

## **Trapped in Between: Statelessness in Bakassi Peninsula**

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### **I. INTRODUCTION**

Statelessness is an ongoing global concern. It is an appalling situation that affects people worldwide and has devastating effects on those affected. The 1954 Convention provides the internationally recognized definition of a stateless person in Article 1 of the instrument as a person who is not considered a national by any State under the operation of its law.<sup>1</sup> This definition is used at the international level and is incorporated into the nationality laws of many States. A key objective of the 1954 Convention is to promote the acquisition of legal identity for a stateless person in one State, which other States will recognize. According to the United Nations High Commissioner for Refugees, at least 10 million people worldwide are denied nationality, thus stateless.<sup>2</sup> As a result, some are denied access to employment, education, healthcare, shelter and liberty. Thereby subjecting them to a difficult and challenging life.

These are some of the challenges facing Bakassi peninsula inhabitants following the 2002 judgement of the International Court of Justice and the consequent handover of the Bakassi Peninsula to Cameroun by the Nigerian government.

The many inhabitants who chose to remain in Bakassi have been left adrift and subjected to grievous challenges as they are unable to vote or be voted for, are heavily taxed and are treated as foreigners.<sup>3</sup>

### **Historical Background**

Bakassi Peninsula, founded around 1450 by the Efik, and was incorporated within the framework of the kingdom of Old Calabar, has long been a subject of a territorial dispute between Nigeria and Cameroun.

The plight of Bakassi dates back to pre-colonial times when on 10 September 1884, the Obong of Calabar signed a "Treaty of Protection" with Britain. Britain at the time agreed to "extend its protection" to the Obong and his chiefs while the Obong agreed and promised to refrain from entering into any agreements with another country without the prior approval of the British government.<sup>4</sup> There was no precise boundary line, and Cameroun, a German colony, was Nigeria's eastern neighbour at this time.

On 15 November 1893, Britain and Germany defined the boundaries in Africa. Then on 19 March 1906, it was supplemented by another agreement that covered British and German territories from Yola to Lake Chad. This was followed by further agreements on their borders from Yola to the sea. The first agreement on the settlement of the frontier between Nigeria and Cameroun, from Yola to the sea, was signed in London on 11 March 1913, and the second agreement which focused on the precise demarcation of Anglo-German boundary between Nigeria and Cameroun from Yola to Cross River was signed in Obokum on 12 April 1913. All of these agreements were signed in absentia of African representatives. The Germans were interested in shrimps found in Bakassi, while Britain wanted an uninterrupted and secure sea lane access to Calabar, a key trading post. Since the Germans already had the option of using Doula as a seaport, they conceded the "navigation portion" of the offshore border to Britain. In exchange, Britain conceded the Bakassi Peninsula to Germany to get its cooperation not to threaten access to Calabar. The Obong did not resist the agreement and, in essence, implied acceptance. British and German map from January 1914 shows Bakassi peninsula in Cameroun.<sup>5</sup>

After World War 1, the League of Nations placed all German territories under British or French mandates. The boundaries between British and French mandated Cameroun was defined by the Franco-British declaration of 10 July 1919, by Viscount Milner, the British Secretary of State for the Colonies, and Henry Simon, the French Minister for the Colonies. In this agreement, Bakassi and the rest of British Cameroun were placed under the British mandate. They administered coterminous with "Nigeria" but not actually merged, and the old 1913 border was retained. A further agreement was signed in 1931 between Britain and France to put into law the 1913 agreement. An agreement that placed Bakassi on the Cameroun side of the map.<sup>6</sup>

After World War II, the British and French League of Nations mandates over the Northern/Southern Cameroons and Cameroun were replaced by trusteeship agreements under the newly established United Nations (UN). These new agreements affirmed the prior borders as codified by the previous Anglo-German and Anglo-French agreements, which placed the Bakassi peninsula in Cameroun.<sup>7</sup>

Nigeria and Cameroun became independent respectively in 1960 as separate Republics. On 11 February 1961, the United Nations organized plebiscites in the British Southern and Northern Cameroun. The electorates in British Southern Cameroun (including Bakassi Peninsula) overwhelmingly voted for reunification with Cameroun with 233,511 votes, while only 97,741 chose the Nigerian option. In British Northern Cameroun, it was the reverse, where the majority voted to join Nigeria.<sup>8</sup>

