

THE PARADOX OF TREATIES IN INTERNATIONAL POLITICS: A FOCUS ON THE GREEN TREE AGREEMENT BETWEEN NIGERIA AND CAMEROON OVER BAKASSI PENINSULA

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ABSTRACT

Treaties and agreements are instruments for the conduct of external relations between and amongst nations in the international system. Paradoxically, international treaties and agreements could generate and as well resolve or prevent conflict between nations. This study examined the role of treaties and agreements in the conduct of external relations between and amongst nations in the international system with a focus on the Green Tree Agreement between Nigeria and Cameroon over the oil-rich Bakassi Peninsula. It adopted a qualitative research method with reliance on secondary sources of data and highlights the contradictions created by treaties in the build-up to and resolution of the Bakassi dispute; discussed the challenges faced by both countries at the course of the implementation of the Green Tree Agreement. It recommended the setting up of a body to monitor Cameroon's compliance with the aspects of the agreement concerning Nigerians remaining in Cameroon; a review of the country's treaties and concluded that the method used by Nigeria and Cameroon in the implementation of the ICJ judgment should be adopted as a model of conflict resolution by other African countries in conflict.

Key Words: International Treaties, Agreements, External Relations, Conflict, Bakassi Peninsula

Introduction

A treaty is a formal contract or agreement negotiated between countries or other political entities. It has close linkages to final acts, protocols, exchange of notes and agreements, all subsumed under diplomatic agreements. It is also related to the concept of negotiation itself a key instrument in the conduct of international relations and diplomacy in the international system. The term 'treaty' derives from the French word 'traiter' which means to negotiate. It was defined by the Vienna Convention on the Law of Treaties (1969), which came into force in 1980. This stated that a treaty is "an international agreement concluded between states in written form and governed by international law whether embodied in a single instrument or in two or more related instruments and whatever its particular designation (Berridge, 2002:71). For the purpose of this study, treaty will be used interchangeably with agreement.

It is important to add to this that in order to be governed by international law an agreement must under Article 102 of the UN Charter 'as soon as possible be registered with the secretariat and published by it'. This is because unregistered agreements cannot be invoked before 'any organ of the United Nations', which includes the International Court of Justice (Ware, 1990:1). In short, parties who want their agreement to create international legal obligations must write it out and give a copy to the United Nations (UN), in so doing; they have created a 'treaty' (Berridge, 2002, p72).

Treaties or agreements are equally regarded as instruments of friendly relations and by extension peace between and amongst states in international relations. This is mostly because they are the end products of negotiations, itself a vital component of diplomacy which is a major ingredient of power which enables states to secure the objectives of their foreign policies without resort to force, propaganda or law (Berridge, 2002, p1). Thus nations all over the world often adopt treaties in reaching binding and authoritative agreements between them to avoid resort to conflict and anarchy in the international system. Nigeria and Cameroon are part of this process as the Green Tree Agreement which is our subject of study was one instrument adopted by the UN to resolve the lingering crisis between them after the verdict of the International Court of Justice (ICJ) which ceded the oil-rich peninsula to Cameroon. The agreement particularly helped in resolving a whole lot of knotty issues surrounding the implementation of the judgment of the World Court. 'The Green-tree Agreement' is the official appellation of 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 (Baye, 2010, p11).

Territorial claims, ideology, colonialism, nationalism, religion and natural resources have typically been the main sources of conflict throughout the world. While the influence of some of these is waning, struggles for the control of valuable natural resources have remained a persistent feature of national and international affairs for decades. In addition to helping some of the most corrupt and oppressive regimes to remain in power, natural resources have been fuelling conflicts within and between African countries. Such conflict situations typically take the form of territorial disputes over the possession of oil-laden border areas, factional struggles among the leaders of oil-rich countries, and major inter-state wars over the control of vital oil and mineral zones (Klare 2004, p13). Africa was largely controlled by indigenous people in the 1870s, but by 1914 it became almost exclusively subjugated and divided into protectorates/colonies by the European powers (Rourke 1997, p43).

The colonial boundaries in these configurations were not established according to the various indigenous groupings. Grouping nations together in some cases and dividing them in others was a common feature as long as it was consistent with the security and economic interests of the colonial powers. After independence, most of Africa became and is still troubled by the legacy of trying to get originally different indigenous groupings to live peacefully in a single country or to get the same ethnic group to live peacefully in different neighbouring countries.

