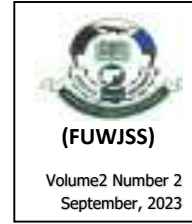


**CAMEROON-NIGERIA MIXED COMMISSION
AND TRUST-BUILDING IN IMPLEMENTING THE
INTERNATIONAL COURT OF JUSTICE
JUDGEMENT**



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Abstract

This study seeks to examine the role of Cameroon-Nigeria Mixed Commission in the promotion of confidence building measures between communities affected by International Court of Justice (ICJ) Judgement of 10th October, 2002, involving Cameroon and Nigeria. Specifically, the study assessed how the Cameroon-Nigeria Mixed Commission contributed in re-establishing a degree of trust between the people and the governments of Nigeria and Cameroon. The study adopted the survey research design which entails the collection of data from a cross section of the population. The theoretical framework that guided analyses is the neo-liberal institutionalism theory. The study's results showed that the implementation of the ICJ judgment by the Mixed Commission has contributed in the promotion of peace between Cameroon and Nigeria as both parties have shown commitment to renounce the use of force in their bilateral relations and pursue peaceful ways for the settlement of their boundary differences. The study concludes that the activities of the Cameroon-Nigeria Mixed Commission are promoting trust and enabling the provision of basic social amenities such as education and health facilities in the affected Cameroon-Nigeria international border communities. The study recommends that there is the need for the participation of key stakeholders particularly, leaders of the affected populations from both sides in the activities of the Mixed Commission.

Keywords: ICJ, Cameroon-Nigeria Mixed Commission, Bakassi Peninsula, trust

Introduction

African borders are the products of the rivalries that characterized the relationships between the imperial powers in the late nineteenth and early twentieth century. Added and related to these rivalries were the obsessions to exclusively corner certain real or imagined African resources. More often, the imperial powers were interested in one resource or the other, the control of commerce and markets or access to trade routes and rivers transport system. The colonial state and their borders that therefore emerged out of these rivalries largely depended on how one imperial power were interested in one resources or the other, the control of commerce and markets or access to trade routes and rivers transport systems (Ahmad, 2013). Community bifurcation is one of the major characteristics of all international boundaries and has seriously resulted in conflicts between and amongst several African countries. Concerted efforts were made by African leaders to reduce the burden of the borders as lines of separation between the homogenous communities while respecting the boundaries as inherited from colonial masters as at the time of independence as sovereign limits of each country efforts were made to bring the various borders communities to see the boundary not as line of separation between their kith and kin but a bridge of cooperation and integration (Chindo, 2020). In Africa the interests of local populations on the path of modern state boundaries suffered double jeopardy as the states define by new alignments were not only structurally different from those of the territorially more flexible rule of preceding eras of history, the makers were also racially and culturally distinct (Ahmad, 2009). On the one hand is the perspective of the modern African states, which are mostly successors to the colonial entities created in consequence of the European partition. Since the attainment of political independence, there is hardly one of this state which had not cause to worry about the position of its boundaries *vis-a-vis* its neighbours. There are few occasions of actual boundary adjustments following referenda organized by the United Nations in Togo in relation to the Gold Coast (Later Ghana) in 1956, and in the Cameroons in relations to Nigeria in 1961 (Asiwaju, 2007). The Nigeria-Cameroon international boundary is about 2000km from the Lake Chad to the Atlantic Ocean (Bakassi). The people living along this boundary have a long history of social, cultural and economic relationships. The two countries have had a checkered experience in terms of border management set in line with traditional old African community environment the borders enjoyed some measures of primordial tranquility amongst their culturally contiguous neighbours before the coming of the colonialists (Agholor, 2020).

The Nigeria-Cameroon International Boundaries were also drawn along political lines without giving a due consideration to the major ethnic groupings that constitute the bulk of the population of the given states. The people living along this boundary have a long history of social, cultural economic relations notwithstanding this, the Republic of Cameroon had on 29th March, 1994 taken the Federal Republic of Nigeria to the International Court of Justice (ICJ) concerning the dispute relating to the sovereignty over the Bakassi peninsula in Southern Nigeria. It requested the Court to ‘... determine the course of the maritime boundary between the two States beyond the line fixed in 1975’ by the Agreement between the two Heads of States (Tarfa, 2020: 143). It requested the Court to also specify definitely the land boundary between the two states from Lake Chad region in the North to the Atlantic Ocean in the South. It further requested the court to compel the

Federal Republic of Nigeria to pay appropriate compensation and/or damages consequent upon the alleged violation of its territory and sovereignty (Tarfa, 2020).

