Polit and Hungler, 1999). It is logical model of proof that allows the researcher to draw inferences concerning relationships among the variables under investigation. It also defines the domain of generalizability that is whether an obtained interpretation can be generalized to a larger population or to different situations (Obasi, 1999)

For the purpose of this study, the researcher will make use of descriptive and analytical method. The descriptive method is concerned with the collection of data for the purpose of describing and interpreting existing conditions, prevailing practices, beliefs, attitudes, on-going processes etc. (Ndagi, 1999:109)

The use of descriptive and analytical method of research becomes necessary in this study because. it is an examination of data and fact to uncover, understand, and to examine the role of the Cameroon- Nigeria Mixed Commission in the implementation of the judgment of the ICJ on

the Cameroon-Nigeria Boundary disputes by describing and analysing the event in question using the data obtain to explain the given situation.

3.2 Population

A population can be defined as including all people or items with the characteristic the researcher wishes to understand. For the purpose of this study, the population shall comprise of respondents who are knowledgeable about the workings of the Cameroon-Nigeria Mixed Commission in the implementation of the ICJ judgment.

The population of this study is derived from the staffs of the National Boundary Commission (NBC), Border Communities Development Agency (BCDA), Office of the Surveyor General of the Federation (OSGOF) and the Cameroon High Commission in Abuja.

Below is a table of the total population of the study:

Study

Population

S/No	Name of Organizations	Number
1.	Office of the Surveyor General Of the Federation (OSGOF)	779
2.	National Boundary Commission (NBC)	276
3.	Border Communities Development Agency (BCDA)	154
4.	Cameroon High Commission, Abuja.	29
	TOTAL	1238

Source: Staff Nominal Roll, July, 2018.

3.3 Sample Size

The sample size according to Gauba (2003) is a portion of the total population of the study.

Using the Taro Yamane formula (1967) for the determination of sample size.

The

Taro Yamane formula is presented as follows:

$$n = \frac{N}{1 + N(e)^2}$$

Where n = The sample size

N = The population size

$e = \text{error of sampling } (0.05)^2$

$$n = \frac{1238}{1 + 1239 (0.5)^2}$$

$$n = \frac{1238}{1239 \times 0.0025}$$

$$n = \frac{1238}{3.0975}$$

$$n = 400$$

Based on the Yamane's formula computed above, the sample size of the study stood at four hundred (400).

Also, in order to have a proportionate representation of the respondents, Taro Yamane's formula was also used to determine how the number of questionnaires will be distributed to 400 respondents.

$$\frac{n \times n_i}{N}$$

Where n = Sample size

n_i = Population of the organization

N = Population Size

Sample size Determination

Name of Organizations	Name of Organizations	Number	Sample size	% Percentage
1.	Office of the Surveyor General of the Federation (OSGOF)	779	$\frac{400 \times 779}{1238} = 252$	63%
2.	National Boundary Commission (NBC)	276	$\frac{400 \times 276}{1238} = 89$	22.25%
3.	Border Communities Development Agency (BCDA)	154	$\frac{400 \times 154}{1238} = 50$	12.5%
4.	Cameroonian High Commission, Abuja	29	$\frac{400 \times 29}{1238} = 9$	2.25%
	TOTAL	1238	400	100

Source: Formulated by the Author, July, 2018.

3.4 Sampling Techniques

Proportionate sampling technique is used in this research is (a method for gathering participants for study) because the population is composed of several sub-groups that are vastly different in number. This is because, the number of participants from each group or organization is being determined by their number related to the entire population.

3.5 Method of Data Collection

Basically, the study utilized both the primary and secondary data. The secondary data were sourced through documentary sources like journals, text books, reviews, newspapers and internet materials. Communiqué issued at the various Sessions of the Cameroon-Nigeria Mixed Commission.

Under the primary method, the researcher also used questionnaire and interview methods to collect primary data for the study. Questionnaire and interview methods were chosen because of their advantage in gathering information directly from the sample population. They are cost effective and proved to be useful in sounding opinions of respondents. The instruments used for data collection were 400 questionnaire and 10 people were interviewed. Direct face-to face contact was employed in administering the questionnaire and interview. 379 were retrieved back and used for the analysis. Although, the approach that was chosen had helped to reduce instances of non-return of questionnaire.

3.6 Method of Data Analysis

In analyzing the data, the researcher employed such statistical tools as tables, and simple percentages in assessing the role of the Cameroon-Nigeria Mixed Commission in the

implementation of the judgment of the ICJ on the period under study. To ensure reliability, the information obtained from the interviews will be cross-checked against other sources from secondary-records or documents. It will go a long way in ensuring consistency with which the instrument tended to measure, as well as adding details and authentication to such available information. The validity of the data from the records and findings from the questionnaires and interview will be achieved through the proper assessment of the materials on the contents and the research designs employed.

3.7 Justification of method

The methods of data collection and analysis are going to be mixed of both quantitative and qualitative.

On the quantitative, questionnaires and interview will be used. Questionnaire will be used as a device for getting answers to questions by using a form which is filled in by the respondents. Questionnaires also attempt to get the feelings, beliefs, expectations of the respondents. The questionnaires will be impersonal in nature as it ensures some uniformity from one measurements situation to another. Questionnaires makes a respondents to have a greater confidence in their anonymity and thus feel freer to express their view (Ndagi, 1999: 67) Questionnaires also permits more considered answers (Osuala, 2013: 273)

Structured interview is also used in the research because the standardized approach permits scientific generalizations to be made from the data obtained. (Ndagi, 1999: 63) is also very useful in collecting personal information, attitudes or beliefs and it is particularly useful in probing for additional information if the need arises.

The use of qualitative method is also important in this study because, it is explored through open questions which in turn allows the respondents to reiterate their opinions and ideas.

Qualitative methodologies provide avenues that can lead to the discovery of deeper level of learning.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

The chapter analyses the role of the Cameroon- Nigeria Mixed Commission in the implementation of the ICJ judgment on the Cameroon-Nigeria boundary dispute. It is essentially devoted to the data that was collected from the field survey that were presented and analysed after 400 questionnaires were administered and 379 were returned, presented, and analysed using tables, frequencies, and simple percentages for easy deductions.

The analysis was based on the views of the 379 respondents of the Office of the Surveyor General of the Federation (OSGOF), National Boundary Commission (NBC), Border Communities Development Agency, (BCDA), and the Cameroon High Commission, Abuja. Also, the interview that were carried out were done using purposive sampling technique based on the conviction that the population that the researcher identified would give the accurate data that would be used for the study. The selection of the population is done purposively since the research is also qualitative; the researcher hopes to get the documented data from the study for analysis. The researcher also purposively determined those that were to be approached for the needed data because of the nature and the sensitivity of the study.

The intention here is to make realistic suggestions and recommendations in the next chapter.

4.1. SECTION A: PERSONAL DATA OF RESPONDENTS

Table 4.1.1 Sex Distribution of Respondents

Sex	No. of Respondents	Percentages
Male	261	68.9%
Female	118	31.1%
Total	379	100

Source: Field Survey, August, 2018

Table 4.1.1 shows that majority of the respondent are male 261 representing (68.9%) and 118 were female representing (31.1%). It goes to show males are more disposed to aiding researcher in data collection than the female.

It may be noted that the percentage of male respondents in the sample is higher than the female respondents. This may be due to the fact that some male that the researcher approached to be respondents are more disposed, open, passionate and more inclined to issues.

Table 4.1.2 Age Distribution of Respondents

Age	No. of respondent	Percentage
18 – 23	21	5.5%
24 – 35	125	33%
36 – 55	197	52%
56 and above	36	9.5%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.1.2 shows that 36 – 55 years of age bracket are more aware of the activities of the CNMC in the implementation of the judgment of ICJ of 10th October 2002 because they constituted 57% of the responded as against 33% of the respondents who are within the ages of 24 – 35 the age bracket of 56 year and above make up 9.5% and those within the age bracket of 18 – 23 years constitutes 5.5% of the respondents. This shows that the people within the age bracket of 36-55 that make up the majority from the researchers findings were very eager and interested to help feed the researcher with data that are useful to the research.

Table 4.1.3 Marital Status of Respondent

Status	No. of Respondents	Percentage
Single	65	17.15%
Married	235	62%
Separated	48	12.67%
Divorced	31	8.18%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.1.3 shows that majority of the respondents which constitutes 235 (62.%) are married as against 65 respondents representing 17.15% who are single followed by those who are separated constitutes 12.67% and those who are divorced are 31 respondents representing 8.18%

Table 4.1.4 Qualification of Respondents

Qualification	No. of Respondents	Percentage
FSLC/SSCE	53	14%
NCE/OND	74	19.5%
HND/BSC	227	60%
MSC & Above	25	6.5%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.1.4 indicates that the respondents with HND/BSC qualifications are more because they represent 60% as against those with NCE/OND with 19.5%, those with

FSLC/SSCE qualification represents 14% and the lowest respondents in terms of percentage is MSC and above qualification because they have 6.5% of representation.