As in most of Africa, therefore, the origins of the conflict situation between Cameroon and Nigeria over border issues can be traced to the colonial era and some post independence political activities. The border between Cameroon and Nigeria extending from Lake Chad to the Gulf of Guinea has been a bone of contention between the two territories dating back to 1913. However, the knowledge that the Bakassi Peninsula harbors important deposits of oil/gas reserves triggered mounting hostilities and military confrontations in the early 1990s between Cameroon and Nigeria. According to Klare (2004, p14), the close connection between oil and conflict derives from three essential features of petroleum: (1) its vital importance to the economic and military power of nations; (2) its irregular geographical distribution; and (3) its imminent changing centre of gravity.

In 1993 Nigerian troops occupied the Bakassi Peninsula. In 1994, after serious incidents of border incursions that provoked shooting and after many casualties and deaths of soldiers had been recorded on both sides, Cameroon submitted its entire set of border-related disputes with Nigeria to the International Court of Justice at The Hague for adjudication. After examining the case for eight years, the World Court ruled that Cameroon is the rightful owner of the oil-rich Peninsula, basing its argument on the 1913 Anglo-German Treaty which traced the borders between the two colonial powers. Following intensive diplomatic activities culminating in the 12 June 2006 Green Tree Agreement brokered by the United Nations and witnessed/guaranteed by four world powers, Britain, France, Germany and the United States. Nigeria eventually agreed to unconditionally hand over the oil-rich Peninsula to Cameroon. Thus, on 14 August 2006 Nigeria effectively pulled out its military and the Cameroonian flag was hoisted. Two years later (14 August, 2008) the remaining Nigerian administration and police left the Peninsula (Baye, 2010, p4). The above issues paint a picture and as well gives a background to the conflict between Nigeria and Cameroon over the Bakassi Peninsula which eventually culminated in the Green Tree Agreement brokered by the United Nations. It is equally these issues that has energized and motivated this research which focuses on the role of agreements

or treaties in the relationship between nations in the world with particular emphasis on the Green Tree Agreement between Nigeria and Cameroon over the ceding of the oil-rich region to Cameroon by the ICJ.

Treaties and Agreements: A Conceptual Discourse

Diplomatic agreements vary in form to an almost bewildering degree. They vary most obviously in title or style, treaties, final acts, protocols, exchanges of notes or even agreements. However, they also vary significantly in textual structure, language, and whether or not they are accompanied by 'side letters'. They also vary in whether they are publicized or kept secret although since Woodrow Wilson's campaign for open diplomacy at the time of the First World War there has become entrenched a presumption that treaties or agreements should not be publicized (Berridge, 2002, p72).

There are four main reasons, aside from accident and changing linguistic preferences, which help to explain the multiplicity of forms taken by international treaties and agreements. The first is that some create international legal obligations while others do not. The second is that some forms of agreement are better in signaling the importance of the subject matter, while others are better at disguising its significance. The third is that some are simply more convenient to use than others, they are easier to draw up and avoid the need for ratification. And the fourth is that some are better than others in saving the face of parties who have been obliged to make potentially embarrassing concessions in order to achieve a settlement. The form taken by any particular agreement will depend on what premium is attached to each of these considerations by the parties to the negotiation. It will also depend on the degree of harmony between them on these questions, and in the absence of harmony, the degree to which concessions on form can be traded for concessions on substance (Berridge, 2002, p72).

The parties to a negotiation may agree that the subject of their agreement is not appropriate to regulation by international law. This may be because it is obvious that it is more appropriately governed by municipal law, as are great many commercial accords. Alternatively, it may be because the agreement merely amounts to a statement of commonly held principles or objectives. Such was the case with the Atlantic Charter of 1941 and the Helsinki Final Act of 1975, which was the product of the 35 nation Conference on Security and Cooperation in Europe (Shaw, 1991, p562). If, however, the parties to a negotiation concur that their agreement should create obligations enforceable by international law, then they must put it in the form of treaty.

In view of the widespread cynicism about the effectiveness of international law, parties to a negotiation may still want to create agreements entailing international legal obligations because they know that such obligations are, in fact, honoured far more often than not, even by states with unsavory reputations (Henkin, 1974, p49). Among other reasons, this is mainly because the obligations derive from consent, because natural inhibitions to law-breaking exist in the relations between states that do not obtain in the relations between individuals, and because a reputation for failing to keep agreements will make it extremely difficult to promote policy by means of negotiation in the future (Berridge, 1992, p157). Creating a treaty is one thing, calling a treaty a 'treaty' is another. In fact, treaties are more often than not called something quite different. A few of these alternative titles were mentioned at the beginning of this paper, others include act, charter, concordat, convention, covenant, declaration, exchange of correspondence, general agreement, *modus Vivendi*, pact, understanding, and even agreed minutes.