The court delivered its verdicts on the 10th of October, 2002 and decided that the land boundary between the two countries had been fixed by treaties entered into during the colonial period and it upheld the validity of those treaties. It moreover rejected the theory of historical consolidation put forward by Nigeria and accordingly refused to take into account the *effectivites* relied upon by Nigeria. It ruled that, in the absence of acquiescence by Cameroon, these *effectivites* could not prevail over Cameroon's conventional titles (Asiwaju, 2006).

Accordingly, the court decided that pursuant to the Anglo-German Treaty of 11 March, 1913, the Declaration of Yaounde II (1971) and the Maroua Declaration of 1975 (which were essentially a reaffirmation of the Anglo-German Treaty of 1913), sovereignty over Bakassi lies with Cameroon (Cukurah, 2012). On the payment of reparation to Cameroon by Nigeria, the court also rejected Cameroon's claims for the payment of damages in respect of the alleged violation of its territories and other sundry violations. The court however noted that the implementation of the judgment would sufficiently address any injuries suffered by Cameroon by reason of Nigeria's occupation of its territory and would further afford the parties a beneficial opportunity to co-operate in the interest of the people affected by the judgement (Tarfa, 2020).

The post ICJ judgment was characterized with so many challenges which led to the establishment of the Cameroon-Nigeria Mixed Commission on the 15th of November, 2002 to consider all implications of the decision, such as the challenges of protecting the rights of the affected populations in both countries, meeting up with the socio-economic needs of the populations in terms of provision of education, health, social infrastructure, portable water and environmental protection. The humanitarian needs of the concerned population by contributing in re-establishing a degree of trust between the people and the Governments of Nigeria and Cameroon, pursuing peaceful ways for the settlement of their boundary differences and resettlement. There are problems related to the political climate of rising nationalism, population expansion and environmental tension which overcoming all considerations and prejudices and the task of rebuilding confidence that was disrupted between the two countries, which also requires dynamic direct contacts between the two heads of states in addressing the problem of suspicious among the people and the governments of both countries (Oduntan, 2015). This is also compounded with the challenging security environment that has continued to affect the activities of the UN Mixed Commission (UNOWAS, 2021).

The establishment of the Mixed Commission demonstrated the political will of both leaders of the two countries to demarcate their common boundaries peacefully handed over by the ICJ. The establishment of a sub-commission to adhere the issues relating to affected populations within the Cameroon-Nigeria Mixed Commission (CNMC) along the sub-commission on demarcation positively assisted the demarcation process and capacity building mechanism. Thus, this paper attempts to show the role of the Cameroon-Nigeria Mixed Commission in enabling trust between them.

Cameroon-Nigeria Boundary

According to Asiwaju, (2009) Nigeria and Cameroon, as conterminous coastal states in the Gulf of Guinea, share land and sea boundaries, the land frontier stretches a length of 1582 kilometres from the Lake Chad. Tripoint to the historic bight of Biafra. The Seaward boundaries extend from the estuarine waters and island in the Calabar/Cross and Rio del Rey estuaries into the territorial seas and other maritime zones of the states as defined in the 1982 Convention of the Law of the Sea.

Nigeria and Cameroon are located on the West Coast of the Continent of Africa. Both of them shared common political and economic institutions as part of the British West Africa. Nigeria with population of about 200 million covers a land area of 924,630 KM extending from the Gulf of Guinea in the South to Niger and Chad Republics in the North. It shares common border with the Republic of Benin on the West and the Republic of Cameroon on the East. Cameroon on the other hand is a smaller both in land mass and population. The population of Cameroon is estimated at 26 Million occupying an area of 475,442 Km. Cameroon shares borders with the Republic of Chad on the North, with the Central African Republic on the North-West, with the Republic of Gabon and the People's Republic of Congo on the South and with Nigeria on the West (Familugba & Ojo, 2013). The Nigeria-Cameroon border from the Benue to Lake Chad severed such indigenous culture areas as those of the Jukun, the Chamba, the Manga, the Mandara and the Shuwa Arabs. However, partitioned culture areas straddled by the Nigeria-Cameroon border have been, more than their counterparts elsewhere in the Nigerian region, vulnerable to the same kind of "erratic vicissitudes of international relations, wars and negotiations (which) have caused frequent changes in boundaries in Europe. They have similarly been subjected to 'forced shift of allegiance, with ensuing problems of psychological, cultural and economic adaptations (Asiwaju, 1984).