On the whole, this research utilized data gotten mostly from male respondents and those within the age bracket that can be described as adult formed the majority of those sampled. From the analysis, those that have the tertiary education qualification contributed a chunk of those sampled and that supplied the primary data for this research.

4.2 SECTION B: The Impact of Cameroon-Nigeria Mixed Commission in the Implementation of the judgment of the ICJ on the Cameroon Nigeria boundary disputes from 2006 – 2017

Table 4.2.1 The Cameroon-Nigeria Mixed Commission has promoted confidence building between the people and government of both countries.

Responses	No. of Respondents	Percentage
Strongly agree	94	24.8%
Agree	249	65.7%
Undecided	6	1.58%
Disagree	17	4.49%
Strongly disagree	13	3.43%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.1 shows that 65.7% of the total respondents agreed that the CNMC has promoted confidence building between the people and government of both countries, while 24.8% of the respondents also strongly agreed. But 4.49% of the total respondents totally

disagreed, also 3.43% of the total respondents strongly disagreed. Moreover, 1.58% of the respondents were undecided.

It is to be observed that majority of the respondents are of the opinion that the CNMC has played a vital role in the promotion of confidence building between the people and governments of both countries.

Table 4.2.2 The CNMC has been Successful in the Implementation of the ICJ Judgment.

Responses	No. of Respondents	Percentage
Strongly agree	149	39.31%
Agree	174	45.91%
Undecided	28	7.39%
Disagree	16	4.22%
Strongly disagree	12	3.17%
Total	379	100

Source: Field Survey, August, 2018.

From table 4.2.2, out of the respondents 174 (45.91%) agreed that the Cameroon-Nigeria Mixed Commission has been successful in the implementation of the judgment of the ICJ of October 10, 2002 concerning Cameroon and Nigeria, while 149 (39.31% of the respondents strongly agreed. But 28 (7.39%) were neither here nor there. Moreover, 16 (4.22%) disagree also 12(3.17%) strongly disagree.

This has really shown that majority of the respondents are convinced with the level of success being recorded by the CNMC in the implementation of the ICJ judgment.

Table 4.2.3 The Cameroon-Nigeria Mixed Commission (CNMC) has played a vital role in the peaceful withdrawal and transfer of Authority in the Lake Chad Area and Bakassi Peninsula

Responses	No. of Respondents	Percentage
Strongly agree	225	59.4%
Agree	124	32.72%
Undecided	15	3.95%
Disagree	10	2.63%
Strongly disagree	5	1.3%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.3 indicates that 1.31% of the respondents strongly disagreed that the CNMC has played a vital role in the peaceful withdrawal and transfer of Authority in the Lake Chad Area and Bakassi Peninsula, 2.63% of the respondents also disagreed, and 3.95% are undecided. However, 32.72% of the respondents agreed, while 59.4% of the total respondents strongly agree.

Consequent upon the above, we can conclude that the CNMC tried its best and has achieved a lot in ensuring that the areas in question were transferred peacefully to the two countries in accordance with the ICJ rulings of 10th October, 2002.

Table 4.2.4 The Cameroon-Nigeria Mixed Commission (CNMC) has contributed in the protections of the rights of the affected populations in accordance with the ICJ rulings.

Responses	No. of Respondents	Percentage
Strongly agree	15	3.95%
Agree	28	7.40%
Undecided	14	3.69%
Disagree	105	27.7%
Strongly disagree	217	57.26%
Total	379	100

Source: Field Survey, August, 2018.

The analysis of the table 4.2.4 reveals that 217 respondents representing 57.26% says they strongly disagree that the CNMC contributed in the protections of the rights of the affected populations also, 105 respondents representing 27.7% disagree. But 28 of the total respondents representing 7.40% says they agreed, also 15 respondents representing 3.95% strongly agreed. However, 14 of the respondents representing 3.69% are neither here nor there because they were indifferent.

This may not be unconnected with the people of the Bakassi peninsula that were affected by the ICJ judgment of October, 10th 2002. Some of them became displaced from their ancestral home and also became victims of all kinds of treatment as against the Green Tree Agreement signed by the two countries on 12/6/2006 (4) in New York USA.

Table 4.2.5 The Cameroon-Nigeria Mixed Commission (CNMC) has contributed in the promotion of the draft joint economic ventures and cross border cooperation between the two countries.

Responses	No. of Respondents	Percentage
Strongly agree	85	22.43%
Agree	158	41.7%
Undecided	35	9.23%
Disagree	49	12.92%
Strongly disagree	52	13.72%
Total	379	100

Source: Field Survey, August, 2018.

The table 4.2.5 indicates that 158 (41.7%) of the respondents says that they agreed that the Cameroon-Nigeria Mixed Commission has contributed in the promotion of the Draft Joint Economic Ventures and Cross-Border Cooperation between the two countries, also, 85(22.43%) of the respondents strongly agreed. While 52(13.72%) strongly disagree alongside 49(12.92%) respondents that says they disagree. Moreover, 35(9.23%) of the respondents were undecided.

Table 4.2.6 The Cameroon-Nigeria Mixed Commission (CNMC) has played a role in the re-activation of the activities of the Nigeria/Cameroon Joint Commission.

Responses	No. of Respondents	Percentage
Strongly agree	186	49.1%
Agree	103	27.17%
Undecided	19	5%
Disagree	39	10.29%
Strongly disagree	32	8.44%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.6 shows that 186 respondents representing (49.1%) of the total population says the CNMC has played a role in the re-activation of the activities of Nigerian Cameroon Joint Commission also, 103 of the respondents representing (27.17%) says they agreed. But 39 representing (10.29%) says they disagree also, 32 representing (8.44%) strongly disagree.

Moreover, 19 of the respondents representing (5%) were undecided.

Table 4.2.7 The Cameroon-Nigeria Mixed Commission (CNMC) has encouraged high level visits between the officials of both countries.

Responses	No. of Respondents	Percentage
Strongly agree	194	51.2%
Agree	117	30.9%
Undecided	25	6.6%
Disagree	23	6%
Strongly disagree	20	5.3%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.7 shows that 51.2% of the total respondents strongly agreed that the CNMC has encouraged high level visits between the officials of Cameroon and Nigeria, 30.9% of the total respondent also agreed. But 6.6% of the respondent, were undecided, 6% of the total respondents disagreed, also 5.3% strongly disagreed that the CNMC has encouraged high level visits between the officials of both countries.

Table 4.2.8 The Significant role of the CNMC in the demarcation, delineation and delimitation of the land and Maritime boundary between Cameroon and Nigeria.

Responses	No. of Respondents	Percentage
Strongly agree	53	14%
Agree	184	49.3%
Undecided	42	11.1%
Disagree	56	14.8%
Strongly disagree	41	10.8%
Total	379	100

Source: Field Survey, August, 2018.

The analysis of the table 4.28 reveals that 10.81 of the total respondents strongly disagreed that the CNMC has played a significant role in the demarcation, delineation, and delimitation of the Nigeria's land and maritime boundary with Cameroon. 11.1% of the respondents were undecided. Also, 14.8% of the respondents disagree. However, 14% of the respondents strongly agreed while 49.3% of the total respondents agreed that the CNMC has played a significant role in the process.

Table 4.2.9 The Cameroon-Nigeria Mixed Commission (CNMC) has ensured the withdrawal of military and civil authority from relevant area along the land boundary.

Responses	No. of Respondents	Percentage
Strongly agree	214	56.4%
Agree	90	23.7%
Undecided	19	5.2%
Disagree	30	7.9%
Strongly disagree	26	6.8%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.9 indicates that 214 (56.4% of the total respondents says they strongly agreed that the CNMC has ensured the withdrawal of military and civil authority from relevant areas along the land boundary, while 90 (23.7%) of the total respondents says they agreed. However, 30 (7.9%) of the total respondents disagreed, also, 26(6.8%) of the total respondents strongly disagreed. 26(6.8%) of the respondents were undecided.

Table 4.2.10 The Cameroon-Nigeria Mixed Commission (CNMC) has played a vital role in the withdrawal of troops from Bakassi Peninsula and the creation of the Bakassi zone in accordance with Green Tree Agreement of 2006.

Responses	No. of Respondents	Percentage
Strongly agree	189	49.9%
Agree	125	33%
Undecided	12	3.2%
Disagree	38	10%
Strongly disagree	15	3.9%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.10 shows that 49.9% says that the CNMC has played a vital role in the withdrawal of troops from Bakassi Peninsula and the creation of Bakassi zone in accordance with the Green Tree Agreement of 2006, 33% of the respondents says they also agreed. Moreover, 10% of the respondents disagreed, while 3.9% of the respondents strongly disagreed. But 3.2% were undecided.