Some treaties are nevertheless still called 'treaties' and there is a consensus that this style is adopted when there is a desire to underline the importance of an agreement. This is because of the term's historical association with the international deliberations of princes or their plenipotentiaries, and because the treaty so-called is presented in an imposing manner, complete with seals as well as signatures. Agreements on matters of special international significance that have, accordingly, been styled 'treaties' include the North Atlantic Treaty of 4 April 1949 which created the West's Cold War alliance, the treaties of Rome of 25 March 1957 which created the European Communities (EC), and the various Treaties of Accession of new members to the EC (Gore-Booth, 1979, p239).

Agreements ending wars are, of course, commonly called 'peace treaties', as in the case of the Treaty of Peace between the Arab Republic of Egypt and the State of Israel of 26 March 1979. And agreements providing all-important guarantees of a territorial or constitutional settlement are invariably called 'treaties of guarantee'. In this case a good example is the Cyprus Guarantee Treaty of 16 August 1960.

These, however, are not as common today as in the past. If an agreement is believed by its authors to be of great political importance but is not of such a character as to warrant creation of legal obligations, its importance cannot be signaled or its binding character reinforced by calling it a 'treaty', it is not a treaty. However, precisely because the parties have rejected the possibility of clothing their agreement in international law but remain 'politically' bound by it as well as deeply attached to the agreement's propaganda value, it is doubly important to dress it in fine attire of a different kind. Hence, the use of imposing titles such as Atlantic 'Charter' and Helsinki 'Final Act', as previously mentioned (Blake, 1990, p74).

From the foregoing, one knotty fact comes to the fore, and that being the fact that treaties and agreements appear in different forms, shapes and for different purposes. Equally, the fact of its use as an instrument of diplomatic settlement other than conflict generation is emphasized irrespective of the nature and character of the agreement or treaty. The Green Tree Agreement between Nigeria and Cameroon which performed the magic of reducing a war-prone situation to a peaceful engagement falls within this categorization. Thus, it is stating the obvious that the Green Tree Agreement remains a model of conflict resolution that is worthy of emulation by other nations in conflict situation. This much had been acknowledged by former Nigeria's President Olusegun Obasanjo and President Paul Biya of Cameroon respectively, as parties in the Bakassi dispute. However, much commendation should be given to the office and person of the former Secretary General of the United Nations, late Kofi Annan for his diplomatic depth and beneficent use of his good offices in ensuring that what would have blossomed into a full-fledged armed conflict between both countries was avoided. Here lies the efficacy of treaties and agreements in international politics.

Bakassi and the Paradox of Treaties

Of intrinsic interests to this study is the contradiction presented by the agreements and treaties entered into by both Nigeria and Cameroon over the oil-rich peninsula. As many writers, analysts and scholars have captured in various studies on Bakassi, the dispute over the ownership of Bakassi Peninsula had its root in the contradictory colonial treaties governing the demarcation of the German and British spheres of interest during the partition of Africa. Overall, three sets of treaties are critical to the problem of Bakassi. The first set relates to the treaties the British signed with the Obong of Calabar and his local chiefs, as a result of which their domain was placed under British protection. From available evidence, the so-called protectorate treaties, especially the one the British signed with the Obong of Calabar, contained proscriptive clauses, barring the British from alienating any portion of the Obong's domain to any other power (Imobighe, 2011, p.44). Although there were no survey maps at the time to determine the exact extent of the Obong's domain, it was generally understood that it covered, among others, all territories inhabited by Efik speaking people.

The second set relates to the agreements, which emanated from the series of Anglo-German negotiations between 1884 and 1886 under which Rio del Rey was accepted as the boundary between the territories under their respective protection. But when it was found that Rio del Rey was not a river but a channel, an imaginary line was drawn inland to the Cross River rapids from the mouth of Rio del Rey channel. This line placed Bakassi squarely on the Nigerian side. The problem arose when the two colonial powers signed a new treaty in 1913, which moved the boundary from Rio del Rey to Akpayafe River, thereby cutting Bakassi into Cameroon. Because this was the last treaty signed by the two colonial powers on the affected border, the interpretation was that the new treaty superseded the earlier agreements. Be that as it may, and according to Imobighe (2011, p.45), this new treaty violated the terms of the protectorate treaty the British colonialists signed with the Obong of Calabar, which precluded them from alienating any part of the Obong's territory to a third party, and could therefore be voided on that score.

