

The Violation of Human Rights during the Bakassi Peninsula Conflict from 1965 to 2013

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Abstract

The military skirmishes over the Bakassi peninsula between Cameroon and Nigeria was as a result of the vestiges of colonialism and the discovery of large deposits of natural resources in the area. This study explores the violations of human rights in the Bakassi peninsula during the Bakassi conflict. The study mainly explores how, when and where these human rights abuses were committed, and to a lesser extent why and who committed these abuses. The study adopts the qualitative research method and from it, historical consolidation and content analyses in terms of data collection. The use of secondary data, applied with the thematic approach in this study brings to the fore that there were lots of human rights violations during the Bakassi conflict in the Bakassi peninsula. This study could be utilised by researchers and policy makers to understand human rights trends in the Bakassi peninsula area.

Keywords: Cameroon, Nigeria, Violations, Human Rights, Bakassi Peninsula

I. INTRODUCTION

Often times referred to as close brothers, sharing some similar socio-cultural affiliations, Cameroon and Nigeria almost got themselves involved in a deadly fight over a piece of land. Border quarrels and civil wars have been unfortunate legacies in Africa due to colonialism. July 1884, and September 10, 1884 saw Cameroon and Nigeria been annexed by Germany and Britain respectively, in the form of a treaty.¹ This singular act of colonialism would therefore set a pace for both Cameroon and Nigeria to enter into confrontations over the Bakassi peninsula. Aghemelo and Ibhasebor opined that the dispute over the Bakassi peninsula was a fallout of colonisation.² Corroborating this, Sone and Alogo et al all revealed that the Bakassi conflict was associated with colonial exploration of the West African coast and the haphazard fixing of European boundaries.³

Following the independence of both Cameroon and Nigeria in 1960 and 1961 respectively, this conflict still ensued.⁴ The situation was further compounded when it was revealed in the 70's via research that the Bakassi peninsula is rich in large reserves of oil/gas

¹ M.B., Funteh, "The Concept of Boundary and Indigenous Application in Africa: The Case of the Bakassi Boarder Lines of Cameroon and Nigeria". *International Journal on Humanities and Cultural Studies* (2015), 1:4.

² A.T, Aghemelo, & S., Ibhasebhor, "Colonialism as a Source of Boundary Dispute and Conflict among African States: The World Court Judgement on the Bakassi Peninsula and its Implication for Nigeria". *Journal of Social Sciences Kamla-Raj* (2006), 13:3, at 177-181.

³ PM Sone' Human Rights and Peace Building in the Bakassi Peninsula in Cameroon" 2014, 12:2; E.E., Alogo, J.A, Adoga & S.P., Obaji, "The ICJ's Decision on Bakassi Peninsula in Retrospect: a True Evaluation of the History, Issues and Critique of the Judgement". *International Journal of Humanities and Social Science* (2016), 6:10 at 108-117.

⁴ Nowa Omoigui, "The Bakassi Story"(2010), daring: <http://www.omoigui.com>.

and maritime resources.⁵ This new information further strained relations between both countries, making undesirable headlines.⁶ Moreover, the discovery of oil/gas in the Bakassi peninsula had just ignited the interest of Cameroon, Nigeria and former colonial powers who had also regarded the peninsula as swampy, marshy land with a non-consequential population.⁷ Each country wanted to have the riches of Bakassi for herself because the wealth and revenue that exploitation and production of natural resource brings to countries is unimaginable.

The fallout of colonialism and the discovery of oil and gas propelled both countries into a protracted war in the 1980s and 1990s. The quest for both countries to control the Bakassi peninsula set in motion frequent attacks of the people living in the peninsula. Tired of these military skirmishes, Cameroon in her quest for a peaceful settlement of this conflict resorted to the International Court of Justice (ICJ) for adjudication on March 29, 1994.⁸ Whilst the case was in court, Cameroon and Nigeria still continued with their military confrontations over the Bakassi peninsula.⁹ After 8 years of written and oral proceedings and facts finding missions, the ICJ on October 10, 2002, adjudged and declared that sovereignty over the Bakassi peninsula laid with Cameroon.¹⁰ The decision was based on maps and agreements from the colonial era, namely the Anglo-German agreement of 1913, which established a maritime and land border separating German 'Kamerun' and British Nigeria.¹¹

The Bakassi Peninsula is situated between latitudes 4.26 and 4.5 degrees north and south of the equator and longitudes 8.30 and 9.08 degrees east and west of the Greenwich meridian located at the eastern end of the Gulf of Guinea. Found in the Ndian Division, the Bakassi Peninsula is estimated to have a population of between 150,000 and 300,000 people and has a surface area of about 826.070 km². It is mostly made up of the Efik, Efut, Ibibios, the Bakole people, the Barombi, the Balondo, and some Bayanui.¹²