Table 4.2.11 The Cameroon-Nigeria Mixed Commission (CNMC) has played a role in ensuring the avoidance of inflammatory and provocative statements on Bakassi Peninsula by both Governments

Responses	No. of Respondents	Percentage
Strongly agree	79	21%
Agree	120	31.6%
Undecided	45	11.8%
Disagree	77	20.3%
Strongly disagree	58	15.3%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.11 indicates that 31.6% of the respondents says that they agreed that the Cameroon-Nigeria Mixed Commission has played a role in ensuring the avoidance of inflammatory and provocative statements over Bakassi Peninsula by both governments. 21% of the respondents also says they agreed, while 20.3% of the respondents disagreed, 15.3% of the respondents strongly disagree. However, 1.8% of the respondents were indifferent because they were undecided.

Table 4.2.12 The Cameroon-Nigeria Mixed Commission (CNMC) has contributed in the withdrawal and transfer of authority in the Lake Chad area according to the ICJ Rulings.

Responses	No. of Respondents	Percentage
Strongly agree	213	56.2%
Agree	138	36.4%
Undecided	12	3.2%
Disagree	9	2.4%
Strongly disagree	7	1.8%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.12 shows that, out of 100% of the respondents 1.8% strongly disagreed that the CNMC has contributed in the withdrawal and transfer of authority in the Lake Chad Area according to the ICJ rulings, 2.4% of the respondents also disagreed, while 3.2% of the respondents were undecided. However, 36.4% for the respondents agreed and 56.2% of the respondents strongly agreed

Table 4.2.13 The Cameroon-Nigeria Mixed Commission (CNMC) has brought peace and development between the two countries.

Responses	No. of Respondents	Percentage
Strongly agree	5	1.31%
Agree	17	4.49%
Undecided	4	1%
Disagree	87	23%
Strongly disagree	266	70.2%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.13 shows that out of the total respondents, 70.2% says they strongly disagreed that the CNMC has not brought peace and development between the two countries, while 23% of the respondents disagreed. But 4.49% says they agreed that the CNMC has not brought peace and development, while 1.31% of the respondents says they strongly agreed. Also 1% of the respondents were undecided.

Table 4.2.14 The Cameroon-Nigeria Mixed Commission (CNMC) ensured that the two countries abided by the Green Tree Agreement of 12th, June, 2006

Responses	No. of Respondents	Percentage
Strongly agree	107	28%
Agree	192	51%
Undecided	14	3.7%
Disagree	49	12.9%
Strongly disagree	17	4.4%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.14 indicates that 192 (51%) says they agreed that the Cameroon-Nigeria Mixed Commission has played a vital role in ensuring that the two countries abided by the Green Tree Agreement signed on the 12th June, 2006. While 107 (28%) of the respondents says they strongly agreed. However, 49(12.9) of the respondents disagree, also 17 (4.4) of the respondents strongly agreed. But 14(3.7%) of the respondents were undecided that the CNMC has ensured that two countries abided by the Green Tree Agreement of 12th June, 2006.

Table 4.2.15 The Cameroon-Nigeria Mixed Commission (CNMC) has played a significant role in re-energizing the activities of the Lake Chad Basin Commission.

Responses	No. of Respondents	Percentage
Strongly agree	148	39%
Agree	175	46.1%
Undecided	28	7.4%
Disagree	16	4.3%
Strongly disagree	12	3.2%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.2.15 shows that 46.1% of the total respondents agreed that the CNMC has played a significant role in re-energizing the activities of the Lake Chad Basin Commission through the assistance of the international community, 39% of the respondents strongly agreed. But 7.4% of the total respondents were undecided. However, 4.3% of the total respondents disagreed also, 3.2% of the total respondents strongly disagreed that the CNMC has played a significant role in re-energizing the activities of the LCBC.

4.3 SECTION C: Challenges of CNMC in the implementation of the judgement of ICJ on the Cameroon-Nigeria boundary dispute from 2006 – 2017

Table 4.3.1: The interpretation of the 1931 Thomson-Marchand Declaration relied upon by the ICJ is among the challenges faced by the CNMC.

Responses	No. of Respondents	Percentage
Strongly agree	100	26.4%
Agree	205	54.1%
Undecided	29	7.7%
Disagree	27	7.1%
Strongly disagree	18	4.7%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.3.1 shows that 18 of the total respondents representing 4.7% says that they strongly disagreed that the interpretation of 1931 Thomson-Marchand declaration relied upon by the ICJ is among the major challenges faced by the CNMC in the implementation of the ICJ judgment, 27 of the total respondents representing 7.1% also says they disagreed. However, 29 of the total respondents representing 7.7% were undecided but, 100 of the total respondents representing 26.4% strongly agreed while 205 of the total respondents representing 54% says they agreed.

Table 4.3.2 Paucity of funds is one of the challenges faced by the CNMC in the implementation of its activities.

Responses	No. of Respondents	Percentage
Strongly agree	40	10.6%
Agree	182	48%
Undecided	27	7.1%
Disagree	80	21.1%
Strongly disagree	50	13.2%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.3.2 indicates that 182 (48%) of the total respondents says they agreed that the paucity of funds is one of the challenges faced by Cameroon-Nigeria Mixed Commission in the implementation of its activities, while 80 (21.1%) of the respondents says they disagreed; moreover, 50 (13.2%) totally disagreed. Also, 40 (10.6%) of the respondents says they strongly agreed that paucity of funds is one of the challenges faced by the CNMC in the implementation of its activities but 27 (7.1%) of the total respond were neither here nor there, they were undecided.

Table 4.3.3 Insecurity in the Lake Chad Area and the Bakassi Peninsula is a major challenge to the activities of the CNMC

Responses	No. of Respondents	Percentage
Strongly agree	256	67.6%
Agree	93	24.5%
Undecided	7	1.9%
Disagree	10.	2.6%
Strongly disagree	13.	3.4%
Total	379	100

Source: Field Survey, August, 2018.

The analysis of table 4.3.3. revealed that, 256 of the respondents representing 67.6% says they strongly agreed that insecurity in the Lake Chad Area and the Bakassi Peninsula is a major challenge to the activities of Cameroon-Nigeria Mixed Commission, while 93 of the total respondents representing 24.5% says they agreed, also 10 of the total respondents representing 2.6% says they disagreed. Moreover, 7 of the respondents representing 1.9% were undecided. 13 of the total respondents representing 3.4% says they strongly disagreed.

Table 4.3.4 Resistance by some sections of the affected population on account of neglect, absence of compensation and proper settlement is a challenge to the activities of the Mixed Commission

Responses	No. of Respondents	Percentage
Strongly agree	113	29.8%
Agree	226	59.6%
Undecided	16	4.2%
Disagree	13	3.4%
Strongly disagree	11	3%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.3.4 shows that 226 (59.6%) of the respondents says they agreed that resistance by some sections of the affected population on account of neglect absence of compensation, and proper settlement is a challenge to the activities of the Cameroon-Nigeria. It mixed commission, while 113 (29.8%) of the respondents says they agreed. However, 16(4.2%) of the respondents were undecided, also 13 (3.4%) of the respondents says they disagreed, and 11 (3%) of the respondent says they strongly disagreed.

Table 4.3.5 Protection of the rights of the affected populations is a challenge to the activities of Cameroon-Nigeria Mixed Commission

Responses	No. of Respondents	Percentage
Strongly agree	125	33%
Agree	189	49.9%
Undecided	38	10%
Disagree	12	3.2%
Strongly disagree	15	3.9%
Total	379	100

Source: Field Survey, August, 2018.

Table 4.3.5 shows that 189 of the total respondents representing 49.9% says protection of the rights of the affected population is a challenge to the activities of the Cameroon-Nigeria Mixed Commission while, 125 of the total respondents representing 33% says they strongly agreed. But 38 of the total respondents representing 10% were undecided. Moreover, 16 of the total respondents representing 3.9% says they strongly agreed, also 12 of the total respondents representing 3.2% says they disagreed.

4.4 Discussion of Findings

In table 4.2.1, according to the majority of the respondents, the Mechanism adopted by the Mixed Commission has really helped in the promotion of confidence building between the people and governments of both Nigeria and Cameroon because to a large extent, now communities along the boundaries don't see each other as enemies anymore, they relate with each other and they are aware that there is a boundary demarcating them and they relate with each peacefully. Unlike before when they see themselves as enemies. They are also aware that there is boundary and an imaginary line dividing them as 80% of all the places where the Cameroon-Nigeria Mixed Commission has carried out its mandates, the people who are living there are ready to show the boundary without any argument, without conflict and they realized these boundaries and they see nothing stopping them from doing what they are doing before. There is the need to appreciate the situation after 1992 – 2002, when the judgment was delivered, as at 1992, any further discussion of the boundary at official level the two countries were wide apart, but even at that time, at the level of the people there was no problem because relationship had continued without any abnormalities. But with that, the CNMC has put in place, an avenue of exchanges between the two countries, there has been visits between the officials of the two countries, they are now sitting face-to-face to discuss about their boundary and other challenges but before, Cameroon did say, she will never sit with Nigeria about this boundary issue they just want a judgment and the judgment brought us CNMC as a mechanism and also paved the way for the visit of President Goodluck Jonathan to Cameroon and President Buhari in his first two (2) weeks of assumption of office as he visited Cameroon unlike before where the two countries were just like cat and mouse, they were not seeing face to face prior to the ICJ judgment but after the formation of the CNMC, relationship among the two countries have really improved.