The third had to do with General Gowon and the Maroua Agreement which has generated more heat than any other issue in the Nigeria-Cameroon border dispute over Bakassi as the many Nigerians believed that Gowon signed the oil-rich Peninsula away to Cameroon as compensation for Ahidjo's cooperation with him during the Nigerian civil war. In May 1967, in response to the mandate granted to Lt.-Col. Ojukwu by the self imposed Eastern Consultative Assembly to secede, Lt. Col. Gowon created 12 new states in Nigeria, including the South-Eastern State headed by an Ibibio officer. The creation of the South-Eastern State from

the former Eastern Region rekindled interest in rejoining Nigeria among Efik and Ibibio residents of the Bakassi Peninsula, many of whom had actually voted in 1961 not to pursue integration with Nigeria. In July 1967, the Nigerian Civil War broke out and lasted until January 1970 (Baye, 2010, p.22)

In April 1971, there was a summit meeting between General Gowon of Nigeria and Alhaji Ahmadou Ahidjo of Cameroon in Yaoundé. It was at this meeting that Gowon and Ahidjo agreed to define the navigable channel of the Akpa-Yafe River up to Point 12. During the summit, Ahidjo asked his survey expert to stop arguing and asked Gowon to draw the line where he wanted it, and Gowon turned to his own technical expert for guidance. The expert marked a point on the map and Gowon drew the line towards that point. Unfortunately, the line Gowon drew, on direct advice from the Director of Federal Surveys, was not the true navigable channel of the Akpa-Yafe River as established by the colonial masters (Omoigui 2006, p.33).

Two months later, in June 1971, the Joint Boundary Commission met in Lagos, led by Chief Coker for Nigeria and Mr Ngo for Cameroon. They extended the already faulty Gowon-Ahidjo 'compromise line' outwards to the sea in what became known as the Coker-Ngo line. A few weeks later, following the signing of the Coker-Ngo line, Gowon discovered what had transpired. In May 1972, the joint boundary commission met, followed in August 1972 by a summit meeting at Maroua, where General Gowon tried repeatedly without success to get Ahidjo

agree to the reversal and renegotiation of the Gowon-Ahidjo/Coker-Ngo line. An oil rig was erected offshore by the Ahidjo government in 1974, and later in June 1975 in a highly reluctant compromise to accommodate the rig, Gowon conceded a tiny part of Nigerian maritime territory to Cameroon (Imobighe, Fakulujo and Fagbemi, 1988, p.26).

On 29 July 1975, General Gowon was overthrown in a coup d'état. The new regime decided to question the 1971 and 1975 Gowon-Ahidjo maritime agreements, either without really understanding the issues or by acting mischievously. In no time the country got the impression that Gowon had given away the 'Bakassi Peninsula' to Cameroon to compensate for President Ahidjo's neutrality during the Nigerian Civil War, an unfortunate and totally false notion which persists in many quarters to this day (Omoigui 2006, p.33). Many commentators still do not realize that the Peninsula had been ceded by a series of actions and inactions beginning as far back as 1913, reconfirmed when Nigeria became independent in 1960, finalized with the 1961 plebiscite and affirmed with the 1964 Organization of African Unity (OAU) declaration, which stipulated that independent African countries were bound to respect their colonial borders (Omoigui 2006, p.34).

It is however the position of this paper that the Maroua Agreement had no real relevance to the ICJ judgment as prior to the resort to the ICJ by Cameroon, the agreement had been effectively laid to rest and ceased to be of any relevance legally. This is because of Nigeria's persistent rejection of the validity of the agreement due to its non-ratification and Cameroonian acknowledgement of that rejection in 1991 during the bilateral discussion between the two countries in Yaounde, Cameroon. When the Maroua agreement came up in the meeting, the Nigerian delegation from the Nigerian Boundary Commission which was led by the then Minister of External Affairs, Major General Ike Nwachukwu, re-emphasized the non-ratification of the agreement and hence its non-recognition by Nigeria. This was noted by the Cameroonian delegation and specially reflected in the communiqué that was issued at the end of the deliberations (Imobighe, 2011, p.50). Thus, it can be surmised that the most critical issue which led to the judgment was the Anglo-German Agreement of 1913.

