



# Bakassi after the International Court of Justice Judgment (ICJ), Matters Arising

*Bakassi setelah International Court of Justice Judgment (ICJ), Masalah yang Muncul*

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## ABSTRAK

Setelah lebih dari 15 tahun mengungsi dari rumah leluhur mereka, menyusul keputusan Mahkamah Internasional yang menyerahkan kedaulatan Semenanjung Bakassi ke Kamerun, Bakassi yang Kembali masih bergulat dengan tantangan untuk dimukimkan kembali dengan layak. Penelitian ini merupakan investigasi terhadap keadaan seputar ketidakmampuan otoritas terkait untuk memukimkan kembali masyarakat yang terkena dampak. Penelitian ini berlabuh pada kerangka teoritis deprivasi relatif, yang menyiratkan bahwa perasaan deprivasi relatif muncul ketika keinginan menjadi harapan yang sah dan keinginan tersebut dihalangi oleh masyarakat. Kepuasan masyarakat adalah kebalikan dari deprivasi relatif. Studi ini berkonsultasi dengan sumber primer sebagian besar melalui wawancara lisan, serta bahan sumber sekunder dari Universitas Calabar, Cross River State, dan Perpustakaan Nasional. Ditemukan bahwa prioritas rendah diberikan oleh Pemerintah Federal dan Negara Bagian untuk masalah Pemukiman Kembali Bakassi. Selain itu, ditemukan pula bahwa tidak ada kebijakan dan perangkat hukum serta kelembagaan yang jelas untuk menghadapi situasi pasca-perpindahan tersebut. Karya tersebut berargumen bahwa tidak dilaksanakannya berbagai Laporan Komite tentang Pemukiman Kembali Bakassi dan intrik politik oleh Komunitas tuan rumah Bakassi yang Kembali merupakan tantangan bagi pemukiman kembali Bakassi. Penelitian tersebut merekomendasikan bahwa Pemerintah harus mengumpulkan Kemauan Politik dan memukimkan kembali masyarakat di Pulau Dayspring, yang merupakan lokasi pilihan mereka antara lain.

**Kata Kunci:** Nigeria; semenanjung bakassi; kalabar; kamerun.

## ABSTRACT

After over 15 years of displacement from their ancestral home, following the International Court of Justice ruling ceding the sovereignty of Bakassi Peninsula to Cameroun, the Bakassi Returnees are still grappling with the challenges of being properly resettled. This research is an investigation of the circumstances surrounding the inability of the authorities concerned to resettle the affected people. The research was anchored on the theoretical framework of relative deprivation, which implies that feelings of relative deprivation arise when desires become legitimate expectations and those desires are blocked by society. Societal satisfaction is the opposite of relative deprivation. The study consulted primary sources largely through an Oral interview, as well as secondary source materials from the University of Calabar, Cross River State, and National Libraries. It was discovered that low priority is given by both the Federal and State Governments to the issue of Bakassi Resettlement. Besides, it was also discovered that there was no clear-cut policy and legal instruments and institutions to deal with the post-displacement situation. The work argued that the non-implementation of various Committees' Reports on the Bakassi Resettlement and the Political machinations by the host Community of Bakassi Returnees constituted the challenges to the Bakassi resettlement. The research recommended that Government should muster Political Will and resettle the people at Dayspring Island, which is a location of their choice amongst others.