Moreover, the Mixed Commission has also helped in reducing tension between the citizens of Nigeria and Cameroon. Instead of what would have become a regional conflict that

would lead to the destabilization of the international system has been averted by the Mixed Commission. This is also reflected in the meetings that has been taking place between the officials of both countries in peace without any suspicion. That now they can laugh and eat together which was not like that before the establishment of the Mixed Commission. The views expressed above were corroborated by the Communiqué issue in 13th Session of Cameroon-Nigeria Mixed Commission, 28 – 29 July, 2005 in which the Mixed Commission said it has noted that progress had been made in implementing confidence building measures, and that both countries had participated in meetings on the rehabilitation of the Enugu-Abakaliki-Mamfe-Mutengene road and the Lake Chad Basin Commission. The Mixed Commission supported and encouraged the efforts of implementing confidence building measures and strengthening regional cooperation. To that extent, it welcomed the recent initiatives by the Lake Chad Basin Commission regarding the recharging of Lake Chad. It also hailed the recent decision of member countries of the Gulf of Guinea Commission expresses its gratitude for the support provided by some members of the international community and development partners to the affected population in the two countries. In addition

‘ In addition, regarding the Multinational Highway Project linking Cameroon and Nigeria, the Mixed Commission expressed satisfaction with the loan agreement signed on 15 May 2009 by Cameroon and Nigeria and the African Development Bank, which is a visible milestone in the development of economic cooperation and the strengthening of good neighbourly relations between the two countries. As a concrete confidence building project, the Mixed Commission encourages this effort.

The Senior Economist of the United Nations presented a report on the confidence building mission he undertook to Yaoundé in November 2008 on the follow-up concerning assistance to the affected populations and the development projects proposed for the Bakassi

“Zone”. Nigeria expressed interest in receiving, for purposes of information, the Cameroon Government project documents on development priorities in Bakassi. Cameroon reiterated its interest in the work of the United Nations, observer missions in Bakassi for monitoring and confidence building purposes. Furthermore, the Mixed Commission agreed that the United Nations Civilian Observers be involved in the sensitisation of the populations living in the boundary areas within the context of the pillar emplacement process.

The Mixed Commission noted on the 12th June 2009, in its 24th *Session* the support of Cameroon and Nigeria to a proposal from the United Nations to organize a meeting of both United Nations Country Teams and interested partners to explore ways and means of supporting community development projects all along the land boundary and in the Bakassi peninsula. This meeting is intended to establish common ground for a new approach to the initiation of cross-border development programmes. Cameroon and Nigeria took note that a formal request should be submitted to the United Nations in order to elicit its support.

Moreover, concerning confidence-building measures, the Mixed Commission in its 25th Session, which took place on the 9th October, 2009, also took note of the progress in the construction of the Enugu-Abakaliki –Mamfe-Mutengene cross-border road and the progress in discussions on the construction of a bridge over the Mayo Tiel river between the localities of Demsa (North Cameroon Region) and Belel (Adamawa State, Nigeria). The Mixed Commission also took note of the progress made in the electricity interconnection project between the two countries.

The Mixed Commission on the 23rd of July, 2011, in its 28th *Session*, noted with appreciation the progress reported by the UN Resident Coordinator for Nigeria and the representative of the UN Country team for Cameroon, regarding the confidence building initiatives in favour of the populations affected by the demarcation. It commended the efforts of

the United Nations to emphasize the human dimension of the demarcation process and its commitment to support the development of cross boarder socio-economic initiatives toward harmonious co-existence between populations on both sides of the boundary and sub-regional security, peace and stability.

Also, the Mixed Commission, on its 30th Session of 14th December 2012 noted and showed its appreciation on the progress reported by the UN Resident Coordinators for Nigeria and Cameroon, in particular the preparatory work carried out in support of confidence building initiatives.

The Coordinator of the Observer Group presented the report of the 16th Observation Mission of the Bakassi zone (the Zone). The Mixed Commission noted with satisfaction the peaceful atmosphere prevailing in the Zone in compliance with the Green Tree Agreement, and Congratulated both countries for their commitment to peace and cooperation.

Finally, Confidence-building measures supported by the Special Representative of Secretary General Djinnit have played an important role in re-establishing a degree of trust between the two countries, even to the extent that several recalled issues have been dealt with on an entirely bilateral basis. However, progress could not have been achieved without the commitment by the countries respective heads of states. In moving forward implementation of the agreements, on the displaced territories between Nigeria and Cameroon, the CNMC is successful in utilizing its impartiality technical expertise, and facilitation role and observing view the commission as a success in conflict prevention. In order to ensure the completion of its mandated, tasks and enable exit of the commission, the CNMC has continue working with the parties on outstanding issues around the remaining land and maritime border.

In table 4.2.4, according to the majority of the respondents the Cameroon-Nigeria Mixed Commission has not done significantly well in the area of the protection of the rights of the affected population because those who were affected by the judgment from Nigerian side have the illusion that the Nigerian government have not taken care of their rights that they have not been adequately catered for. This has led to the intimidation, threatening and even possible attack on the officials of the Mixed Commission who are carrying out their work in the affected areas.

Also, there are several incidences of reported attacks by the Cameroonian Gendarmes on Nigerian citizens, living on Cameroonian land which was formally a Nigerian territory. And even after returning back to Nigeria, they became internally displaced persons (IDPs). That there are also reported incidences that had led to the death and confiscation of properties belonging to the Nigerian citizens in the Cameroonian territory. Also the protection of the rights of the affected population has not been fully complied by the Cameroonian authority as stipulated in the Green Tree Agreement that was signed on the 12th of June, 2006.

These views were also supported by the Mixed Commission in the communiqué of its 18th Session that took place in Yaoundé from 5-6 April, 2007, in which it noted with satisfaction the approval of the report of the UN Observer Team on the latter's third visit to the Bakassi peninsula from 12 to 13 February, 2006 by the Follow-Up Committee and its adoption. It hoped that everything would be done to meet the socioeconomic needs of the affected populations, especially in terms of provision of education and health infrastructures, portable water and environmental protection. The mixed commission also took due note of the imminent opening of a UN Office in Calabar. To that effect, it was informed that the Government of Nigeria had authorized the opening of the said office.

The Mixed Commission also noted in its 19th Session of July 6th, 2007 with satisfaction the approval and adoption by the Follow-up Committee of the report of the Joint Observer Group on the latter's fourth visit to the Bakassi peninsula from 27th April to 2nd May, 2007. While

commending the work carried out by the Observers, the Mixed Commission recognizes the need to ensure the well-being of the populations of the peninsula, notably in terms of the social infrastructure as well as environmental protection. The Mixed Commission commended the efforts of Governments of Cameroon and Nigeria to meet the needs of the populations. It also heard the representative of UNITAR (United Nations Institute for Training and Research) on the assistance that this organization can render for the capacity building of the local communities

However, as a result of the allegation labelled against the Cameroonian Authority over the killings of 97 people of Bakassi, the Nigerian the Senate had on the 26th of July, 2017 directed the Ministry Of Foreign Affairs to hurry up and submit the Green Tree Agreement entered into by Nigeria and Cameroon on June 12, 2006 for ratification. The Senate also called on the Executive Arm of government to come up with a clear policy on the protections of indigenes in the Diaspora, including those in Cameroon. The Upper Chamber further called on the Cameroonian Government to respect the provisions of the agreement entered into with Nigeria on the ceding of the Bakassi Peninsula. This followed a six-point motion by Sen. Rose Oko (PDP-Cross River) and co-sponsored by five other lawmakers. The Senate also vowed to investigate the harassment of Bakassi indigenes in Cameroon. While condemning activities of the Cameroonian gendarmes against Nigerians in in the Bakassi Peninsula.Sen. Oko. Went further to say that Nigerian Nationals were being traumatized and treated as foreigners in their natural habitat. She further lamented that those that returned to Nigeria after the ICJ rulings were equally not properly settled, thereby living in makeshiftaccommodation for many years. The lawmaker noted that recent reports had it that 97 Nigerians were feared dead following alleged attacks by Cameroonian gendarmes over failure to pay a discriminatory boat levy of N100,000. That even preliminary investigation has shown that and is reported in the media, that they were killed but died in the sea, according to her, the fact remains that they were obviously fleeing from their host country distress. The lawmaker called on the need for Nigerian government to

come up with a definite policy to protect its citizens in diaspora, particularly in Africa to stop growing attacks killings and harassment. (Vanguard Newspapers, 27/7/2017).