The above three treaties and agreements depict the one side of the Bakassi issue which dragged both countries into dispute and seeming conflict over the Peninsula. It also served as the point of law in which the jurists in the ICJ based their judgment which ceded the oil-rich Peninsula to Cameroon. This however, had been put to rest by the decision of the Nigerian government to accept the reality of the situation and live with the judgment. This volte-face by the Nigerian authorities was made possible by the timely intervention of the then United Nations Secretary General, Kofi Annan. Through the good offices of the Secretary General a tripartite meeting involving the latter, and Presidents Olusegun Obasanjo of Nigeria and Paul Biya of Cameroon was held, at which the two leaders made a firm commitment that they would not go to war over the disputed territories. To give vent to their commitment, a Mixed Commission was established under the chairmanship of the representative of the Secretary General, with responsibility to work out a mutually acceptable formula for the implementation of the ICJ judgment. This eventually gave birth to the Green Tree

Agreement brokered by the UN on the 12 of June, 2006. Further negotiations and eventual implementation of the ICJ judgment rested squarely on the provisions of this agreement from this point onwards.

Thus, it is stating the obvious that the Green Tree Agreement played a leading role in the resolution of the disagreement between both countries over the Peninsula. It also opened up a contradiction in the sense that it served the purpose of resolving a conflict which hitherto was created by some other treaties. Hence, treaties can generate conflict and can also douse tension as a conflict resolution tool. Our case study, the Green Tree Agreement fits perfectly into this model as far as the peaceful resolution of the dispute between Nigeria and Cameroon over Bakassi is concerned.

The Green Tree Agreement and the Resolution of the Bakassi Dispute

There is no denying the fact that the ruling of the ICJ ran into some difficulties in its implementation. That was partly because Nigeria did not seem to be favorably disposed to abiding by the tenets of the judgment at the initial stage, a development which the ICJ could not have been able to contain given its lack of ability to enforce its judgment on the parties (nations) involved. It is therefore stating the obvious that the Green Tree Agreement played a significant role in the eventual implementation of the judgment, avoidance of armed conflict and subsequent resolution of the conflict between both countries over the oil-rich peninsula. A brief analysis of the post judgment scenario would therefore suffice as a means of further strengthening the argument that the agreement played a vital role in the resolution of the seeming crisis and as well highlight the role of treaties in the relations between and amongst nations in the international system.

Cameroon tabled its border dispute with Nigeria before the ICJ in 1994 following the occupation of the Bakassi territory by the Nigerian troops on 12 December 1993. Cameroon anchored its claim over the ownership of Bakassi on the Anglo-German Treaty of 11 March 1913 when both territories now called Cameroon and Nigeria were under colonial rule. Nigeria tried unsuccessfully to challenge the legal basis of the 1913 Treaty, arguing that the two colonial masters had no locus standi to cede territories and that the agreement was not ratified by any of the parliaments of the two nations. Nigeria also unsuccessfully maintained that the alleged ceding of the Peninsula by Gowon was not endorsed by the Supreme Military Council, which was the law-making body of the country at the time (Aghemelo and Ibhasebhor, 2006, p.177).

On 10 October 2002, after eight years of deliberations, the ICJ at The Hague decided that Cameroon had sovereignty over Bakassi, basing its decision on old colonial documents (Lacey and Banerjee, 2002, p.6). The boundaries in the Lake Chad region were determined by the Thomson-Marchand Declarations 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 and military from the area of Lake Chad under Cameroonian sovereignty and from the Bakassi Peninsula. The ICJ equally requested Cameroon to expeditiously and without condition remove any administration or military or police forces 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 of Nigeria.

The Court fixed 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 would terminate (Bekker, 2003, p.387). The immediate reaction was that Nigeria rejected the ruling, and at one point it seemed possible that the dispute would flare into open war, but UN mediation brought the two sides to the table (Friends of the Earth 2003). When it became difficult to implement the ICJ ruling, the UN Secretary-General formed the Cameroon-Nigeria Mixed Commission on the request of both leaders. The Mixed Commission first demarcated the land boundaries. The development of projects to promote joint economic ventures and cross-border cooperation monitored by the Mixed Commission included the construction of border markets and roads linking the two countries. All appeared on track, some villages further 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 many wanted to remain Nigerians since they had more social and economic ties with Nigeria (Borzello 2004).