Boundary development between Nigeria and Cameroon cannot be traced in isolation of events in the entire African continent between 1830 and 1960. That by looking at the boundary development between 1920- 1960, at the end of the first World War, with the humiliation of Germany, all her African possessions were lost. They became mandate territories to the advantage of the British and the French. The League of Nations which emerged apportioned the Western area of Cameroon (North and South) to Britain which was ruling Nigeria. In addition, British gained Tangayika and jointly ruled the Sudan with the Egyptians who had attained independence in 1922. France on her part gained the larger chunk of Cameroon (Eastern Cameroon) and Togo (Otor, 2013). Agholor (2020) also opined that Nigeria and Cameroon share a total of around, 2,300 kilometre land boundary extending from Lake Chad to the Bakassi Peninsula and the maritime boundary which lies in the Gulf of Guinea.

The origin of the boundary disputes can be traced back to the partitioning of Africa among the Colonial masters in 1884- 1885. At the Berlin Conference, they took little or no account of the ethnic and linguistic distribution of the people. As a result of these artificial frontiers created by the colonial masters, various agreements were concluded by Germany, France, and Great Britain to delimit the boundaries of their respective Colonial Territories. The Boundary between Great Britain and Germany colonial territories was defined by the agreement between Great Britain and

Germany in respect of boundaries in Africa were signed in Berlin on 15 November, 1893, and supplemented by a further Agreement of 19 March, 1906 respecting the boundary between Great Britain and Germany Territory from Yola to Lake Chad. (Here in after the “Anglo-German Agreement of 1906”). The Southern part of the boundary was subsequently redefined by two agreements concluded between Great Britain and Germany in 1913. The Anglo-French Declaration of 1920 brought the final partition of the Sultanate of Mandara and some of its neighbouring peoples who had been part of a wider political and cultural complex. This brought many problems both to the people concerned and to the administration of Nigeria and Cameroon (Barkindo, 1984).

Familugba & Ojo (2013) argued that the boundary disputes between Nigeria and Cameroon Republic was engendered by the long but not clearly defined border (1680 Kilometres or 1050 Miles) could be traced to pre-colonial when the Europeans Imperialists sat at the Berlin in the year 1884 to partition the Continent of Africa among them. However, the boundary disputes had remained a source of the conflict in the bi-lateral relations of the two counties since Independence. The line which emerged as the first section was the Eastern International boundary of Nigeria was the Rio –Del – Rey - Yola line described in the Anglo- German agreements of 1885 and 1886. This is the Eastern Nigeria-Western Cameroon International boundary. This zone includes the territory watered by the Cross River and its tributaries issuing from the Cameroon Mountains and the Plateau of Bemanda. The region near the Coast is a low- lying plain, swampy, encumbered by with mangrove trees. The conflict between Cameroon and Nigeria is a boundary and a territorial dispute one of the territories is the Land and Maritime and Bakassi Penninsula which is a highly contestable one.

Confidence Building in International Relations

Confidence building measures are regarded to alternatives to traditional diplomatic business which can halt due to numerous factors including (but not limited to): a trust of deficit, security concerns and stalemates in negotiation. The phrase “ Confidence Building Measures was first used in the Conference on Security and Cooperation in Europe (CSCE) held in Helsinki, in 1975 (Haidar & Tahir 2021). According to Harman, (2013) Confidence building measures in International relations is an action that reflects goodwill towards a willingness to exchange information with an adversary. The purpose of such measures is to decrease misunderstanding, tension, fear, anxiety, and conflict between two or more parties by emphasizing trust and limiting conflict escalation as a form of preventive diplomacy.