But Dr Joseph Ngute, the Foreign Affairs Minister of Cameroon on his visit to Nigeria on the 3rd of August, 2017 in respect of the alleged killings of 97 Nigerians in Cameroon, he disagreed by saying that there was no iota of truth in all the reports, that Cameroon is a law abiding country and no such thing would ever happen. On the reported killing of over 97 Nigerians, the minister said nobody was killed, noting that it was a fabrication which appeared in the media, which nobody knew its purpose. “We are here to inform the government of Nigeria that a month ago, we had reports in the media concerning massacre of people in the Bakassi area. “We sent our administrators and we asked Nigerian Counsel in Buea to accompany them. They went there and realised that not a single person was touched and nobody was injured or killed,” he said. The minister said that the team came to discuss the situation that afflicted North Western part of Cameroon and North-Eastern part of Nigeria concerning the fight against Boko Haram.

In table 4.2.4, according to the majority of the respondents that the Cameroon-Nigeria Mixed Commission has contributed in the promotion of the draft joint development economic ventures and cross-border cooperation between the two countries because, there has been the Reconstruction and rehabilitation of the trans-African Highway from Ikom {Nigeria} to Mamfe {Cameroon} supported by African Development Bank (ADB) there is also the joint utilization of straddling maritime resources, the utilization of straddling oil in the maritime boundary, the Mixed Commission has also waged in machineries and has put in place working group on the maritime boundary and the working group discovered oil activities that is straddled in the new boundary between 2004 to date, that they have been able to spearhead the agreement between the two countries to jointly exploit the straddling resources with that effect, and that the agreement has been drafted and it has being initiated by the two countries and what is remaining now, is to perfect it in terms of implementation mechanisms so that it can be done. Also, there is also the

digitization of the cooperation of the oil blocs giving by Nigeria and Cameroon as they are drawn from the same sources or the same reserve.

Moreover according to the respondents the local people along the border areas are also joined by economic ventures, marriages and other activities which is stimulus to other forms of development.

However, on cross-border cooperation between Nigeria and Cameroon, the respondents also said the Mixed Commission has made movement and cooperation between the two countries easier and stronger and they are getting closer, such that there were two trans-border cooperation workshops that were held in Uyo, Akwa Ibom in 2013 and in Cameroon in 2016, all in the effort to build bridges across the boundaries, by building of understandings, building of commerce, building of bridges of Diplomacy, bridges of joint security activities and others. This has also led to the establishment of Forum of Border Governance of Nigerian and Cameroon, and from time to time, it is expected to be the focusing on cross-border activities between the two countries.

As stated by respondents, people across the border areas from the two countries are interacting with each other. And that now people know their exact boundary if they are crossing to another country they now know unlike before due to lack of clarity of the international boundary line dividing people.

These views by the respondents were also corroborated by the Mixed Commission in its 23rd Session of 10th October, 2008, by making conclusion between Cameroon and Nigeria of a framework agreement on cross-border cooperation in matters concerning oil and gas production from fields straddling or along the maritime boundary which will include a resource clause.

Also, the review of national legislation on oil and gas resources to take into account the requirements of cross-border cooperation,

The inclusion of national institutions in charge of matters concerning oil and gas, as well as oil and gas companies operating in the area in the process.

The Mixed Commission in its 29th Session of 31st August, 2012, also considered the agenda item on Cross-Border Cooperation on hydrocarbons. The Nigerian Delegation undertook to expedite the consideration process of the Draft Framework Agreement on Cross Border Cooperation on Hydrocarbons along the Maritimes boundary or straddling of the said Boundary.

In table 4.2.8, majority of the respondents say they agreed that the Mixed Commission has greatly succeeded in demarcation, delineation, and delimitation of the land and maritime boundary between Nigeria and Cameroon for almost 80 per cent, because what is left according to the respondents is about 13 disagreement areas, that are yet to be concluded which are less than 100km when all of them are added together out of more than 2000km land boundary that were resolved.

In addition to the responds of the respondents, that when the CNMC was put in place, there was a provisional delimitation done by the United Nations by interpreting the judgment of the ICJ, they put up a line which is by and large correct and that what they do was to assessed the boundary, and that it is estimated over 2000 boundary pillars were emplaced along the entire lines of the boundary; they also took away the lines where it is defined by Rivers and the lines that is defined by difficult mountains like the Atlantika mountain that cannot be easily transversed, and cannot be assessed by foot, by land, by Donkeys, or by Aeroplanes. That a Desktop demarcation or digital mode of demarcation known as Digital Elevation Model {DEM} to assess the inaccessible portion of Alantika Mountain, was carried out and are in the process of replacing over 300 in the next two months.

That Nigeria has been able to return some settlement to Cameroon and Cameroon too has also returned some territories to Nigerian in the area of the Lake Chad. That this has been one of the success stories of the Mixed Commission, and that what is remaining could be around 20% of land and maritime boundary that are awaiting final demarcation.

The views expressed above were further affirmed by the activities of the Mixed Commission in its 18th Session that took place on the 5 – 6 April, 2007 which it considered and adopted the report of the Sixteenth meeting of the sub-commission on Demarcation. The Commission commended the excellent demarcation work that made it possible to cover an additional distance of 235 km during phase two of the field assessment exercise, thus bringing the total distance covered to about 700km of the land boundary. Also the Mixed Commission decided that Phase Three (A) of the field assessment exercise should be carried out from 14 May to 24 June, 2007, when it is hoped that the Joint Technical Team could cover an additional distance of 205 km.

The Mixed Commission also in its 21st Session on the 14th March 2008 examined and adopted the reports of the Second Extraordinary Meeting of the Working Group on the Maritime Boundary held on 15 and 16 January 2008 and of the Twelfth Ordinary Meeting held on 12 and 13 March, 2008 in Yaoundé. The parties agreed on the delineation of the loxodrome extending from point X seawards. The British Admiralty Chart 1387, “Calabar to Bata, including Isla de Bioko” 2007 edition, including the transposition of the Loxodromic line was formally approved and signed by the Heads of Delegations and the Special Representative of the Secretary General of the United Nations, Chairman of the Cameroon Nigeria Mixed Commission. This ends the implementation of the international court of justice’s judgment of 10 October 2002, in respect of the Maritime Boundary. The Commission expressed satisfaction at the results achieved so far, which no doubt will pave the way for increased cooperation between the two states.

In addition to this the Mixed Commission agreed on its 24th Session of 12th June, 2009 on the need for a public information campaign on the demarcation process and welcomed the UN proposal for the production of a documentary-film that would illustrate the Cameroon-Nigeria experience of peaceful resolution of their boundary dispute.

Moreover, in order to ensure proper sensitization of the population along the boundary, the Mixed Commission on the 11th March 2011, on its 27th Session agreed to set up a sensitization mission within the Sub-Commission on Demarcation comprising five representatives from each of the Parties and the United Nations with a view to sensitizing the population in the concerned areas of the demarcation process. As this is said will be done in collaboration with local authorities, traditional rulers and security services. The commission requested the two Parties to designate their representatives on the mission as soon as possible. The terms of reference of this mission will be considered and adopted during the next extraordinary session of the Sub-commission on Demarcation scheduled to be held in Yaounde from 12 to 15 April. Concerning the resolution of the issue of the village of Mada as referred to in the Thomson-Marchand Declaration, the Mixed Commission agreed on the terms of reference of a Joint Technical Team Mission to identify its location.

In order to resume pillar emplacement works along the land boundary, the Mixed Commission on its 30th Session of the Cameroon-Nigeria Mixed Commission, in 14 December 2012, requested the committee established by the Sub-commission on Demarcation, to review the existing pillar emplacement project document. The Mixed Commission further requested the committee to prepare a comprehensive document reflecting the budget estimates for the entire operation, with a view to fund mobilization from bilateral and multilateral donors.

In table 4.3.1, as opined by the majority of the respondents, one of the major challenges faced by the Mixed Commission in the implementation of the ICJ rulings is the interpretation of the 1931 Thomson-Marchand Declaration that is relied upon by the ICJ. The rudiments of it were done in 1928 to 1930, when the limitation process was carried and put in place, and the agreement was signed in 1931. Majority of the respondents say for a document of 1931 to be interpreted in 2018, it is going to be very difficult.

The views expressed above is affirmed by (the Guardian Development work report of February, 16, 2014). And it sated since 2011, technical and logistics teams have travelled from Senegal's capital, Dakar, to lay down the concrete pillars that form the Cameroon-Nigeria border. The UN support team to the Cameroon-Nigeria Mixed Commission (CNMC), which is charged with physically demarcating the land and sea boundaries, is based in Dakar. The job poses enormous physical, logistical and legal challenges. The border spans 2,100km across mountains and desert in the north, dense forests in the south, and 21 border points in the ocean.