The ICJ verdict was welcomed with a lot of mixed feelings. For Nigerian's it was justice denied, and for Cameroon, it was justice served. For separatists, it was simply negligence and partiality.¹³ Two months after the ICJ verdict was passed, the then UN Secretary General, Kofi Annan, invited Biya of Cameroon and Obasanjo of Nigeria in Geneva, Switzerland on November 15, 2002, and it was there that the Cameroon-Nigeria Mixed Commission (CNMC)

⁵ C.K., Ngang, "Understanding the Bakassi Conflict. A showcase of Conflict Prevention in Practice". Tuschl R.H. (ed), Research Papers Issue (2007), 04:07, at 1-38

⁶ O., Akinyemi, "Borders in Nigeria's Relations with Cameroun". Journal of Arts and Humanities (2014), 3:9, at 1-8.

⁷ N.K, Tarlebba & S., Baroni, "The Cameroun and Nigeria negotiation process over the converted Oil Rich Bakassi Peninsula". Journal of Alternative Perspectives in the Social Sciences (2010), 2:1.

⁸ R.F-M., Anjoh, "Women in Peace Building and Post-Conflict Development in the Bakassi Peninsula". International Journal for Research in Social Science and Humanities (2017), 3:10, at 10-30.

⁹ H.K., Kah, "The Bakassi Crisis: The Role of the Nigerian and Cameroonian Military, 1981-2013". Conflict Studies Quarterly (2014), 6, at 3-22

¹⁰ L.I., Ugbudian, "The Role of Natural Resources in Nigeria- Cameroun Border Dispute. Global Journal of Human-Social Science: H Interdisciplinary (2018), 18:5, at 8-16.

¹¹ G.P., Dos Santos, "The Bakassi Peninsula: A Discreet Problem with Major Implications". Portuguese Institute of International Relations and Security (IPRIS) Viewpoints (2014), 153, at 1-4.

¹² B.A, Tabetah, "The Perceptions/Views of Cameroon-Nigerian border conflict by the Bakassi people" (Sweden: Uppsala University, 2013)

¹³ G.F, Fombo, "International Politics of Border Conflicts: A Study of the Nigeria-Cameroon Dispute, 1960-2002". (Nsukka: University of Nsukka, Nigeria, 2006),

was created.¹⁴ The CNMC was tasked with ensuring a peaceful transition of authority to Cameroon, and totally demarcate their maritime boundary. Initially, Nigeria was to totally handover Bakassi to Cameroon on September 15, 2004, but it was postponed due to insecurity.¹⁵ Finally, on June 12, 2006, Bakassi was handed to Cameroon, both countries signed the Green Tree Agreement. The Green Agreement laid down the modalities in which the government of Cameroon and Nigeria follow to preserve peace in the Bakassi peninsula.¹⁶

Now during this conflict period, there were a widespread of human right abuses. The United Nations define Human Rights as rights inherent to all human beings. They define the relationship between individuals, and power structures especially the state. In fact, Human rights are the sum of individual and collective rights laid down in state institutions and international law. The backbone of human rights is enshrined in the Universal Declaration of Human Rights by the UN in 1948. Human rights pertain to all aspects of life. Subsequently, the exercises enable individuals to shape and determine their own lives in liberty, equality and respect for human dignity (Inter-Parliamentary Union, 2016). Thus, between the early stages of the conflict to after the complete squelching of the conflict, the issue of human rights during that time in the Bakassi peninsula was less regarded.

A few studies have tried to portray some human rights violations during the Bakassi peninsula conflict. Sone, Nwoko, and Tangko tried to reveal some human right abuses that occurred during this conflict period. These authors accurately based their claims on the molestation, torture, exhortation, and harassment that transpired in the Bakassi peninsula. Nwoko blamed these human rights abuses on the Cameroon government, Sone and Tangko on their part blamed the government of Cameroon and Nigeria, as well as Non State Armed Groups (NSAGs). Even though these studies provided a springboard on which the problem in this paper was formulated, there seem to be some limitations in the aspect of time and information provided.¹⁷ These authors based the human rights violations from 2000, and provided very little details on when and how these rights were violated.

It is against this background that this paper seeks to critical view the violations of human rights during the Bakassi peninsula from the 70s, till when it was finally settled in 2013. In 2013, the Bakassi conflict came to an end when Cameroon was given full authority over the place, and Nigeria finally removed any traces or her administration. This paper answers in detail, the question of where, how and when human rights abuses were committed during the Bakassi peninsula conflict. The paper also attempts to answer the why and who committed these human right abuses.

II. FRAMEWORK OF THE STUDY

¹⁴ Piet Konings, "The Anglophone Cameroon- Nigeria Boundary: Opportunities and Conflicts". *African Affairs* (2005), 104:415, at 293.