Nigeria's failure to give Cameroon full control of Bakassi on 15 September 2004 was predicated 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, p.18). Nigeria claimed that sovereignty of Bakassi was not a matter of oil or natural resources on land or in coastal waters, but rather the welfare and well-being of Nigerians on their land. There were calls on the Nigerian government by some Nigerians to go to war over the matter. This school of thought argued that 'there is no morality in international relations' and that it is against the national interest of Nigeria in terms of security and economic interest to accept the ICJ's verdict in its totality (Etim-Bassey, 2002, p.4). 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 conflicts, domestic or international, not the men who usually ask for war (Asobie, 2003, p.2). They further maintained that 'the principle of good faith' in international relations demands that Nigeria should not disavow her word of honor as evidenced by the Diplomatic Note of 1962 (Aghemelo and Ibhasebhor, 2006, p.178).

There is no doubt that the ICJ has a limited capacity to facilitate enforcement because there is a very weak interplay between passing judgment and binding enforcements. Implementation of rulings of the ICJ is largely dependent on the goodwill of countries in conflict. In situations where the countries involved are outward looking and cherish international credibility, diplomatic pressure can act as a credible tool which can be used to generate incentives for compliance with international obligations. Following intense diplomatic offensives and the good office of the UN Secretary- General, Cameroon was able to secure the Green-tree Agreement with Nigeria on June 12, 2006, brokered by the UN Secretary-General and witnessed by Britain, France, Germany, and the United States. Under the Agreement, the Nigerian troops were to withdraw within a maximum of ninety days and a transition period of two years was given for the Nigerian administration to be replaced by the Cameroonian administration. Nigerians living in the Peninsula would be able to remain there under a special regime for four years after Cameroon takes full control and could stay on after that if they so wish (Aghemelo and Ibhasebhor, 2006, p.179).

According to the then Nigerian President Olusegun Obasanjo, the Green-tree Agreement was a great achievement in conflict prevention, which practically reflected its cost-effectiveness when compared with the alternative of conflict resolution. He urged that it should represent a model for the resolution of similar conflicts in Africa and the world at large. Moreover, President Obasanjo had played a leading role in conflict resolution among African states. His refusal to respect the ICJ verdict would have left an unfavorable spot on his record. Meanwhile, his decision to respect the ICJ verdict and withdraw Nigerian military forces from Bakassi met with strong opposition from some radicals, who felt that Nigeria's military might should be used for expansionist ambitions. In the same spirit with President Obasanjo, President Paul Biya underscored the importance of respecting the ICJ ruling, arguing that their personal credibility and that of the UN depended greatly on its implementation and that it will begin a new era of trust, peace and cooperation between Cameroon and Nigeria (Eboh, 2005, p.19).

On 14 August 2006, the Nigerian troops, in a solemn ceremony, peacefully withdrew from the Bakassi Peninsula, marking the climax of a long and meandering peace process that spanned a period of 12 years. The effective withdrawal of Nigerian forces from Bakassi was an indication that it is possible for African nations who find themselves in conflict over territorial rights and other issues to resolve the matter amicably, thus avoiding carnage, blood-shed, socioeconomic and political dislocations, which many post-independent African countries have suffered. Other things being equal, the Green-tree Agreement and the various stages that led up to the handing over remains a model for the peaceful settlement of disputes in Africa. The entire process was graced by the Treaty of Calabar between Cameroon and Nigeria on 14 August 2008 that marked the complete withdrawal of the Nigerian administration and police as stipulated in the Green-tree Agreement. The above presents a clear picture of developments between Nigeria and Cameroon after the ICJ judgment and clarifies the all important role of the Green-tree Agreement as one basic conflict resolution model which gave both countries a peaceful means of wading through that dispute without recourse to any outbreak of armed conflict which at some point was quite imminent.

There were however some challenges in the implementation of the Green Tree Agreement between both countries. The first was the issue of domestic resistance and the confidence building process. At Green tree, both countries committed to engage in confidence-building strategies. However, in Nigeria, President Yar'Adua's government had been challenged in court over the legality of the Agreement. While Nigeria tried to contain domestic resistance, Cameroon had to address the concerns of the people living in Bakassi,

of whom, a great majority still considered themselves Nigerian. Fears among the inhabitants pertain to acts of violence reportedly committed by Cameroonian gendarmes. Even though Cameroon had assured the local population of its determination to provide protection and engage in development projects, such as providing access to free education, building a modern hospital, and constructing roads, delays in delivering these pledges are reducing public confidence in the Cameroonian leadership (Issaka and Ngandu, 2008, p.4).