In any situation where trust is lacking, mediators can use confidence building measures to repair some of the relationships problem at the beginning of the process, placing the parties in a comparative mind-set. Trust is generally demonstrated by a willingness of parties to place themselves in some position of risk in a negotiation, such as by being open with information sharing (Landau & Daryl, 1997). Confidence building measures covers a very large canvas ranging from a simple unwritten understanding between the two adversaries to a treaty. It is also a bilateral or multilateral measures that builds confidence, arrests the undesirable drift towards open hostilities, reduces

tension and encourages the adversaries to make contact for negotiations without taxing too much the operative policy pursuits (Mian & Ashraf 2007).

Confidence building measures are meant address, prevent or resolve uncertainties amongst states. Designed to prevent wanted and especially unwanted escalations of hostilities and build mutual trust. Design to prevent wanted and especially unwanted escalations and build mutual trust, CBMs can be formal or informal, unilateral, bilateral or multilateral, military or political, and can be state-to-state or non-governmental (CSIS, 2022). To Holst, (1983), he defines Confidence Building Measures as arrangements designed to enhance of minds and belief in the trust-worthiness of States Confidence is the product of much broader patterns of relations than those which relates to military strategy.

Trust-Building and Cooperation between the Governments of Nigeria and Cameroon

Several weeks before the pronouncement of the judgment, the Secretary-General of the United Nations invited the Presidents of Cameroon Nigeria to a crucial meeting in Paris, France. At the end of the meeting, which was held on the 5th of September, 2002, both Presidents agreed to respects and implement the decision of the ICJ over land maritime boundary and to also establish a mechanism for implementation with the support of the United Nations and to adopt confidence building measures, including the eventual demilitarization of the peninsula, with the possibility of international observers to monitor the withdrawal of troops, and early visit of to Nigeria by President Biya and the avoidance of inflammatory statements or declarations on the disputed territories by either sides. The Secretary-General and the parties agreed to continue the bilateral negotiations at the ministerial level (UNOWA, 2002).

Looking at the complex nature of the boundary dispute between the two countries, it has become so glaring that the decisions from the ICJ alone is not enough to bring a sustainable peace and competence agreement between the two countries who are involved in the conflict over the years in the anticipation of the final judgment of the court, the then United Nations Secretary General, Dr. Kofi Anan invited the two Presidents, Chief Olusegun Obasanjo, and Paul Biya of Cameroon to a crucial meeting in Paris, France. At the end of the meeting, which was held on the 5th of September, 2002, both Presidents agreed to respect and implement the decision of the ICJ on the disputed territories establish a mechanism for implementation with the support of the United Nations and adopt confidence building measures among other things. The Secretary-General and the parties agreed to continue the bilateral negotiations at the ministerial level. The United Nations through the Good Offices of the Secretary-General played a vital role in the enforcement of the judgment of the ICJ in the Bakassi case and other areas affected by the judgment of the Court. And the role manifested mainly in the following respects: Extraction of pre-judicial commitments, the convening of post judgment tripartite submit, the setting up of Cameroon-Nigeria Mixed Commission, and the midwifing of the Green Tree Agreement (Alobo, Ekpo, Miebaka, 2016).

According to Asiwaju (2007), the Green Tree Agreement was the outcome of difficult diplomatic negotiation of the ICJ Judgment of 10th October, 2002. It re-emphasized the acceptance of the judgment by both

parties and reiterated their mutual commitment to its implementation on the basis of a mutually agreed schedule. The schedule stipulates the procedure to follow in disengagement and final transfer of sovereignty over the peninsula by Nigeria to Cameroon. A time schedule ranging between two and seven years for the total actualization of the judgment was set by the two countries. A series of activities allowed and prohibited for the two countries was agreed upon. Certain guarantees of the human and people's rights of the affected populations were also agreed to by the two countries.

The Mixed Commission was briefed on Confidence Building Measures. A team also travelled to Cameroon and Nigeria to assess the progress and needs in confidence building activities. The team met with representatives of United Nations development and humanitarian agencies and programmes, and of bilateral and multilateral donors (Achankeng 2009).