¹⁵ M., Kamto, "The Bakassi Affair: Cameroon's Challenge for Peace. In *Pacific Settlement of Border Disputes: Lessons from the Bakassi Affair and the Greentree Agreement*". International Peace Institute (2008),

¹⁶ J. A., Amin, "Cameroon's relations toward Nigeria: a foreign policy of pragmatism". *Journal of Modern African Studies* (2020), 58:1, at 1-22.

¹⁷ KC Nwoko, "Human Rights Abuses against the Bakassi People: Are Nigeria and Cameroon Liable?" 2016, daring: <https://kujenga-amani.ssrc.org/2016/01/11/human-rights-abuses-against-the-bakassi-people-are-nigeria-and-cameroon-liable/>: H.N.N. Tangko, "Human rights violations in the rich-oil Bakassi Peninsula. Research Gate (2020), 1:19, daring DOI: 10.13140/RG.2.2.28778.34241

This paper adopted human rights as its framework, and from it, human rights violations/abuses. Human rights are a modern concept which is rooted in the experiences of 'legal lawlessness' when crimes were committed with the authorization of the law, and when some human beings were denied their status as such. The United Nations define Human Rights as rights inherent to all human beings. In fact, Human rights are the sum of individual and collective rights laid down in state institutions and international law. Human rights pertain to all aspects of life. Subsequently, the exercises enable individuals to shape and determine their own lives in liberty, equality and respect for human dignity (Inter-Parliamentary Union, 2016).¹⁸

Piechowiak on his part described Human rights as a complex of relations which is constituted of real relations between individuals who have the duty to act (or refrain from acting) towards each other, and the relations of every human being to certain goods (things, circumstances) securing his or her well-being. This definition is different from the technical definition of the United Nations and other legal institutions in that, it treats human rights as a reflection of day-to-day experiences of ordinary men and women living in the modern world. Against this background, Human rights violations can be described as actions or acts which negatively affects the life of an individual or a group. As social scientist, one cannot true attribute or label violations of human rights. However, state institutions and international law lay down criteria or bases in which human rights are violated, and one can only report on these violations from the actors.¹⁹

III. METHODOLOGY

This paper adopts the qualitative-descriptive research methods from it, historical consolidation and thematic approach in terms of data collection and analyses. Thematic analysis as an independent qualitative descriptive approach is mainly described as “a method for identifying, analysing and reporting patterns (themes) within data.”²⁰ The collection of data is based on secondary sources relevant to the study; books, journal articles, blog publications, online newspaper publications, as well as unpublished works, amongst others. Secondary Data was collected based on different themes pertaining to the Bakassi conflict; from the origin and causes of the conflict, the resolution process from the ICJ verdict to the Green Tree Agreement, and finally on aspects of human rights violations from the conflict period right up to the final adjudication.

The main thrust of this paper is to showcase the human rights violations/abuses were committed during the Bakassi conflict in the Bakassi peninsula. Furthermore, data on the Bakassi peninsula, and adjudication process were decoded into potential themes of human rights violations. In achieving this, three themes of human rights violations/abuses (right to life, freedom from torture and inhumane treatment, and rights of indigenous people) were reviewed, defined and named, which used to analyse these data. These three themes were substantially experienced during the different military and counter military attacks in the Bakassi peninsula, was well during and after the adjudication process. In fact, common threads

¹⁸ Inter- Parliamentary Union, "Human Rights. Handbook for Parliamentarians" (2016) 26, at 1-237.

¹⁹ Marek Piechowiak, "What are Human Rights? The Concept of Human Rights and Their Extra-Legal Justification" 1999, at 3-14, daring: <https://www.researchgate.net/publication/236540289>

²⁰ Virginia Braun & Victoria Clarke, "Using thematic Analysis in psychology". *Qualitative Research in Psychology* (2006), 3:2, at 79.

that affected the day to day live of the Bakassi indigenes were identified, and thus themed into the three aforementioned human rights violations/abuses.

After a lengthy analyses of data on the Bakassi conflict, the military and counter military attacks, and the adjudication process of the conflict right up to the Green Tree Agreement, the researcher followed successive steps in bringing out different human rights violations/abuses during the conflict. (1). the researcher identified common threats of violence during the Bakassi conflict and its adjudication, (2) the researcher groups these common threats into codes, (3) decoded them into potential and actual themes of human rights violations/abuses. The quest to control the resource rich Bakassi area by Cameroon and Nigeria caused both countries to attack each other, leading to massive human rights abuses. Even during and after the adjudication process, these abuses were further compounded by Non-State Armed Groups who wished to own the Bakassi peninsula for themselves.