The next challenge remained the Niger delta spillover which raised concern related to the surge in rebel attacks on the oil industry in the Niger Delta since early 2006. Located just to the west of Bakassi, the Niger Delta suffers from violence rooted in poverty and neglect. Until December 2005, there was no apparent connection between the Niger Delta crisis and the Bakassi dispute. Separatist sentiments may already exist in Bakassi, and Bakassian claims may be over rights to territory in a place now recognized as part of Cameroon, but the rebellion in the Delta, which is over control of resources within only one country, Nigeria, nonetheless had a significant influence on the strife in Bakassi. By November 2007, some of the militant activities in the Delta region had spilled into the Bakassi region (This Day, 2007, p.6). Even so, policymakers maintain the provisions of the judgment on Bakassi, stating that the ownership of a territory is not identified by the citizenship of its inhabitants renders all claims for Bakassi "independence" illegal (Ould-Abdallah, 2007).

The Lessons Learnt from the Bakassi Dispute Resolution

A number of important lessons from the dispute is discernible. Among them, cost to the international community in support of peacekeeping efforts was paramount, between 2000 and 2006 for instance, approximately \$20 billion was spent on UN peacekeeping around the world (United Nations, 2007, p.12). Consequently, one of the most important lessons of Bakassi is that it saved the international community from calamity, and underscored the need for proactive measures to prevent disputes from escalating into conflict.

The next lesson revolved around the role of political leadership. Here, constructive leadership in peace negotiations is the most important determinant of success or failure. Preventive diplomacy in advance of judgments; tolerance of others' viewpoints, and agreement among leaders to concentrate on the normalization of relationships are essential preconditions for success in dispute resolution. It was also suggested that the ICJ ruling would not alone have been sufficient to end the dispute, strong leadership lessened tensions and generated the positive context in which the ruling was implemented (Wallersten, 2007).

The role of the mediator threw up another lesson. Mediators should seek long-term inclusive solutions, not quick fixes. In other situations similar to Bakassi, the UN should continue to assume her quiet, trustworthy, behind-the-scenes peacemaking role, even in instances where it is not initially involved. Late Secretary-General Annan built close relationships with Presidents Obasanjo and Biya and, as a West African himself, enjoyed more credibility in the region than other international figures might have. Additionally, the resources supplied for the Mixed Commission gave the UN the necessary leverage to mediate without hindrance. Quiet diplomacy, or the "good offices" role of the UN Secretary-General, is a vital instrument for developing confidence and sustaining negotiations.

The role of handover agreements and monitoring mechanisms. This was another lesson as handover agreements and flexible mechanisms for monitoring them helped soften the settlements implementation, in the sense that the flexible mechanisms allowed for a gradual transfer that was not harsh on local populations. Although the Joint Cameroon-Nigeria Border Commission, established in the mid-1960s, ensured that ongoing efforts led to a diplomatic solution, even in periods when violence flared up, the parties were still concerned that implementation of the ICJ ruling could be difficult without additional mechanisms to facilitate it. The Green tree Agreement and the CNMC defined soft modalities under which the ruling could be executed. The Agreement and the Cameroon-Nigeria Mixed Commission (CNMC) were therefore very significant in this respect.

Lastly, the need to preserve the external image of the disputants served as one of the lessons. Implementation of the Court's decision promoted a growing culture of peace within Cameroon, Nigeria, and beyond. As a regional hegemon, Nigeria's acceptance of a judicial decision, by the ICJ for instance, was exemplary in the region and provided a boost to its moral clout. It would also allow the country's views to be respected amongst the comity of African nations and even the world at large whenever it has need to

intervene in other conflict situations having shown a good example. The settlement of the border dispute between Nigeria and Cameroon provides a model for dialogue and mediation in the prevention of armed conflict. The Bakassi model demonstrates that conflict can indeed be prevented and provides an eloquent example of how countries can utilize the resources of the United Nations to resolve disputes peacefully

Conclusion

This paper has overtly highlighted the role of international treaties and agreements in the relations between and amongst nations in the international system. It has also unveiled the fact that treaties do generate conflict and can also help in conflict resolution and prevention as shown in this study. It is stating the obvious that Nigeria felt highly short-changed by the quality of justice received from the ICJ which ceded the Bakassi Peninsula to Cameroon but deserves commendation on the way and manner it handled the entire issues surrounding the judgment and its implementation.