**Keywords:** Nigeria; bakassi peninsula; calabar; cameroon.

## 1. INTRODUCTION

The emergence of many African states from colonial rule in the 1950s and 1960s brought widespread border conflicts (Undiyaundeye 2005; Undiyaundeye 2007; Okoi 2021). This was because European diplomats had limited knowledge of our local realities like the historical background of the states involved, the nature of borders themselves, specific socio-economic cum political issues along borders lines, and so on (Okoi & Offor 2020). Bakassi peninsula is an area of some 1000kms of mangrove swamps, creeks, and half-submerged islands located precisely on the eastern end of the Gulf of Guinea (Omada 2017). It is located precisely between the Cross River and the Rio del Rey estuaries. The ownership of the Bakassi Peninsula said to be rich in mineral oil has been a source of dispute between the two countries for a long time, often leading to Military hostilities. Cameroun, on March 29, 1994, filed an application against Nigeria, relying on the Maroua declaration of June 1, 1975, and that of 1971 (2017). General Yakubu Gowon, former Nigerian Head of State, and Ahmadu Ahidjo, ex-Camerounian President were signatories to the agreements (onuoha 2008; Undiyaundeye 2011a; Undiyaundeye 2011b). According to the Newswatch (2003) report of November 17, 2003, Cameroun, in a bid to consolidate its suit, Filed an additional motion on July 16, 1994, to extend its case to a further dispute with Nigeria over a "part of the territory of Cameroun", which it claimed was also occupied by Nigeria (p. 21).

The verdict of the International Court of Justice (ICJ) on the disputed Bakassi Peninsula on 10<sup>th</sup> October 2002, lay to rest the protracted claim of ownership between the two neighbouring countries (Nicholas & Baroni 2010). For it was on that date that the ICJ at The Hague ruled that the sovereignty over the disputed Bakassi Peninsula lay with the Republic of Cameroun. The World Court's decision was based on the Anglo-German Treaty of March 11, 1913, signed between Britain and Germany. Also cited in its ruling was the Yaounde H Declaration of June 1, 1975, between President Ahmadu Ahidjo of Cameroun and Nigeria's former Head of State, General Yakubu Gowon (Rtd.) (Christopher 2013). With this Judgment, Nigeria has lost out of the Legal, Political, Historical, Economic, and many times the clash of arms that characterized the contentious Oil-rich Bakassi Peninsula impasse.

Since the 2002 International Court of Justice (ICI) Judgment, and the subsequent Green Tree Agreement, the Bakassi returnees have been scattered within and outside Cross River State in such places like Akwa Ikot Eyo Edem in Akpabuyo Local Council and Ifa Okon in

Essien Udim Local Council of Akwa Ibom State. It is against this backdrop, that this study investigates the reason(s) why the Bakassi returnees have not been properly resettled (Sule *et al.*, 2020).

## 2. BRIEF THEORETICAL BACKGROUND

The application of theory is an essential instrument in any social phenomenon. This research work, therefore, made use of **Relative Deprivation Theory** as its framework of analysis. Understanding the applications and strengths of this theory provides a vital background for all those interested in analyzing the issue of internally Displaced Persons (IDPs).

To Sociologists, Relative Deprivation Theory is used to explain the root causes of social movements and revolutions (Krahn & Harrison 1992). Relative Deprivation Theory refers to the idea that feelings of deprivation and discontents are related to a desired point of reference (Webber 2017). Feelings of relative deprivation arise when desires become legitimate expectations and those desires are blocked by society. Social satisfaction is the opposite of relative deprivation (Morrison 1971). The above hypothesis happens to be the fate of the Bakassi Returnees, who desired what legitimately should be their rights but these desires are not forthcoming. This has brought about feelings of deprivation and discontent amongst the people.

In Fatile's and Bello's work (2015), Sociologist Samuel A. Stouffer (1900-1960), is credited with developing the Relative Deprivation Theory after World War II. Stouffer developed the theory while researching the US Army during World War H. He reported that World War II soldiers measured their success by standards in the Armed Forces in general. Stouffer's relative deprivation theory developed to understand the psychology of soldiers grew to be an established theory of social science scholarship.

Ted Robert Gurr explains in "Why Men Rebel" (2015) that a gap between expected and achieved welfare creates collective discontent. Relative deprivation theory is applied to socio-political and economic problems. The theory focuses on feelings and actions. It encourages the exploration of an individual's feelings of deprivation that may result from comparing his or her situation with that of a referent person or group. The central idea of this theory suggests that individuals or groups feel deprived when their current circumstances are negatively compared to the situation of others.