IV. DISCUSSION

A. *Violation of the Right to Life*

Information from previous research on the Bakassi conflict has revealed that there was gross violation of the right to life. Irrespective of where the death came from, each individual had the right to life. In 1973, 5 Nigerian soldiers were murdered while on patrol in the Bakassi peninsula by Cameroonian gendarmes. The Nigeria government during the Gowon regime did not protest much due to the fact that Gowon and Ahidjo were bent on finding lasting peace to their 1600km boundary lines. That same year (1973), a student of the University of Calabar in the same year, was shot dead by Cameroon gendarmes, while at home to collect his school fees from his father in Abana. The Etubom Councils of the Obong of Calabar sent letter of protests to the Nigerian Military on this atrocity, and many other atrocities being committed by the Cameroon gendarmes.²¹

Another event that almost led to full scale war was the murdered of 5 Nigerian soldiers were murdered in Ikang by Cameroonian gendarmes on May 15-16, 1981.²² The May 1981 episode put a severe stress on Cameroon-Nigeria relations and it remains amazing how the tension was diffused without war. Following this outburst, the Cameroon government sent an official letter of apology, punished the soldiers involved in the shooting, and finally indemnifying the families of the bereaved. However, the indemnification amount was not disclosed. To further consolidate the improving relations, Ahidjo paid a four-day state visit to Nigeria in January 1982. When Paul Biya came to power in November 1982, he immediately dispatched his Prime Minister to Nigeria, settling the May 1981 saga.²³

Furthermore, in December 21, 1993, Cameroonian troops in response to Nigeria's invasion of Bakassi attacked and killed 6 people in Abana.²⁴ Infuriated by this, Nigerian troops occupied the Cameroonian islands of Diamond and Jabane on January 3, 1994.²⁵ Following the

²¹ E.O., Akak, *Who owns Bakassi? Anie Enyene Bakassi?* (Calabar: The Author, 1999).

²² A., Okonkwo, "Towards the actualisation of perpetual peace: an inter-state boundary dispute between Nigeria and Cameroon". (Malmo Hogskola, 2009).

²³ Fombo, *supra note* 8, at 112-116.

²⁴ Mashood Issaka & Yvette Ngandu Kapinga, "Pacific Settlement of Border Disputes: Lessons from The Bakassi Affair and The Greentree Agreement". International Peace Institute (2008), at 2.

²⁵ N-T., Atim, "Women caught in Armed Conflicts: The Cameroon vs Nigeria Sovereignty Dispute over Bakassi Peninsula". Project submitted to the WARC-WARA Peace Initiative of West Africa for the fulfilment of the December 2011 Scholarship Award, 2011, at 52.

occupation of Cameroon territories in the Bakassi peninsula by Nigeria troops, a deadly clash ensued on February 18-19, 1994, causing the death of 30 Nigerian soldiers and 1 Cameroonian soldier.²⁶ Following these deadly clashes, Cameroon received military assistance from France and also submitted the case to the International Court of Justice in March 24, 1994 for adjudication.²⁷

Following the submission of the case file to the ICJ, military and counter military retaliation still continued, leading to numerous deaths. For example, 10 Cameroonian soldiers lost their lives on September 18, 1994.²⁸ Another deadly clash between Cameroon and Nigeria occurred in the Bakassi peninsula on February 6, 1996 in Atabong. This event led to the death of two civilians, and two Nigerian soldiers. Several Cameroonian soldiers were killed and 11 civilians were wounded (The Irish Times, 1996). Months later, Cameroonian soldiers attacked and killed 50 Nigerian soldiers. Aggrieved by the deaths of their comrades, Nigerian soldiers, dressed as onion sellers shot and kill 2 Cameroonian soldiers at the borders.²⁹ The main reaction from the government of Cameroon and Nigeria was that of continuous fighting in a bid to showcase military prowess. Little or no efforts were made to quench this fighting by the two countries.

Following these deadly clashes, the African Union decided to step into the picture with mediation efforts which yielded very little fruits due to unwillingness of both countries to cede the Bakassi area.³⁰ Against this background, the ICJ gave a standing order March 15, 1996; that no military of any kind should take place in the Bakassi area, both countries should respect the Kara Accord of February 17, 1996, and that the presence of armed forces in the Bakassi peninsula did not extend beyond the positions in which they were situated prior to February 6, 1996.³¹ Despite this order, deaths were still recorded in the area. Examples include: November 23, 1997 clash caused the death of a Cameroonian soldier; the February 23 and 25, 1998 clash led to the death of 7 Cameroonian soldiers; between October 12 and 14, 2000, Cameroonian soldiers attacked and killed several civilians in the Bakassi villages around the border region.³²