The topography "and the climatic conditions present an unprecedented challenges in the demarcation process", said a member of the UN team. The project was "longer than the sum of the UN-led demarcation projects between Ethiopia and Eritrea, Indonesia and East Timor, and Iraq and Kuwait".

The concrete primary and secondary pillars – placed every 5km and every 500 metres respectively – are cast on site, but getting the materials to areas inaccessible by road is a hurdle, said team members.

Steps involved in setting up a pillar include mapping the co-ordinates; preparing and excavating the site; constructing the pillar; curing the concrete and verifying it, said the project manager of the UN support team to the CNMC in Dakar.

Some mountainous areas, such as the Alantika Mountains, are inaccessible to boundary-markers; cartographers have mapped these locations digitally, using global positioning system co-ordinates and a "digital elevation model", a programme that enables accuracy within 1cm.

In able 4.3.2, as opined by the majority of the respondents is the problem of Paucity of funds is one of the challenges faced by the CNMC in the implementation of its activities. This according to has continued to hinder the implementation of the activities of the Mixed Commission.

This view explained above was also corroborated by the United Nations Office for West Africa (UNOWA) in (2014) which stated that to overcome in the process is mobilizing the financial resources necessary to sustain the CNMC, while UNOWA in 2010 strengthened managerial and project management capacity in support of the Cameroon-Nigeria Mixed Commission Trust fund the capacity of the commission to its mandate remains somewhat constrained. (*UNOWA, 2014*)

They also acknowledged the working system of the United Nations that is highly Bureaucratic, slow, money consuming, and that the International bidding process of the tender is very long which is also a major challenge.

In Table 4.3.3, according to the opinion of the majority of the respondents insecurity in the Lake Chad Area and the Bakassi Peninsula is a major challenge to the activities of the CNMC which was not there before, that in the Lake Chad Area there are elements of Boko Haram and that also, there was a time that the security issue from the Nigerian side was very terrible and work could not go on. Both countries were engulfed with security challenges and everything stopped the Maritime area too is not left out as a result of the emergence of some militia groups that have continued to affect the smooth operation of the Mixed Commission.

This views was also supported by Najat Rochdi the UN head in Cameroon which he said that there is insecurity in many of the target areas: Bakassi is on the Gulf of Guinea, where

piracy is rife, on the Nigerian side Boko Haram and its affiliate militant groups engage in kidnapping and other violence, and there are "acts of banditry all over,".

In table 4.3.4, as stated by the majority of the respondents that resistance by some sections of the affected population on account of neglect, absence of compensation and proper settlement is a challenge to the activities of the Mixed Commission. This has led to the emergence of many resistance movements in the affected area and in many occasions and has affected the activities of the Mixed Commission negatively.

In Table 4.3.5, majority of the respondents say that the Protection of the rights of the affected populations is a challenge to the activities of Cameroon-Nigeria Mixed Commission. This may not be unconnected with several incidences of reported incidences attacks by the Cameroonian Gendarmes on Nigerian citizens, living on Cameroonian land which was formally a Nigerian territory. And even after returning back to Nigeria, they became internally displaced persons (IDPs). There are also reported incidences that had led to the death and confiscation of properties belonging to the Nigerian citizens in the Cameroonian territory. Also the protection of the rights of the affected population has not been fully complied by the Cameroonian authority as stipulated in the Green Tree Agreement that was signed on the 12th of June, 2006. According to views of the majority of the respondents

On the ways to follow in order tackle the challenges faced by the Mixed Commission in the implementation of the ICJ judgment of 10th October, 2002. Majority of the respondents made the following contributions:

That the two countries that is Nigeria and Cameroon, should agree to provide solid and good joint security arrangements, so that from both sides of the border they will be all covered as being extra vigilant along the border in neighbouring communities as this will also help in addressing the challenges faced by the CNMC.

Also the plights of the affected population from the Nigerian side who are not well taken care of really need to be considered the government should take good care of their welfare as provision of accommodation to them only without taking care of their economic survival will not help the situation on ground.

That there is also the need for the affected populations to understand that sovereignty belongs to Cameroon that whosoever wants to live there should live according to the laws of the Cameroonians. That you cannot operate as a Nigerian within Cameroon territory that is why most times they are having problems. That if there is any tax requested by the Cameroonian authority to be paid as a residence they have to abide by it and pay in order to have peace which will help in the smooth operation of the activities of the CNMC as said by the majority of the respondents.

That there are some specific challenges of the Mixed Commission that are to be handled by Nations; there are some that are to be handled by the CNMC as a group. And some to be handled by departments within the group that come from the United Nations whose main role is to broker good relationship between the two countries as this will help in addressing some of the challenges faced by the Mixed Commission in carrying out its activities.

That the two countries should cooperate directly to with each other in order to address the problem faced by the Mixed Commission in the interpretation of the Thomson-Marchand document the problem over the remaining disputed 100km of territory . Also the problem of funding of the activities of the CNMC due to the Bureaucratic system of the United, that they should simply informed the United Nations that this is how we have agreed and they are bound to accept various agreement.

That about the funding of the activities of the Mixed Commission, the two countries are should not wait for the United Nations alone and other donor countries for carrying out the activities of the Mixed because there are two (2) types of findings.

- i. There is the funding for demarcation which is pillar emplacement that resides with the United Nations 100 percent.
- ii. Then secondly, there is the funding for joint activities of the teams of both countries, because each side fund its own operations and if they don't have money, the activities of the Mixed Commission cannot go on.

There is also the need to make provision for more bilateral agreements between the two countries to enable them to be on the same page in order to have political will to change things for the better.

Despite the challenges to globalism in the contemporary world, there is the need for the United Nations to increase its funding to CNMC as it will be on record that this is one of the peaceful international engagement which has become a model in international boundary disputes resolution.

Also, other donors' countries like the USA, Canada, and the European Union, should also make more donations to the Mixed Commission in order to carry out its activities successfully for the two countries to live in peace and harmony.

Finally, majority of the respondents say that there is the need for the provision of security as it is very vital according to them someone cannot embark on any human endeavour without being provided with adequate security

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

This study has historically reviewed the reasons behind and conceptualized how African borders are the product of rivalries that characterized the relationships between the Imperial Powers in the late 19th Century and early Twentieth Century. Added to and related to these rivalries were the obsessions to exclusively corner certain resources for their own interest. Since the boundaries were drawn without due regards to the wishes and needs of the African people. Symptoms of the boundaries dispute began to surface across the continent as early as the 1950's. By the 1960's when most of the African countries had attained independence, boundary disputes resulting in conflict, were already becoming a threat to the unity of the continent. In other wisdom, the founding fathers of the Organization of the African Unity (OAU), in July, 1964, decides to retain the boundaries as inherited when the members states of the organization each attained independence. This was certainly a security guarantee of some sorts, to avoid political problems and insecurity which redrawing the borders would have generated. It was one way of achieving continental peace.

There exists a plethora of literature today on how the United Nations has tackled with issues that has to do with conflict among Nations in the International system though its various organs, like the international court of Justice (ICJ) in the area of International boundary disputes management. As a researcher, there is a clear understanding as to why the subject area of research draws a lot of attention; CNMC's role in a way is a process and also a model of preventive diplomacy and a new approach of peaceful settlement of border disputes on the African continent and has also led to the prevention of outright conflict between the two countries that were not in a good terms for a very long time. The Cameroon-Nigeria mixed, commission can be said to have contributed in the promotion of

continental and global peace in the process of the implementation of the ICJ judgment of October 10, 2002.

Chapter one of this study lays the foundation of this rather interesting topic by introducing the study in its entirety, drawing attention of the audience to the subject at hand; the role of CNMC in the implementation of the judgment of ICJ on the Cameroon-Nigeria boundary disputes 2006 – 2017. There have been so many international boundary disputes that have taken place among states in the international arena that cut across continents, from Europe, to North/South America, Asia and Oceania. The African continent too is not immune from this type of problems due to the colonization, and the inheritance of the colonial borders by the new emerging African states. The characteristics of the African borders have led to conflict and even crisis and among the crisis which Africa have witnessed, mention must be made of the Ogaden war in the horn of Africa involving Ethiopia, Kenya, and Somalia, the Chad Libyan war over the disputed Ouzou strip, the Burkina Faso Mali wars, Guinea/Senegal, Guinea/Liberia war and the shootout between Nigeria and Cameroon which led to the intervention and the passing of judgment by the international court of justice on the matter on the 10th of October, 2002, and the establishment of the CNMC for the implementation of the judgment.

But for the purpose of this research our attention is on the CNMC's role in the implementation of the judgment. The chapter clarifies the objectives of the study by looking at the broad objectives which has to do with the impact of the CNMC's role in the implementation of the ICJ rulings in the area of confidence building between the people and governments of both countries; the protection of the rights of the affected population; the promotion of joint economic development ventures and cross border cooperation between the two countries. The chapter also looked at the research questions, propositions, significance of the study, and scope of the study and the organization of the work.