Again, the aforementioned explanations vividly fit into the Bakassi experience. When one considers the fact that

other Nations 'big and small' disobeyed ICI's judgment and nothing happened but Nigeria obeyed, leading to the loss of peoples' ancestral home, amount to negative comparison. Furthermore, available evidence indicates that the Nigerian government has committed a lot of financial and material resources aimed at the speedy resettlement of UPS in the North East while lip service is paid to that of Bakassi Returnees who have been living as refugees in their Country for almost sixteen years.

### 3. THE CHALLENGES TO RESETTLE BAKASSI RETURNEES

Years after their land was ceded to Cameroun, the displaced Bakassi returnees are still asking for a place they can call their home. Our investigation reveals that the inability of the appropriate authorities to properly resettle the Bakassi Returnees is due to the non-implementation of various Government Committee Recommendations, couple with high wired politics introduced and Vested interest involved. It was discovered that from Donald Duke's regime to Liyel Imoke's then Goodluck Jonathan's Presidency, three Committees were put in place, with strong recommendations, yet none has been implemented. For instance, Emmanuel Asuquo, Media & Communication Director of Bakassi Youth Foundation disclosed that Imoke's Administration Committee headed by Senator Florence Ita Giwa came up with a report that Bakassi should be relocated to Dayspring Island, being the remaining ceded part of Bakassi.

Based on that, the Independent National Electoral Commission, INEC, surveyed Dayspring 1 and Dayspring 11 up to Kwa Island, and the area was mapped out for the proper relocation of the Bakassi people. He further explained that the report stated that all the traditional street names of Bakassi be retained in Dayspring. On that basis, INEC delineated the ten wards of Bakassi into the traditional and political names, as contained in the Nigerian Constitution from where INEC derives its powers. Asuquo stressed that "Instead of applauding INEC, the Cross River State Government wanted them to concur to the State Law, a proposal INEC turned down, insisting that they are not operating with State Laws because Bakassi was a creation of the Federal Law and in keeping to their words, all elections for Bakassi had been done at Dayspring" (L. Asuquo, personal communication, April, 2020).

To worsen matters, Asuquo asserted angrily that the Ilang people have brought in Politics and Vested interest into the resettlement issue. According to him, the Ilang people who have been enjoying lots of

infrastructures because of the presence of the Bakassi IDPs in their Community would do everything to frustrate whatever would see Bakassi people relocating. Politically, the ten wards of Bakassi are shared equally with Ilang, with offices of the Chairman and House of Assembly rotating between Ilang and Bakassi.

Similarly, Aniete Akpan, quoting the Paramount Ruler of Bakassi, recalled that the former Deputy Governor, Erick Cobham-led Presidential Committee on the same subject matter, had made far-reaching recommendations to include; identifying Dayspring island as the best location for the resettlement of the people, relevant agencies of Federal, State Government, and the affected people must be involved in the physical planning and development of infrastructure in the area and the establishment of an N100bn Special Fund for Bakassi Development to be driven by the Community and monies realized be utilized for education, infrastructural development among others. Regrettably, years after the Committee submitted its report to Abuja, the Federal Government has remained taciturn while the displaced people continue to suffer.

From the field, those interviewed were unanimous in their resolve to be properly resettled in their place of choice, which is Dayspring Island. According to Akwa Ikot Eyo Edem Camp Leader, Okon Ene, the Returnees were said to have preferred Dayspring Island due to its proximity to the Sea. Their traditional vocation of fishing would be greatly enhanced. Eyo Bassey Edet, a Returnee interviewed, pointed out that it was very important for the Government to resettle them in Dayspring so that other Bakassi people who chose to stay put in Cameroun for fear of losing their means of livelihood will return and will no longer be victims of humiliation by forces from Cameroun.

These Informants, EfflomEtim, Udeme Imoh, and Ben Tom, aver that when they were in Cameroun, they used to fish and get money to maintain themselves, but things are difficult in their new place of abode where their hands are tight. They appealed to the authorities concerned to clear every obstacle confronting them so as to pave the way for their proper resettlement at a place where they can fish again.