One would think that after the ICJ verdict of October 10, 2002, which brought the conflict to a halt, killing would stop. These killing were not to end within the twinkle of an eye. Moreover, after the ICJ verdict, Non-State Armed Groups started championing militant activities in the Bakassi region. On June 21, 2005, Nigerian troops fired rocket-propelled grenades at Cameroon security posts, killing 1 Cameroonian soldier.³³ Kah opined a number of reasons for this attack: a move to hamper the peaceful handover process agreed by both leaders between 2006 and 2008; and overzealousness on the part of those who launched the attack. Having weapons and not using them was like idling in the peninsula, and the only way to use the stockpile of weapons was to foment problems and then justify their use against Cameroon

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ D. E., Malcolm, & J. G., Merrills, "The Land and Maritime Boundary Case (Cameroon V. Nigeria), Order of 15 March 1996». *International and Comparative Law Quarterly* (1997), 46:3, at 679.

³² Atim, *supra note 12*.

³³ Tarlebba & Baroni, *supra note 6*.

military targets.³⁴ The Cameroon government did not reiterate since a move would have jeopardised the scheduled transfer process.

Another bloody clash was recorded on November 12, 2007 were unidentified gunmen launched an attack on Cameroon military station in some Bakassi territories ceded to Cameroon. This led to the death of 21 Cameroon soldiers at Ikang, and these attackers got away with some military equipment and ammunition.³⁵ According to IRIN News (2007), the attacked was claimed by the previously unknown 'Liberators of the Southern Cameroon People'. Some disgruntled elements within the Bakassi peninsula and other groups in Nigeria had taken advantage of this to create confusion, but Cameroon exercised patience and the Nigerian military was vigilant not to allow any sectarian group in Nigeria to create unnecessary tension between Cameroonians and Nigerians living in the Bakassi peninsula.³⁶ Despite this attack, the second phase of the transfer of Bakassi to Cameroon went unperturbed.

Two months to the second phase of the transfer of Bakassi peninsula to Cameroon, a lot of deaths were recorded between June and July. In early June 2008, 6 Cameroonians, including 5 soldiers and a local administrator namely Fonya Felix Morfaw were killed in a similar attack at the Akwa, Kombo Abedimo sub division. Then, on June 13, 2008, 3 Cameroonians soldiers were injured in another planned attack. The assailants made their presence felt again on July 24, 2008 and killed two Cameroonians soldiers in Kombo a Janea. Still, 4 other Cameroonians soldiers were seriously wounded; ten of the assailants were killed in return, and 8 of them taken prisoner by Cameroonians soldiers.³⁷ These violent attacks were caused by Non-State Armed Groups (NSAGs) in the Bakassi peninsula involved in separatist attempts, drug trafficking, piracy and kidnappings. These armed groups were met with strong counter reprisals from the Cameroon navy operating the Bakassi peninsula.

On October 16, 2009, Cameroonians gendarmes killed 6 Nigerian fishermen in Bakassi territorial waters. Again, 11 people were killed flowing clashes between Cameroon army and an armed group, Niger Delta Defence and Security Council in November 1, 2009³⁸. Still, a Cameroon police officer in the peninsula was killed in December 21, 2009 by armed group called the Bakassi Freedom Fighters.³⁹ Also, 2 Cameroon soldiers and 2 civilian contractors were killed while they were aboard a vessel at the Moudi oil field in the Bakassi peninsula on November 16, 2010.⁴⁰ The Movement for the Emancipation of the Niger Delta (MEND), a militant group that operated in the Bakassi area claimed responsibility for this attack.

³⁴ Kah, *supra note* 7, at 14.

³⁵ Estelle Shirbon, "Up to 21 Cameroon troops killed in Bakassi", Reuters (2007), daring: <https://www.reuters.com/article/idUSL1382294>

³⁶ Kah, *supra note* 7, at 15.

³⁷ D., Mbachu, "Nigeria: Tension over Bakassi Peninsula. International Relations and Security Network (2008), ETH, Zurich.

³⁸ Voice of Africa, Cameroon Says 11 Dead After Army Clashes with Militants. VOA (2009), daring: https://www.voanews-com.cdn.ampproject.org/v/s/www.voanews.com/amp/a-13-2008-07-24-voa74/340762.html?amp_gsa=1&_js_v=a9&usqp=mq331AQKKAFQArABIICAw%3D%3D#amp_tf=From%20%251%24s&aoh=16763839980008&referrer=https%3A%2F%2Fwww.google.com&share=https%3A%2F%2Fwww.voanews.com%2Fa%2Fa-13-2008-07-24-voa74%2F340762.html

³⁹ Andrew McGregor, "Cameroon Rebels Threaten Security in Oil-Rich Gulf of Guinea". Terrorism Monitor (2010); 8:43, at 8.