Figure 1.1 Cameroon/Nigeria Boundary



Source: Sovereign Limits, 2022

Sensitization, Resettlement and Capacity Building for Local Communities by the Cameroon-Nigeria Mixed Commission

The Mixed Commission was established to, among other things; handle the delineation/delimitation and demarcation of the maritime and land boundaries respectively, recommend additional confidence building measures, promote the development of joint economic ventures and Cross-Border Cooperation. The Commission is chaired by the Special Representative of the Secretary-General of the United Nations for West Africa and the respective delegations of both countries are headed by Hon. Ministers. The National Boundary Commission is the Secretariat of the Nigerian delegation. Considerable achievements were recorded by the Mixed Commission. Key among them is the avoidance of war, the restoration of high profiled diplomatic relationship and engagement in cross-border economic activities between the two countries (Tarfa, 2020).

The Mixed Commission in its 28th Session, on the 23rd of July, 2011, noted with appreciation the progress reported by the UN Resident Coordinator for Nigeria and the representative of the UN Country team for Cameroon, regarding the confidence building initiatives in favour of the populations affected by the demarcation. It commended the efforts of the United Nations to emphasize the human dimension of the demarcation process and its commitment to support the development of cross boarder socio-economic initiatives toward harmonious co-existence between populations on both sides of the boundary and sub-regional security, peace and stability.

In another development, the Mixed Commission, on its 30th Session of 14th December 2012 noted and showed its appreciation on the progress reported by the UN Resident Coordinators for Nigeria and Cameroon, in particular the preparatory work carried out in support of confidence building initiatives. The Coordinator of the Observer Group presented the report of the 16th Observation Mission of the Bakassi zone (the Zone). The Mixed Commission noted with satisfaction the peaceful atmosphere prevailing in the Zone in compliance with the Green Tree Agreement, and Congratulated both countries for their commitment to peace and cooperation. Confidence-building measures supported by the Special Representative of Secretary General Djinnit have played an important role in re-establishing a degree of trust between the two countries, even to the extent that several recalled issues have been dealt with on an entirely bilateral basis.

As stated by Inaku (2016), the federal government and Cross River Government had promised to provide permanent resettlement centre for the Bakassi returnees and rehabilitate them adequately. He went further to say that the returnees wished for a resettlement in Dayspring Islands, where they could continue with their fishing activities. That their request for relocation is a possibility provided resources are to be made available to sand fill the area because the issue of Bakassi returnees is not the sole responsibility of Cross River state. It is a national issue as well as an international one. The Cross River State Emergency Agency (SEMA) in collaboration with the state Food Bank Commission has carried out the distribution of relief materials to more than 1,000 Bakassi Returnees evicted from Cameroon. The returnees were from six states comprising: Cross Rivers, Ebonyi, Bayelsa, Akwa Ibom, Rivers and Delta (The Nation, 14th July 2017). Ene (2021) said as displaced people, it was hard for them to afford the education of their children both at the primary and secondary school level. That the situation of the Bakassi returnees and the environment makes it difficult for the children to attend school even though education is paramount in their lives.

Re-activation of the Activities of the Lake Chad Basin Commission (LCBC)

According to Magrin, (2005) Lake Chad is a very specific geopolitical subject, four states for which it does not have the same importance are bordering it. One half of the Lake is on Chadian territory, a fourth Nigeria's, a sixth Niger's and only a twelfth in Cameroon. The Lake and its minor tributaries are of variable importance to Niger, Nigeria and Cameroon, but they do only concern local issues, located in the countries peripheries. The Lake's geopolitics expresses the unbalanced relationships between these countries. Its water areas with their changing shores, where floating islands move permanently and appear and disappear, depending on water variation, has allowed Nigerian expansionism in recent time. He went to say that the problem occurring in the Lake Chad Area is one of the many boundary tensions opposing Nigeria and the neighbouring countries, mainly Cameroon, all along their common frontier. The situation remains the same from Bakassi to the Lake. Previously, little populated Lake margins are being occupied by Nigerians, especially traders and fishermen. That their presence has been a pretext for military and administrative occupation. Between 1988 and 1992, on the aegis of the LCBC, land marks have been set up in the Lake, to avoid conflicts likely to be caused by the decrease of the Lake level. But the minutes of the Commission have not been accepted by Nigeria for many reasons, mainly because of Cameroon's decision to ask the International Court of Law, at the Hague, to arbitrate for the Bakassi contention. During the 1990's, minor incident broke out between Chadian and Nigerian soldiers on the Lake, the latter were suspected of planning to settle on new islands (emerged due to the decrease of the lake Level), which had been under Chadian sovereignty before.