Nigeria retained the administration of the Bakassi peninsula, and disputes over maritime boundaries led to suspicion and skirmishes between the two neighbours. Cameroun's insistence on peaceful settlement led to a series of negotiations which included the April 1971 Yaoundé Declaration, September 1974 Kano Agreement and the 1975 Maroua Agreement. All of which acknowledged Cameroun's claim to Bakassi. However, there was no permanent settlement, as several skirmishes led to the heavy military build-up on the peninsula. In response, Cameroun took the matter to the International Court of Justice on 29 March 1994.<sup>9</sup>

After examining the case for eight years, On 10 October 2002, the International Court of Justice (ICJ) delivered its judgement. The court held that the 1913 Anglo-German treaty had effectively ceded Bakassi to Germany, and as such, sovereignty over the Bakassi Peninsula lay with the Republic of Cameroun. The court requested Nigeria expeditiously and without condition to withdraw its administration and its military or police forces from the area of Lake Chad falling within Cameroonian sovereignty and from the Bakassi Peninsula. The court took note of Cameroun's undertaking, given during the hearings, to "continue to afford protection to Nigerians living in the Bakassi Peninsula and the Lake Chad area". In essence, the ICJ instructed Nigeria to transfer possession of the peninsula but did not require the inhabitants to move or change their nationality.<sup>10</sup>

Before the September 2002 ICJ ruling, The Secretary-General of the United Nations, Kofi Annan, met President Olusegun Obasanjo of Nigeria and President Paul Biya of Cameroun to discuss the impending verdict by the ICJ. During the meeting, both Presidents agreed to abide by the decision of the ICJ, establish an implementation mechanism with the support of the United Nations and resume ministerial-level meeting of the Joint Commission. They also agreed on the need for demilitarization of the peninsula, economic cooperation and restoration of friendly relations.<sup>11</sup>

Although Nigeria accused the world Court judges of colonial-era bias for basing their ruling mainly on the 1913 treaty and Nigeria's president was under pressure to reject the verdict, President Obasanjo eventually resolved to abide by the ICJ ruling.

On 12 June 2006, at the Green Tree Estate in Manhasset outside New York City, following intensive diplomatic activities by the United Nations and witnessed by Britain, France, Germany and the United States, Nigeria agreed to hand over the peninsula to Cameroun unconditionally. During that meeting, Cameroun agreed not to force Nigerians living in the peninsula to leave the zone, respect their fundamental rights, protect Nigerian nationals residing in the area and not levy discriminatory taxes and dues on them.<sup>12</sup> On 14 August 2006, Nigeria effectively pulled out its military and the Cameroonian flag was hoisted. Two years later, on 14 August 2008, the remainder of the Nigerian administration and police left the peninsula.<sup>13</sup>

### **Aliens on Ancestral Homeland**

Following the consequent handover of the Bakassi Peninsula by the Nigerian government to Cameroun, the inhabitants have been subjected to a state of appalling dilemma. Those that chose to relocate to Nigeria faced social exclusion, neglect, displacement and disenfranchisement. The experience of those that chose to remain in Bakassi is no different as they are faced with consistent hostile harassment by security forces, disenfranchisement and restricted access to economic opportunities. There have been problems in establishing recognition of nationality to Bakassi residents who chose to remain in their homes. Many residents do not have identification due to difficulties in obtaining them. Some reports indicate that children born there are not registered at birth for fear of claiming Cameroonian nationality when their parents' loyalties lie with Nigeria.<sup>14</sup> They are also heavily taxed and treated as foreigners, which tilts towards avoidable categorization as stateless persons.

Ahead of the presidential elections in Cameroun in 2011, the government ordered the free issuance of national identity documents. Among the inhabitants of Akwa, the main settlement in Kombo-Ambedimo, only two people were eligible to receive the new identity document. As a result, most of them could not participate in the elections, and nearly all of Akwa's 8,000 are in legal limbo.<sup>15</sup>

There are several gaps in the Greentree Agreement that have thrown Bakassi inhabitants up into intractable challenges. The guarantees of protection of Bakassi inhabitants who remain in Bakassi are weak. They do not provide adequate safeguards for access to residency or identity documents for the Nigerians in Bakassi or those who wish to acquire Cameroonian identity. It also does not provide mechanisms to prove

entitlement to either nationality. Finally, there is no obligation on either Cameroun or Nigeria to ensure adequate access to the contents of the Greentree agreements for all persons among the affected populations.<sup>16</sup>

The dilemma of the Bakassi people was further emphasized by the United Nations High Commissioner for Refugees (UNHCR)\ Representative to Nigeria and the Economic Community of West African States (ECOWAS). The Representative noted that Bakassi Inhabitants might find themselves in a situation where they may not be able to prove their links to Nigeria and may not also be able to prove such links with Cameroun, which could expose them to being stateless.<sup>17</sup>