⁴⁰ Reuters Staff, "Gunmen Kill 5 guarding Perenco oil site off Cameroon". Reuters (2010), daring: <https://www.reuters.com/article/ozatp-cameroon-attack-20101117-idAFJJOE6AG0CI20101117>

Following these attacks from 2009 to 2010, Cameroon deployed more specially trained Bataillon Intervention Rapide(BIR) unit to ensure security around the Bakassi area.

A series of attacks leading to deaths were also witnessed in the month of February 2011. In February 8, 2011, 2 Cameroon gendarmes were killed in Bonjo, a village in Akwa- Bakassi.⁴¹ Yet again, in February 12, 2011, 2 people (A Cameroon soldier and an assailant) were killed. These occurred due to a gunfire exchange fights between Cameroon security agents and the militant group called Africa Marine Commando (AMC).⁴² Military officials had opined that there should be intense collaboration between BIR and Cameroon marine so as to completely wipe out these armed groups. The government of Cameroon in order to tackle these armed groups, called upon military collaboration with the Nigerian army, since it was alleged that these armed groups were sponsored by some Nigerian oil and fish barons who were residing in the Bakassi peninsula or Cross River State.

Lastly, on March 7, 2013, Cameroonian security authorities attacked Efut Obot Ikot, a settlement located in the Bakassi peninsula, part of Cameroonian sovereign territory, and carried out forceful eviction. Some 5 people who resisted this forceful eviction were eventually killed by these Cameroon forces. Another incident occurred in April 11, 2013, where 20 Nigerians were reportedly killed by Cameroonian gendarmes.⁴³ Even after the expiration of the 5 years' special transition period on August 14, 2013, one could experience kills here and there in the Bakassi peninsula, either perpetuated by NSAGs or military personnel. According to Tabetah, during the Bakassi peninsula conflict, there were other forms of killings going on. He opined that Ibiobio and Efik fishermen used human parts for sacrifice to marine spirits, in order that they will be blessed with heavy catch of fish.⁴⁴

B. Violations on the Rights of Prohibition from Torture, Inhuman or Degrading Treatment

The issue of torture, inhuman or degrading treatment on the Bakassi indigenes during the Bakassi conflict is an ambivalent one. Although both countries were involved in inflicting torture or degrading treatment on the indigenes via their security agents, it is the Cameroonian security agents that championed these acts. These atrocities included arrests, detentions and imprisonment, plundering and extortions, illegal taxation and collection, burning, destruction and vandalism, beating.⁴⁵ Objectively, these violations cannot be simply accrued to the indigenes. The security forces from both camps, and foreigners were also treated inhumanely. An example of a recorded incident of torture was in 1969, where Cameroonian gendarmes beat and killed Mr. Etim Andem Okon of Atabong. Another incident ensued in 1973 where Mr.

⁴¹ P-F., Naudé, "Cameroun : deux gendarmes tués et plusieurs fonctionnaires enlevés à Bakassi". *Jeune Afrique*(2011), daring: <https://www.jeuneafrique.com/182494/politique/cameroun-deux-gendarmes-tu-s-et-plusieurs-fonctionnaires-enlev-s-bakassi/>

⁴² P-F., Naudé, "Cameroun : nouvelle attaque d'un groupe rebelle non identifié à Bakassi". *Jeune Afrique*(2011), daring: <https://www.jeuneafrique.com/182414/politique/cameroun-nouvelle-attaque-d-un-groupe-rebelle-non-identifi-bakassi/>

⁴³ P.E, Okon, & P. E., Abu, "Public Relations Implications of the Challenges Facing the Bakassi Internally-Displaced Persons (IDPs) in Nigeria's Cross River State". *International Journal of Emerging Trends in Social Sciences* (2019), 6:1, at 1-11

⁴⁴ Tabetah, *supra* note 5.

⁴⁵ M.Z., Njeuma, "Cameroon-Nigeria Frontier: Model for Culture of Peace, 1890-1991". *Journal of the Cameroon Academy of Science* (2002), 2:3, at 183-201.

Mbuk Sereke Mbuk suffered the same fate in 1973.⁴⁶ Still, in June 25, 1973, 200 Cameroonian gendarmes arrived in the Bakassi in two ships and expelled all Nigerian fishermen-threatening to exterminate them if they failed to comply. They all left their villages and belongings for the gendarmes to plunder.