The main problem with Lake Chad has been the gradual drying of the lake, which has taken place over the last 37 years. The Lake exceeding 25,000 sq kilometres in area (previously the fourth largest fresh water lake in Africa), has been reduced to less than 2,000 sq kilometres. The drying out of the lake has had a huge impact on the local population. Many people including the affected population depend on the lake for their livelihood, both for the fish it provides and on the farmlands. The Nigerian local government areas in the North- East have traditionally provided administrative services and infrastructure for the 60, 000 or so Nigerians living in this area. In the Lake Chad Area, an international body the Lake Chad Basin Commission (LCBC), comprising Nigeria, Cameroon, Chad, Niger, and the Central Africa Republic has long been established. Representatives of the Five States meet on a regular basis in order to coordinate efforts to preserve and protect the environment and people of this ecologically fragile area. The people are well used to cooperation under the leadership of the LCBC. Nigeria provides over 50% of the budget of the LCBC and looks forward to continued cooperation between the member States, including Cameroon, in managing the area (Asiwaju, 2013). In its 20th Session of 16th November, 2007, the Mixed Commission noted on the need to organize a Summit of Heads of Members States of the Lake Chad Basin Commission and those of other affected States to consider the serious environmental situation in the Lake Chad Basin area in order to design appropriate strategies for mobilizing resources to fund the inter-basin water transfer project. In view of facilitating the organization of

such a Summit, the Mixed Commissioner decided to undertake, a sensitization mission led by the Mixed Commission Chairman and made up notably of the Heads of the Cameroonian and Nigerian delegations as well as the Executive Secretary of the Lake Chad Basin Commission. In a regional context characterized by daunting challenges, including security, health, climate and economic challenges, the summit of Head of States and Governments of LCBC met in an extraordinary session on 25 May 2021, in Abuja and reviewed the consequences of the barbaric act for the peace, security, and development of Chad and the Lake Chad Basin and Sahel countries region in general. Heads of States and government also share their concern about the situation arising from the Libyan chaos and the measures aimed at countering the impact of the deteriorating security not only in Chad but also in the Lake Chad Basin and the Sahel in general with the support of the International Community.

Furthermore, on the update on the situation in the Lake Chad Basin, at its 1086th meeting held on 31 May 2022, the Peace and Security Council (PSC) of the African Union (AU), there was a call for the support of the Lake Chad basin Commission in determining the most practical approach to establishing a joint fund that responds to the needs of beneficiary communities and designing the best mechanism for disbursing the funds on a need basis and in line with the priorities partners. To spearhead the mobilization of the needed resources to consolidate the gains made in the LCB region and the investment of resources in the stimulation of economic activities and the promotion of development in the region, including cross-border trade and agricultural projects (African Union, 2022).

Theoretical Framework

The research adopts the neo-liberal institutionalism theory that was propounded by Robert Keohane in (1984). Neo-liberals argued in favour of the significant of International Organizations in promoting cooperation and stability. The approach stressed the importance of international institutions in reducing conflict and tension. The argument is based on the core liberal idea that seeking long term mutual gain is often more rational than maximizing individual short term gain. Keohane, showed that international cooperation could be sustained through related interactions, transparency and monitoring. Being optimistic about the relevance of those organizations, stated that international organizations are capable of facilitating cooperation and without them “the prospects for our species will be very poor indeed, he values organizations role in promoting cooperation, habits, monitoring compliance and sanctioning defectors. Neo-liberals also argued that it is this longer term perspective that put states into cooperating rather than the move short-term survivalist perspective that encourages defection (Burchill, 2005). These views can be said to have reflected on the modalities established by Cameroon-Nigeria Mixed Commission in the process of the implementation of the ICJ judgment of 10th October, 2002, which involves promoting confidence among the affected population as one of its mandate that enhances the promotion of cooperation through interactions among parties and the sustenance of the core liberal idea of seeking long term mutual gain, which is often more rational than maximizing individual short term gain.