In chapter two, the study reviewed different literature on the concept of border and boundaries, Border lands and cross border areas; international boundary was also looked out, which is a boundary that delimits the areas of jurisdiction of two adjoining sovereigns states. The phases of boundary makings in African was also highlighted. The concept of international law was also discussed. The chapter also gave a background of the Nigeria-Cameroon border that are located on the West coast of the African continent both of them shared common political and economic institutions as part of the British West Africa. The dominant causes of the boundary disputes between Nigeria and Cameroon was also reviewed. Also, the attempt to resolve the boundary disputes in the past was also highlighted. The ICJ rulings on the boundary disputes between the two countries were also reviewed; the impact of international mediators on the management and the implementation of the ICJ's rulings on the Cameroon/Nigeria boundary disputes. The adopted communiqué for the first meeting of the CNMC was also reviewed. In addition the Green Tree Agreement entered between Nigeria and Cameroon on the 12th of June, 2006 was also reviewed. Also reviewed, was the activities of the mixed commission in the promotion of confidence building between the people and governments of both countries'; the protection of the rights of the affected population.

The chapter also contained the theoretical framework used for the research, which is the functionalism theory, is a theory of international relations that arose during the inter-war period principally from the strong concern about the obsolescence of the state as a form of social organization.

Chapter three delved into the methodology of the study for the research design, this study utilized the historical descriptive research. The historical descriptive research design that was adopted in this research gave a picture of the situation of how for the quest to avoid conflict between Nigeria and Cameroon over their boundary disputes and the quest to promote peace and development through the effort of international organization like the United Nations through the

good office of the secretary general who played a vital role in the enforcement of the judgment of the ICJ of 10th October, 2002. The role manifested in the extraction of pre-judicial commitments, the convening of post judgment tripartite submit, the setting up of the CNMC and the midwifing of the Green Tree Agreement.

The population was drawn from staff of National Boundary Commission (NBC) Office of the Surveyor General of the Federation (OSGOF). Border Communities Development Agency (BCDA) and the Cameroonian Embassy in Abuja. The sample was 400 respondents following its determination by using the Taro Yamane formula. The purposive sampling technique was adopted. The method of Data collection was through primary and secondary data were analysed using percentages and interview was also carried out.

Chapter four ultimately focused on data presentation and analysis which emphasis on the impact of the Cameroon-Nigeria Mixed commission's role in the implementation of the judgment of the ICJ on the Cameroon-Nigeria boundary disputes.

The chapter unravelled that the propositions are: the CNMC has promoted confidence building between the people and government of both countries; the CNMC has contributed in the protection of the rights of the affected population; the Cameroon-Nigeria Mixed Commission has contributed in the promotion of the draft joint development economic ventures and cross border cooperation between the two countries; The Cameroon-Nigeria Mixed Commission has been successful in the process of demarcation, delineation and delimitation of the land and maritime boundary between the two countries were discussed. Also analyzed were the challenges faced by the CNMC in the implementation of the ICJ rulings; the ways to overcome the challenges faced by the mixed commission were built around them.

5.2 Conclusion

Throughout this study, the issue of how international boundary disputes can be solved through peaceful means though, the intervention of the United Nations as it concern Nigeria and Cameroon has been highlighted. The judgment that was delivered by the ICJ as one of the principal organ of the United Nations. By looking at the complex nature of the boundary disputes between Nigeria and Cameroon that has lasted for many years, it has become very glaring that the judgment of the ICJ alone was not enough to bring a sustainable peace and competence agreement between the two countries who for many years are involved in the conflict over the disputed boundaries from Lake Chad to the sea. In the anticipation of the judgment of the court, the then Secretary General of United Nations Dr. Kofi Anan invited the two Presidents Chief Olusegun Obasanjo and Paul Biya of Cameroon for a crucial meeting in Paris on the 15th of September, 2002, and both Presidents agreed to respect and implement the decision of the ICJ over the disputed territories and to establish a mechanism for implementation with the support of the United Nations and adopted confidence building measures among other things. The secretary general and the parties agreed to continue the bilateral negotiations at the Ministerial levels of the Joint Commission. The two presidents also agreed on the need to engage a confidence building measures, including the eventual demilitarization of the Bakassi peninsula, with the possibility of international observers, to monitor the withdrawal of all troops; an early visit to Nigeria by President Biya and the avoidance of inflammatory comment over Bakassi by either side.

After the judgment, on the 15th of November, 2002, in Geneva Switzerland, the parties reiterated their commitments by the spirits and letters of the judgment and then, they asked the Secretary General to establish a Mixed Commission of Cameroon/Nigeria and the United Nations to consider ways of following up on the ICJ rulings and moving the process forward. At

the end, the Mixed Commission was finally established and held its first meeting on the 1-2nd December, 2002 in Yaoundé Cameroon.

On proposition one, it is obvious from the responses of the respondents that the mechanism adopted by the mixed commission, has really helped in promoting confidence building between the people and government of both countries, because, largely now, there is high level of interaction between the officials of both countries and relationship between them has continued improve without any abnormalities. The officials of the two countries are now sitting face-to-face to discuss about the boundary problems and other challenges unlike before.

In addition, according to the majority of the respondents, the Mixed Commission has helped in reducing tension between the citizens of both countries. The mixed commission has also played a significance role in the construction of the Enugu Abakaliki Mamfe – Mutenge cross-border roads and other projects as a means of promoting confidence building.

On the second propositions, whether the Mixed Commission has played a role in the protection of the rights of the affected population, majority of the respondents say the Mixed Commission has not achieve success in this aspect as a result of those that were affected by the judgment from Nigeria have the illusion that the mixed commission and the Nigerian government have not taken care of their right and that they have not been adequately catered for. They say that there are several reported incidences of attacks by the Cameroonian Gendarmes and some militia groups on Nigerian citizens living on the Cameroonian land which was formally a Nigerian territory. And after returning to Nigerian they found themselves in a very difficult situation where majority of them become internally displaced persons (IDPS) due to the way the processes were handled by the authorities.

The third proposition is on the role of the Cameroon-Nigeria Mixed Commission's contribution in the promotion of draft joint development economic ventures and cross-border cooperation between the two countries. Majority of the respondents say the Cameroon-Nigeria

Mixed Commission has really achieved some level of progress, because there has been the reconstruction and the rehabilitation of the Trans African super highway from Ikom (Nigeria) to Mamfe in Cameroon supported by the African Development Bank (ADB). There is also the Joint utilization of the straddling maritime resources by putting a mechanism through a working group on the maritime boundary and the discovery of oil activities that are straddled in between the new boundary between 2004 to the present time. Also, the relationship between the local people along the border areas has really improved as a result of their various areas of engagement of economic ventures, and even marriages. Other activities are stimulus to other forms of development.

On the fourth propositions, majority of the respondents say they agreed that the Mixed Commission has greatly succeeded for almost 80% in the demarcation, delineation and delimitation of the land and maritime boundary between the two countries. This is because of the over 2000km of the boundary that were marked only about over a 100km are yet to be concluded which covers about 13 disagreement areas. According to the respondents that Nigeria has been able to return some settlements to Cameroon and Cameroon has also returned some territories to Nigeria in the area of the Lake Chad.

5.3 Recommendations

In view of the activities of the Cameroon-Nigeria Mixed Commission in process of the implementation of the judgment of the International Court of Justice which has been facing some challenges as result of the complex nature of its activities.

In the light of the above, this study will like to suggest some certain measures that would enhance the effective activities of the Mixed Commission.

1. The two countries that is Nigeria and Cameroon, should agree to provide solid and good joint security arrangements, so that from both sides of the border they will be all covered by

being extra vigilant along the border in neighbouring communities as this will also help in addressing the challenges faced by the CNMC.

2. Also the plights of the affected population from the Nigerian side need to be addressed by improving on their welfare most especially the internally displaced persons (IDPs) because, provision of accommodation to them only without taking care of their economic survival will not help the situation on ground.
3. There is also the need for the affected populations to understand that sovereignty belongs to Cameroon that whosoever wants to live in Cameroon should live according to the laws of the Cameroonians.
4. There are some specific challenges of the Mixed Commission that are to be handled by Nations; and there are some that are to be handled by the CNMC as a group. And some to be handled by departments within the group that come from the United Nations whose main role is to broker good relationship between the two countries as this will help in addressing some of the challenges faced by the Mixed Commission in carrying out its activities.
5. There is the need for the two countries to cooperate directly with each other in order to address the problem faced by the Mixed Commission in the interpretation of the Thomson-Marchand document over the remaining disputed 100km of territory.
6. About the funding of the activities of the Mixed Commission, by the two countries they should not wait for the United Nations alone and other donor countries but rather, they should go ahead and jointly finance the activities of the Mixed Commission..
6. There is also the need for the provision of more bilateral agreements between the two countries to enable them be on the same page in order to have political will to change things for the better.
7. Despites the challenges to globalism in the contemporary world, there is the need for the United Nations to increase it's funding to CNMC as it will be on record that this is one of

the most successful and peaceful international engagement that has become a model in international boundary disputes resolution.