Furthermore, in January 1, 1982, the Governor of South-West Province of Cameroon Mr. Fon Fosi Ntaw arrived Bakassi with 100 Cameroon gendarmes and forced the fishermen, their wives and children at gun point to renounce their Nigerian Citizenship in preference to that of Cameroon, and to also pay tax to the Cameroon authorities. When they refused to do so, they were beaten up, arrested and detained. Again, in May 10, 1982. Cameroon gendarmes arrived Ine Odiong and harassed the Nigerian fishermen by demanding tax by force. Still, in January 16, 1989, Cameroon gendarmes attacked 13 villages of Bakassi and demanded taxes and levies. The villagers were severely beaten when they refused to pay.⁴⁷ Yet again, in October 1989, Cameroonian gendarmes were said to have abducted four Nigerian custom officials on routine patrol at the border.⁴⁸ There were also complaints by Cameroon authorities that Nigerians were involved in weapon trafficking.⁴⁹

Additionally, in January 14, 1993 Cameroon gendarmes invaded Abana in 2 warships, demanded taxes, and those who refused to pay on the ground that they were Nigerians, who had already paid their taxes as such, with their receipts shown to the invaders, were thrown into panic when the gendarmes released their volleys into the air, seized Abana signpost and left.⁵⁰ Despite the fact the case was at the International Court of Justice, fighting erupted time and again between 1996 and 2001, with consequences beyond expectations. Besides, these confrontations led to a refugee phenomenon, who escaped torture and persecution from either side, and resided in deplorable environments. After the ICJ passed its verdict, things took a different turn. Human right abuses in terms of kidnap, and intimidation were now championed militant groups in the Bakassi peninsula. This does not negate the fact Nigerians living in Bakassi peninsula did not continue to decry harassment, torture, and extortion by Cameroon security agents.

Against this background, In November 3, 2008, 10 crew members from the oil service vessel Bourbon Sagitta 15 miles off the Batsakis Peninsula.⁵¹ Furthermore, in July 7, 2009, 5 Chinese nationals, working in the fishing sector in the Bakassi peninsula were abducted by the Movement for the Emancipation of Niger Delta (MEND)- a militant group that operated in the Bakassi peninsula. Still, in March 12, 2010, 10 Chinese were kidnapped by members of the militant group, the African Marine Commando (AMC) in the Bakassi area. Also, the Divisional Officer for Akwa Subdivision in the Bakassi Peninsula, Edward Ayuk Takor and 12 others, were seized were away by pirates on February 6, 2011. They were later rescued on

⁴⁶ Bola A. Akinterinwa, "Nigeria and the ICJ Bakassi Magouille"(2002), daring: http://www.nigerdeltacongress.com/narticles/nigeria_and_the_icj_bakassi_mago.htm

⁴⁷ E.O., Akak, *Who owns Bakassi? Anie Enyene Bakassi?* (Calabar: The Author, 1999).

⁴⁸ O., Oluda, "The Nigeria- Cameroonian Border Conflict: The Bakassi Peninsula Conundrum". Blog post (2011), daring: <http://oludaseyi.blogspot.com/search?updated-max=2011-10-17T00:23:00-07:00&max-results=7>

⁴⁹ Njeuma, *supra note* 15.

⁵⁰ Akak, *Who owns Bakassi? Anie Enyene Bakassi?* (Calabar: The Author, 1999).

⁵¹ D. Leblond, «Total vessel attacked; crew kidnapped off Cameroon». *Oil & Gas Journal* (November 3, 2010), daring: <https://www.ogj.com/general-interest/article/17268063/total-vessel-attacked-crew-kidnapped-off-cameroon>

February 16, 2011 by Cameroon security forces.⁵² On Tuesday 10 of August 2012, pirates kidnapped a Cameroonian traditional prince and his companion on the volatile Bakassi peninsula. Security source and media reports said these pirates demanded a ransom of 100 million CFA francs.⁵³

C. Violations of the Rights of the Indigenous Peoples

According to Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, States must obtain the free and informed consent of indigenous peoples prior to the approval of any project affecting their lands and territories and other resources, particularly in connection with development, utilisation or exploitation of mineral, water or other resources. The discovery of vast amounts of natural resources in the Bakassi peninsula in the late 60s, prompted both Cameroon and Nigeria to engage into massive exploitation. Corroborating this, Ibekwe opined that the governments on both sides, looking to expand their revenue bases which depended heavily on a primary economic resource, found a willing horse in the pronouncement made by European multinationals about the discovery of oil in the region. Without seeking due approval and consent of the Bakassi indigenes, these foreign corporations, with due permission from both governments started exploiting the peninsula's natural resources.⁵⁴ This was direct violation of the rights of the indigenous peoples in the Bakassi peninsula.

Moreover, these states and foreign corporations have been engaged in gross environment hazards in the Bakassi peninsula. Most of these oil/gas exploitation activities tend to affect the marine wildlife, thus reducing fish yields. It should be noted here that a majority of the Bakassi indigenes are fishermen, and thus rely on fishing as source of livelihood.⁵⁵ Waterborne diseases such as cholera constantly plagues the area due these oil extraction activities, thus violating the peoples' right to a healthy environment. During the conflict days, both countries did not bother about how these exploitation activities will affect the indigenous population, and foreign corporations were more or less interested in making exorbitant profit margins. Sadly, though oil/gas exploitations were going on in the Bakassi peninsula, the people benefited nothing. There were little or no infrastructural developments being carried out in the area by the government and foreign corporations.