Research Methodology

For the purpose of this study, the researcher adopts the field survey research design which entails the collection of information from a cross section of the population comprising of all stakeholders who have the fore knowledge and are also involved in implementing the mandate of the Mixed Commission in promoting confidence building measures between the affected populations of Nigeria and Cameroon over boundary dispute from 2008-2021. The research employed both primary and secondary sources of data collection. The methods of data analysis were mixed of both quantitative and qualitative. A clustered sampling technique was adopted for selecting the population of the study for the distribution of questionnaires. The staff of the National Boundary Commission (NBC), Office of the Surveyor General of the Federation (OSGOF), Border Communities Development Agency (BCDA), Federal Ministry of Justice, Ministry of Foreign Affairs and Cameroon High Commission in Abuja who constitute the majority of the population are drawn from various departments to collect adequate information on issues on defined subject matter. The population was divided into departments (Clusters) from each department; simple random technique was adopted so that each member of the respondents has an equal chance of being selected. The measuring instrument used by the researcher for this investigation is a five-point likert scale questionnaire making provisions to thick options that are relevant to their opinion. These options are Strongly Agree, Agree, Strongly Disagree, Disagree and Undecided to determine the level of responses. The questionnaires method defended on distribution of questionnaires to 400 respondents who represents the target population, 362 were duly completed and returned. Purposive sampling technique was also employed for the selection of respondents. The interview was conducted with participants from the Cross River State Emergency Management Agency (CR-SEMA), United Nations Sub-Commission on Affected Populations, Delegates to the summit of the Cameroon-Nigeria Mixed Commission (CNMC), leaders of the Affected Populations from the Land Boundary (Adamawa Sector) Lake Chad Area, and the Bakassi Peninsula others are from the National Boundary Commission (NBC), Border Communities Development Agency, (BCDA) Office of the Surveyor General of the Federation, (OSGOF) Federal Ministry of Justice. The data obtained from questionnaire were analyzed by using Statistical Package for Social Sciences (SPSS) to show the responses of the respondents frequencies and percentages of the various categories using simple percentage statistics to enable the researcher ascertain role of the Mixed Commission in the promotion of confidence building measures among the affected populations. Data collected through interview were transcribed verbatim by the researcher into the language of the research. The analysis was based on content analysis which involves investigating, recording and analyzing past events with a view to discovering generalizations that were significant in understanding of the past and the present in order to make prediction and deal with the issue under consideration

Table 1: Responses on how both parties agreed to renounce the use of force in their bilateral relations and pursue peaceful ways for the settlement of their boundary differences.

| Options | Frequency | Percentage |
|---------|-----------|------------|
|---------|-----------|------------|

| | | |
|-------------------|-----------|-------------|
| Strongly Agree | 195 | 53.86% |
| Agree | 98 | 27.07% |
| Disagree | 43 | 11.88% |
| Strongly Disagree | 21 | 5.80% |
| Undecided | 5 | 1.39% |
| Total | 62 | 100% |

Source: Field Survey, January, 2023.