The Women Leader, Grace Isemin, and her colleague Mary Essien interviewed, lamented that their male children had gone back to Cameroun as they could not cope with life outside the sea in order to survive. They equally appealed to the relevant authorities to urgently come to their rescue by resettling them at Dayspring Island so as to bring them back to life.

In the same vein, Asuquo Moses said that if the government meant well for the Bakassi returnees, then,

they should be properly resettled so as to assuage their feelings. He stated further that instead of the present IDPs camp they are living in, a virgin place like Dayspring should be developed for them to live so as to continue with their trade. From all these testimonies, we are compelled to believe that the inability of successive governments to implement the recommendations of committees' reports that were put in place in the Erst place by the same governments amounts to a lack of sincerity and political will on the part of these governments to do the needful.

#### 4. CONCLUSION

From the foregoing, it is obvious that the measures put in place by the Nigerian Governments especially the Federal Government to properly resettle the Bakassi Returnees are not visible. What stands out as a lacuna in the resettlement of the Bakassi people is the lack of political will on the part of Governments both State and Federal and the fact that Nigeria has not developed adequate National laws and policies to address internal displacement (Undiyaundeye 2017).

Sixteen years after that landmark verdict, it has been a plethora of pain and anguish for the people who are quartered in squalid makeshift homes. They are at the mercy of an unfriendly environment and a distant government. The distraught people of Bakassi are particularly irked by the fact that despite a groundswell of promises made by successive governments to resettle them at a befitting location which would support their lifestyle and occupation, as well as the interest shown in the matter by the International Community, they are still living as Internally Displaced Persons (IDPs) in different camps, due to lukewarm attitude by the authorities concerned towards their plight.

The people are livid that years after the Committees submitted its reports to Abuja; the Federal Government has not deemed it fit to address the situation. As far as the Bakassi people are concerned, the refusal to resettle them at Dayspring Island was a deliberate ploy to deny them their very existence. Their present situation as a people is highly pathetic and worrisome, as it is very painful for one to forgo his or her ancestral home and still be in such circumstances as they have found themselves. Now, the fate of helpless youths, pregnant women, elderly people, and children who have been displaced, forgotten and denied access to sound education, healthcare, and means of livelihood for no fault of theirs, hang in the balance.

Our investigation revealed that the October 10, 2002 judgment affected the maritime boundary of Bakassi and the land boundary of the Lake Chad region of

Adamawa, Borno, Taraba, etc. In the land area, the Federal Government had resettled the people. Why is the Bakassi resettlement not given the same attention? After careful consideration of the issues and challenges at stake, the study concludes that the relevant authorities should muster the political will and properly resettle the Bakassi returnees at Dayspring Island, a place they can call their home.

#### 5. RECOMMENDATIONS

1. Available evidence from the affected people shows overwhelming support for relocation and proper resettlement at a place they can conveniently ply their trade. In the light of the above, the following are our recommendations:
2. Government should revisit the Recommendations of the three previous Presidential Committees on Bakassi Resettlement.
3. Government should develop without further delay, a comprehensive blueprint that will guide the resettlement of the Bakassi returnees.
4. The returnees should be resettled at Dayspring Island, which appears to be their choice, in order to sustain the continuance of their source of livelihood.
5. That the Federal Government's commitment of a lot of financial and material resources aimed at the speedy resettlement of the DPS of the North East extraction is commendable but the same measure should also be shown in respect of the displaced people of Bakassi who have been living as refugees in their Country for sixteen years now.
6. The Bakassi people are known to be very hardworking and do not wish to be perpetually dependent on the government's goodwill but need a conducive and enabling environment to earn a living.
7. As a signatory to the Kampala Convention on IDPs established in 2002 by the African Union as a result of a large number of displaced persons in Bakassi and the North East, the Federal Government should effectively collaborate and evolve a framework to resettle the people at their preferred location.
8. The Federal Government should not yield to the partisan and parochial political interest to hold back the Bakassi returnees in Ikang, which is to the detriment of their welfare.
9. The research calls on individuals, groups, corporate bodies, and well-meaning Nigerians within and outside the State to assist in the task of resettling the Bakassi returnees, as government cannot do it alone.

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