It is therefore, our wish that African states should become more pro-active in their conflict management and resolution practice by exploring not only the method adopted by Nigeria and Cameroon but by extending their patronage to other alternative dispute resolution (ADR) techniques in resolving conflicts and disputes between and amongst them. Failure to do this will only leave them with the option of continuous disenchantment and dissatisfaction with the rulings of the ICJ and other international tribunals once they resort to them. From the viewpoint of this paper, both Nigeria and Cameroon have gained a lot more through dialogue in the Cameroon-Nigeria Mixed Commission (CNMC) and the Green Tree Agreement than the ICJ and its verdict on the Bakassi dispute. This they have done by combining all the UN approved conflict resolution techniques of inquiry, mediation, negotiation and conciliation among others within the Green Tree Agreement. The implementation of the judgment through the Green Tree Agreement equally manifested a well ordered pattern of conflict resolution, peacemaking, peace building and conflict prevention.

Finally, we still emphasize the need for the proper resettlement and integration of the displaced population of both Nigerians and Cameroonians in the spirit of African brotherhood and sisterhood, as failure to do so will diminish the gains of the implementation of the Green Tree Agreement and as well leave an indelible sore in the minds of the displaced persons. The onus is on all the authorities saddled with this responsibility.

From the foregoing, we recommend the following:

That a body of some sort be set up by the Federal government, made up of the representatives of Nigerian nationals in Bakassi; representatives of government at the Federal, State and Local government levels; representatives of the security agencies and independent experts, in areas such as human rights, international law and taxation. This body would have the responsibility for constantly monitoring and ensuring Cameroon's compliance with its obligations under the Green Tree Agreement in respect of Nigerian nationals remaining in Bakassi. This is more so because Nigeria seems to have played a noble role in the settlement of the boundary dispute between her and Cameroon. The bulk of what would settle Nigerians in Bakassi is therefore left for Cameroon.

Again, as the National Assembly continues to review the 1999 Constitution, this is an appropriate time to incorporate into the Constitution clear provisions on what organ of government has competence in treaty-making, instead of having this governed by unwritten inherited common law and rules of the United Kingdom. In addition, there is a need, in the opinion of this research, for a clear role in the constitution for the national legislature in treaty-making, similar to what obtains in the USA, from where we borrowed the Presidential system of government, and Ghana.

African states have a right and a duty to redress the manifest inequalities that exist in the composition of judges, arbitrators and counsel that handle most of the cases that come up before the international courts and tribunals. Premium must be attached to the appointment of arbitrators with a specific understanding of African political and legal traditions when choosing arbitrators and ad hoc judges to resolve disputes involving African states, particularly when territorial and boundary issues are involved. The continent already has a wealth of trained and competent persons in nearly every conceivable field of legal endeavour and what is needed is for them to be tried and tested. The international community also needs to be guided by the effort to give African scholars and jurists larger representation in international proceedings

in order to facilitate even better levels of relevant exposure and experience in adjudicating complex international proceedings. This would in turn greatly enrich world legal jurisprudence and the jurisprudence of international law with vast amounts of untapped, unique and positive social, cultural and religious heritage of mankind. It would also reduce and progressively eliminate the perpetual dependency of the entire international community of sovereign states on western jurists and scholars of international law. The present situation in which all the judges must agree is undesirable, considering the natural limits of their human knowledge and other frailties of human nature within the context of an ever changing and challenging world.

There is no doubt that neglect of border areas contributes to the problem of border incursions. Cameroonians along the Nigerian border use mostly foreign currency, watch Nigerian television, listen to Nigerian radio and are cut off from contacts with their own country. Cameroon's new border policy should, therefore, continue to provide for the construction of schools, hospitals, roads, agricultural posts, telecommunications network, pipe-borne water, etc. It is perhaps only by carrying out infrastructural developments and effectively occupying border areas that future incursions can be checked and sustainable peace guaranteed. Rewarding the main protagonists could be catalytic in replicating peaceful settlements of similar international disputes.

Finally, the Green tree Agreement along with the Nigeria-Cameroon Mixed Commission have provided a clear model of alternative dispute resolution (ADR) which is worthy of emulation by other African countries and others with the challenge of border skirmishes. We implore them to adopt this noble example by Nigeria and Cameroon in resolving such crisis instead of resort to armed violence. When this is done, the world would definitely be spared the agony of violence, conflicts and wars, a development which will definitely allow for an enduring peace and security in the international system.

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