The most prominent violation of the rights of the indigenous people of the Bakassi peninsula is their right to self-determination, and the right to peace. When Cameroon and Nigeria were battling the Bakassi issue at The Hague, the people were not consulted. The Bakassi people constitute a significant proportion of the population of the area under dispute and have a long history of living there. Following a rigmarole at The Hague, the court finally adjudged and declared on October 10, 2002 that sovereignty over the Bakassi peninsula laid with Cameroon.⁵⁶ This singular judgment violated the rights of the Bakassi indigenes to

⁵² N.S Kinsai, "Kidnapped DO, Others Freed as More Attacks Are Reported", Cameroon Postline (2011), daring: <https://cameroonpostline.com/kidnapped-do-others-freed-as-more-attacks-are-reported/%E2%80%8B>

⁵³ AFP, "Bakassi Peninsula: Pirates Kidnap Cameroonian Prince" *Jeune Afrique*(2012), daring: <https://beegeagle.wordpress.com/2012/08/21/bakassi-peninsula-pirates-kidnap-cameroonian-prince/>

⁵⁴ C. Ibekwe, "Natural Resource Conflict: The Bakassi Lesson for Sudan and the Republic of South Sudan over Abyei", *Journal of Global Initiatives* (2012), 7:1 at 70.

⁵⁵ Tabetah, *supra* note 4.

⁵⁶ Piet konings, *supra* note 3.

determine if they want to be either under Cameroon or Nigeria. How can the Bakassi indigenes be neglected in such an important decision that would determine their fate? In fact, the ethnic factor was not considered and the rights of the Bakassi indigenes, who had largely opted for self-determination or a continuity of their lifestyle under the Nigerian administration.⁵⁷

Furthermore, even after the ICJ verdict, the process leading to the formal resolution was not inclusive of people of Nigerian origin living in the peninsula, who had been vociferous in their demand to be included in the legal determination of the region's ownership. The drawing up and eventual signing of the Green Tree Agreement in June 12, 2006 did not witness the inclusivity of the Bakassi indigenes. This is the more reason why the agreement involved the protection of the rights of the people based on relocation and resettlement.⁵⁸ Last, the Bakassi peninsula was marred with unrest following military skirmishes between Cameroon and Nigeria. Okon Edet surmised that before the arrival of Cameroon in the Bakassi in the 70s, Bakassi was peaceful and full of fun, but all these disappeared when Cameroon effectively occupied the peninsula in the 70s, and also followed by gun fighting between Cameroon and Nigeria.⁵⁹ There had been widespread allegations of harassment of the Bakassi indigenes by Cameroonian security agents. Hence the peoples' right to peace was violated during the conflict.

V. CONCLUSION

The Bakassi conflict was a maritime border dispute between Cameroon and Nigeria over the resource rich Bakassi peninsula. Though a product of colonialism, the outbreak of this conflict was due to the discovery of large deposits of natural resources in the Bakassi peninsula during the late 60s. During these military skirmishes, both countries, via their military personnel, engaged into serious human rights violations. Despite the resolution of the conflict by the ICJ and through the Green Tree Agreement, human rights violations still ensued, now championed by NSAGs, and Cameroon security agents. Prior the final handover of Bakassi to Cameroon in 2013, aspects of human right abuses occurred even after firm dedication by Cameroon and Nigeria to restore peace and tranquillity in the peninsula.

The present study looks at the violations of human rights during the Bakassi conflict in the Bakassi peninsula from 1965 to 2013. It more than attempts to answer the question of where, when and how these human rights abuses were committed, and to a lesser extent, answers the question of why and who committed these abuses. The implications of this study is that it provides a general insight of human rights abuses that were committed in the Bakassi peninsula during the conflict periods. It also provides a springboard for policy makers to understand the human right context in the Bakassi peninsula so that they will carry out measures to ensure lasting peace in the peninsula.

⁵⁷ C.M., Sama, & J.D., Ross, "Reclaiming the Bakassi Kingdom: The Anglophone Cameroon-Nigeria Border". Council for the Development of Social Science Research in Africa, Association of African Historians (2009), 13:14, at 103-122

⁵⁸ A. M., Ngalim, "African Boundary Conflicts and International Mediation: The Absence of Inclusivity in Mediating the Bakassi Peninsula Conflict". African Peacebuilding Network (2016), 9, at 1-27.

⁵⁹ Okon Edet, *Bakassi Peninsula: The Untold Story of a People Betrayed*. (United States: Partridge Singapore, 2015).

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