Settling border conflicts in Africa peacefully: Lessons learned from the Bakassi dispute between Cameroon and Nigeria

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This chapter analyzes one of the most protracted border disputes in Africa, namely the conflict between the Cameroonian and Nigerian states over sovereignty of the oil-rich Bakassi Peninsula. The eventually peaceful settlement of this conflict was hailed by the international community as proof that political liberalization has resulted in African states becoming increasingly inclined to rely on the rule of law than on armed struggle to solve potentially explosive inter-state boundary disputes. This study criticizes this position in two respects. First, it provides evidence that the 2002 International Court of Justice (ICJ) ruling in favour of Cameroon faced grave implementation difficulties so that other mechanisms of conflict resolution were needed to arrive at a peaceful settlement between the two states. Second, it clearly shows that the 2002 ICJ verdict overlooked the stakes of other parties in the dispute. Two stakeholders – the predominantly Nigerian population on Bakassi and the Anglophone Cameroon secessionist movements – still claim ownership of the peninsula and thus present a persistent threat to sustainable peace in the area.

Introduction

Africanists of late have developed renewed interest in the study of colonially negotiated borders due to an increase in boundary disputes between and within African states (cf. Nugent & Asiwaju 1996; Bach 1999; Mbembe 1999; Herbst 2000; Nugent 2002; Bennafla 2002). After independence, border skirmishes and
wars between African states were relatively rare, with governments more or less adhering to the sacrosanct nature of the boundaries inherited from colonial times (the principle of *uti possidetis jus*), as laid down in the 1963 Charter of the Organization of African Unity (OAU). At present, however, African states are involved in numerous disputes, such as those between Ethiopia and Eritrea in the Horn of Africa (Abbink 1998, 2003, 2009), between Nigeria and its neighbours, and the Democratic Republic of Congo and its neighbours. According to Mbembe (1999: 9), most of these disputes have their origins ‘not in the desire to make an ethno-cultural space coincide with the space of the state, but rather in the struggle to control resources considered to be vital’. Moreover, the recent political liberalization process has created more space for separatist and irredentist movements within African states, as has been evidenced in Senegal (Casamance), Cameroon (the Anglophone region), Angola (the Cabinda enclave) and Namibia (Konings & Nyamnjoh 2003; Forrest 2004; Englebert & Hummel 2005; Keller 2007).

This chapter analyzes one of these protracted border disputes in Africa that could have escalated into a major inter-state war had it not been settled in a unique showcase of conflict prevention. The dispute, which gained international attention in the 1990s, is the conflict between Cameroon and Nigeria over the sovereignty of the Bakassi Peninsula, an area rich in oil reserves and other natural resources. Following a series of military confrontations between Nigerian and Cameroonian troops, the Cameroonian government filed a case at the International Court of Justice (ICJ) in 1994 and eight years later, in October 2002, the court ruled in its favour.

The eventual agreement reached by the heads of state in 2006, the so-called Greentree Agreement, on the modalities of the Nigerian withdrawal from the Bakassi Peninsula in accordance with the 2002 ICJ verdict seems to substantiate Gerti Hesseling’s thesis (2006) that respect for the rule of law, which she considered to be vital in settling the numerous intra-state and inter-state conflicts in Africa and building up sustainable peace, has improved in some African states during the current process of political liberalization. The international community also hailed the agreement between the two heads of state as proof that African states are increasingly relying on international law and not armed struggle to resolve potentially explosive inter-state boundary disputes (Udogu 2008).

This study supports Hesseling’s thesis to a large extent but also offers some critical comments. It attempts to show that Hesseling may not have paid sufficient attention to the complex nature of border conflicts in Africa and thus failed to recognize the following observations made in this present study:

- First, the implementation of the rule of law in border disputes is likely to meet serious obstacles in Africa. The Bakassi dispute demonstrates that an