8. Also, other donors' countries like the USA, Canada, and the European Union, should also make more donations to the Mixed Commission in order to carry out its activities successfully for the two countries to live in peace and harmony.
9. There is also the need for the provision of security to the officials that are carrying out the activities of the Mixed Commission, because, no one can embark on any human endeavour without being provided with adequate security.
10. In addition, for Nigeria and Cameroon to resolve the various challenges of their borderland which is has been hindering the smooth activities of the Mixed Commission, the cross-border areas concept should not be ignored, as it could be a driver for public policy. Since Nigeria and Cameroon share a common geographical area with contiguous local government areas and provinces, the cross-border areas approached if formalized, will involve local authorities in the grassroots integration process
11. The establishment of administrative institutions shared by both states would provide opportunities for dialogue between civil society organizations and other groups interested in cross-border integration initiatives at the grassroots. The cross-border area could strengthen the process of partnership framework and generate synergy between the two states, the local provincial authorities, the privates actors and aid agencies in the collective management of border areas. Joint development plans and generation of rural data become imperative as this will help in the promotion the draft Joint development economic ventures and cross-border cooperation between the two countries by the Mixed Commission.
12. There is the need for the revival and the institutionalization the Nigeria-Cameroon Joint Border management consultation meeting in order to contribute in the promotion the draft

Joint development economic ventures and cross-border cooperation between the two countries as envisaged by the Cameroon-Nigeria Mixed Commission.

13. The need to provide a scientific platform for more public enlightenment on the issues involved in the handing over of the Bakassi Peninsula to Cameroon by Nigeria. As emphasis need to be placed on the text of the ICJ judgment, on the affected populations welfare and, especially, the imperative for the parties to respect the local populations fundamental and particular human and people's rights.
14. There is the need for both parties to draw up bilateral and multilateral instruments in line with the adopted (2012) African Union Convention on cross-Border Cooperation, itself inspired by the 1984 European Outline Convention on Transborder Cooperation Between Territorial Authorities and Communities that has assisted the deepening of the European integration process which is line with the objectives of the Cameroon-Nigeria Mixed Commission.
15. There is also the need to utilize cross-border languages as core ingredient of the border communication in order to make the activities of the CNMC less tedious.
16. There is also the need to harmonize the conflict in laws and in order to re-orientate the law enforcement agencies of states- Customs, Police, Gendarmes, Immigration, Army, Coast Guard, and the introduction of community policing at the local or grassroots level in order to collaborate, share information on crimes and criminality against the backdrop of the continuous harassment of the people who were affected by the judgment of the ICJ through the actions of some criminal organizations across the boundaries of Nigeria and Cameroon.
17. The joint exploitation of the of the cross-border straddling resources between Nigeria and Cameroon as initiated by the Mixed Commission, can be best approached with the approach

adopted in the joint utilization arrangements as adopted by the Nigeria-Sao Tome and Principe Joint Development Authority (JDA) on their Joint Development Zone. (JDZ).

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Appendix (A)

Questionnaire

I am a postgraduate student in Department of Political Science/International Relations of Nasarawa State University, Keffi. I am currently carrying out a research on **The role of Cameroon-Nigeria Mixed Commission in the Implementation of the Judgment of ICJ on the Cameroon-Nigeria boundary dispute (2006-2017)**. This is a part of the requirements for the award of Master of Science Degree (MSC) in International Relations in the Department of Political Science/International Relations. Please respond appropriately to the questions and statements as all information volunteered will be treated with absolute confidentiality. Please tick accordingly [☐ ☒].

SECTION A: PERSONAL DATA OF RESPONDENTS

- (1) Sex: (a) Male [☐] (b) Female [☐]
- (2) Age: (a) 18-23 [☐] (b) 24-35 years [☐] (c) 36-55 years [☐] (d) 56-70 years [☐]
- (3) Marital Status: (a) Single [☐] (b) Married [☐] (c) Separated [☐] (d) Divorced [☐]
- (4) Education: (a) FSLC [☐] (b) SSCE [☐] (c) NCE/OND [☐] (d) HND/B.Sc. [☐] (e) M.Sc. & above [☐]

SECTION B: The Role of Cameroon-Nigeria Mixed Commission in the Implementation of the Judgment of the ICJ on the Cameroon-Nigeria boundary dispute from 2006 to 2017.

- (6) The Cameroon- Nigeria Mixed Commission has promoted confidence building between the peoples and governments of both countries.
(a) Strongly agree [☐] (b) Agree [☐] (c) Undecided [☐] (d) Disagree [☐] (e) Strongly disagree [☐]
- (7) The Cameroon-Nigeria Mixed Commission has been successful in the implementation of the ICJ Judgment.
(a) Strongly agree [☐] (b) Agree [☐] (c) Undecided [☐] (d) Disagree [☐] (e) Strongly disagree [☐]

- (8) The Cameroon-Nigeria Mixed Commission has played a vital role in the peaceful withdrawal and transfer of authority in the Lake Chad Area and Bakassi Peninsula according to the ICJ rulings.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (9) The Cameroon-Nigeria Mixed Commission has contributed in the protection of the rights of the affected population in accordance with the ICJ rulings.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (10) The Cameroon-Nigeria Mixed Commission has contributed in the promotion of the draft-joint development economic ventures and cross- border cooperation between the two countries.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (11) The Cameroon-Nigeria Mixed Commission has played a role in the reactivation of the activities of the Nigeria/Cameroon Joint Commission (NCJC).
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (12) The Cameroon-Nigeria Mixed Commission has encouraged high level visits between the officials of both countries.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (13) Cameroon-Nigeria Mixed Commission has played a significant role in the demarcation of the land boundary, delineation and delimitation of the Nigeria's Maritime boundary with Cameroon in accordance with the ICJ rulings.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (14) The Cameroon-Nigeria Mixed Commission has ensured the withdrawal of Military and Civil authority from relevant areas along the land boundary.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []

- (15) The Cameroon-Nigeria Mixed Commission has played vital a role in the withdrawal of troops from Bakassi Peninsula and the creation of Bakassi Zone in accordance with Green Tree Agreement of 2006.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (16) The Cameroon-Nigeria Mixed Commission has played a role in ensuring the avoidance of inflammatory and provocative statements on Bakassi Peninsula by both Governments.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (17) The Cameroon-Nigeria Mixed Commission has contributed in the withdrawal and transfer of authority in the Lake Chad area according to the ICJ rulings.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (18) The Cameroon-Nigeria Mixed Commission has not brought peace and development between the two countries.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (19) The Cameroon-Nigeria Mixed Commission has played a vital role in ensuring that the two countries abided by the Green Tree Agreement signed on 12th June, 2006.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (20) The Cameroon-Nigeria Mixed Commission has played a significant role in re-energizing the activities of the Lake Chad Basin Commission through the assistance of the international community.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []

SECTION C: Challenges of Cameroon-Nigeria Mixed Commission in the implementation of the Judgment of ICJ on the Cameroon-Nigeria boundary dispute from 2006 to 2017.

- (21) The interpretation of the 1931 Thomson- Marchand Declaration relied upon by the ICJ is among the challenges faced by the Cameroon-Nigeria Mixed Commission in the implementation of the ICJ judgment.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (22) Paucity of funds is one of the challenges faced by the Cameroon-Nigeria Mixed Commission in the implementation of its activities.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (23) Insecurity in the Lake Chad Area and the Bakassi Peninsula is also a major challenge to the activities of the Cameroon-Nigeria Mixed Commission.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (24) Resistance by some sections of affected population on account of neglect, absence of compensation, and proper settlement is also a challenge to the activities of the Mixed Commission.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []
- (25) Protecting the rights of the affected population is also a major challenge to the Nigeria – Commission Mixed Commission in the implementation of the ICJ judgment.
- (a) Strongly agree [] (b) Agree [] (c) Undecided [] (d) Disagree [] (e) Strongly disagree []

Appendix (B)

Interview Schedule

Question 1: Do you really agree that the Cameroon-Nigeria Mixed Commission has promoted confidence building between the people and government of both countries?

Question 2: Do you think that the Cameroon-Nigeria Mixed Commission has contributed in the protection of the rights of the affected population in accordance with the ICJ judgment?

Question 3: Do you think that the Cameroon-Nigeria Mixed Commission has contributed in the promotion of draft joint development economic ventures and cross-border cooperation between the two countries?

Question 4: To what extent do you think that the Cameroon/Nigeria Mixed Commission has been successful in the process of the demarcation, delineation and delimitation of the land and Maritime boundaries between the two countries?

Question 5: What do think are the major challenges faced by the Cameroon-Nigeria Mixed Commission in the implementation of the ICJ rulings?

Question 6: Please how can these challenges faced by the CNMC in the implementation of the ICJ judgment can be tackled?

Thank You.