## II. CONCLUSION

There is a need for more significant commitment from Nigeria and Cameroun to meet their obligations as specified in the Greentree Agreement. The citizenship and nationality provisions of the agreement need to be supplemented to address the issue of identity. The involvement of the global community is imperative. It is the moral responsibility of the global community to address the plight of Bakassi Inhabitants by taking necessary measures to improve their situation and monitor the implementation of the agreement. Civil society groups should play a key role in highlighting the plight of Bakassi inhabitants and ensuring that their fundamental human rights are protected. It is also essential for the Camerounian government to note that all maps since 1913 have clearly shown the Bakassi peninsula to be part of Cameroun and Bakassi peninsula inhabitants were among those that voted for reunification with Cameroun during the 11 February 1961 plebiscites. In retrospect, it will be morally wrong of the Camerounian government to treat Bakassi inhabitants as foreigners.

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<sup>1</sup>UN High Commissioner for Refugees (UNHCR), *The 1954 Convention relating to the Status of Stateless Persons: Implementation within the European Union Member States and Recommendations for Harmonisation*(October 2003): <https://www.refworld.org/docid/415c3cfb4.html> (accessed 28 December 2018)

<sup>2</sup>UN High Commissioner for Refugees (UNHCR), *Ending Statelessness*. <https://www.unhcr.org/afr/stateless-people.html?query=ending%20statelessness>(accessed 28 December 2018)

<sup>3</sup>O Ajayi, “*We’re now stateless, Bakassi Indigenes cry out*,” Vanguard, June 10, 2017

<sup>4</sup>N Omogui, “*The story of Bakassi peninsula*,” Vanguard, September 20, 2012

<sup>5</sup>A. Ndumbe and M. Ayuk, “The Role Played by Diplomacy in the Resolution of Bakassi Conflict,” *International Journal of Social Science and Economic Research*. Vol:01 Issue:10 2016

<sup>6</sup>*Ibid.*

<sup>7</sup>N Omogui, “The story of Bakassi peninsula,” Vanguard, September 20, 2012

<sup>8</sup>N. Awasom, “*The Reunification Question in Cameroon History: Was the Bride an Enthusiastic or Reluctant One?*”

Indiana University Press, Vol. 47, No. 2 (Spring, 2000), pp. 91-119, 2000

<sup>9</sup>A. Ndumbe and M. Ayuk, “The Role Played by Diplomacy in the Resolution of Bakassi Conflict,” *International Journal of Social Science and Economic Research*. Vol:01 Issue:10 2016

<sup>10</sup>International Court of Justice, “Land and Maritime Boundary between Cameroun and Nigeria” Judgment of 10 October 2002, <https://www.icj-cij.org/files/case-related/94/13803.pdf> (accessed 30 December 2018)

<sup>11</sup> UN News, “Meeting with Annan, Cameroon and Nigeria agree to follow ICJ border decision,” <https://news.un.org/en/story/2002/09/44422-meeting-annan-cameroon-and-nigeria-agree-follow-icj-border-decision> (accessed 30 December 2018)

<sup>12</sup> African Union Peace and Security, “*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*” <http://www.peaceau.org/uploads/cn-agreement-12-06-2006.pdf> (Assessed 01 January 2019)

<sup>13</sup>C. Lloyd, “*Critical Analysis of The Greentree Agreement Between Nigeria and Cameroon*,” *International Journal of Innovative Research and Advanced Studies (IJIRAS)*, Volume 5 Issue 1, January 2019

<sup>14</sup>Institute on Statelessness and Inclusion, “Submission to the Human Rights Council at the 30th Session of the Universal Periodic Review-Cameroon,”(May 2018)[http://www.institutesi.org/UPR30\\_Cameroon.pdf](http://www.institutesi.org/UPR30_Cameroon.pdf),(2 January 2019)

<sup>15</sup>C. Odinkalu, “Stateless in Bakassi: How a Changed Border Left Inhabitants Adrift,” Open Society Foundations (2 April 2012) <https://www.opensocietyfoundations.org/voices/stateless-bakassi-how-changed-border-left-inhabitants-adrift>(2 January 2019)

<sup>16</sup> *Ibid*

<sup>17</sup> O. Ajayi, “Bakassi people on verge of becoming stateless, UNHCR warns,” Vanguard, October 6, 2016