On the question on how both parties agreed to renounce the use of force in their bilateral relations and pursue peaceful ways for the settlement of their boundary differences the table above shows that 195 (53.86%) and 98 (27.07%) of the respondents strongly agreed and agreed respectively that both parties have agreed to renounce the use of force in their bilateral relations and pursue peaceful ways for the settlement of their boundary difference while 43 (11.88%) and 21 (5.80%) disagreed and strongly disagreed to that and 5 (1.39%) respondents were undecided. This is a clear indication that both parties have agreed to renounced the use of force in their bilateral relations and pursue peaceful ways for the settlement of their boundary difference after the establishment of the Cameroon Nigeria Mixed Commission, it also shows how the Mixed Commission has contributed in re-establishing a degree of trust between the people and the Government of the two countries as both leaders of Nigeria and Cameroon demonstrated the political will of accepting the demarcation of their common boundary in accordance with judgement of the ICJ. In agreement to the foregoing analysis, an interviewee Emeritus Professor A. I Asiwaju, former Chairman of Sub-Commission on Affected Populations of the Mixed Commission states that the establishment of the Mixed Commission is evidenced of the political good will on the part of the leaders of Nigeria and Cameroon in respect of the demarcation of boundaries as delineated, as delimited as defined in the judgement. Because, before the judgment was pronounced, United Nations Good Office, in anticipation of non- acceptance, by one or the other party, its controversy, its litigation, the office of the Sec-General anticipated and organized summits of Heads of States of the two Litigants Parties, Cameroon and Nigeria in Paris on the 5th of September, 2002 on close to the time of the judgment itself, they all committed themselves to accepting it, Obasanjo was fully committed in writing to accepting the judgment (January, 4th 2023). In his National Broadcast, on June 14, 2006 former President Olusegun Obasanjo, stated that as a great advocate of the observance of the rule of law nationally and internationally and a great believer in the settlement of disputes peacefully, Nigeria has accepted the verdict notwithstanding in our disappointment. He also assured the Nigerians living in Bakassi and all Nigerians that their interest will be protected in the process of implementation of the ICJ judgement (Obasanjo, 14th June, 2006).

Similarly, President Paul Biya of Cameroon, while receiving the award for ‘Peaceful Resolution of Conflict’ by the Pan African Lawyers Union on 6th of June 2014 made the following remarks:

I would like to dwell on the efforts made by Nigeria and Cameroon to find a peaceful solution to the land dispute over the Bakassi Peninsula. I dare to say on both sides, all resources of diplomacy and international justice were used and such efforts helped to bring about

honourable outcome for both parties. I wish that the use of force should be abandoned definitely as a means to settle differences between States. This can only be possible if States recognize the primacy of International Law and the preeminent role of the United Nations. It was thus demonstrated that the use of force poses more problem than it resolves. Permit me to share the honour bestowed on me with all those who worked for the peaceful settlement of the border dispute between Nigeria and Cameroon. Particularly, the International Court of Justice; my brother, President OLUSEGUN OBASANJO and the former Secretary-General of the United Nations, Mr. KOFI ANNAN; my successive Nigerian counterparts; witness States, namely Germany, the United States of America, France and the United Kingdom as well as the Secretary-General of the United Nations, Mr. BAN KI MOON (H.E Paul Biya, President of the Republic of Cameroon, 6th June, 2014). This corroborated with the views of Florence Tanko, Principal Foreign Affairs Officer, of the Nigerian Mission in Douala, Cameroon stated that there is an improvement in Nigeria-Cameroon Diplomatic Relations, since after the ICJ judgment. There has been improvement in both political and economic relationship of the two countries. Presently Nigeria is among the countries that has three (3) Consular Generals in Cameroon, one in Yaoundé; Douala, and Buea. Also, it is important to note that Nigeria is the only country that has not shut down its consulate in Buea despite the Anglophone crisis due to their strategic relationships (Tanko, December, 20th 2022). Similarly, Bashir Galadunchi Assistant Director, Departments of Int'l Boundary, National Boundary (NBC), said, that it is a political way and otherwise, that is the best decision the two leaders of both countries could have taken, by accepting the outcome of the ICJ judgement which has contributed in the promotion of continental peace. It has halted open confrontations between them and has created the window of building trust (Bashir, December 7th 2022).

Table 2: Responses on the role played by the Mixed Commission in sensitization drives, establishing trust, resettlement and capacity building for local communities affected by the ICJ judgment

| Options | Frequency | Percentage |
|-------------------|------------------|-------------------|
| Strongly Agree | 171 | 47.24% |
| Agree | 163 | 45.02% |
| Disagree | 9 | 2.49% |
| Strongly Disagree | - | - |
| Undecided | 19 | 5.25% |
| Total | 362 | 100% |

Source: Field Work, January, 2023.

The analysis of the table above reveals that that 171 (47.24%) and 163 (45.02%) of the respondents strongly agreed and agreed that the Mixed

Commission has promoted confidence building measures through sensitization drives, establishing trust and capacity building for local communities, on the other hand, 9 (2.49%) of the respondents disagreed. 5.25% of the respondents were undecided about the question. In clear terms it is obvious that Cameroon-Nigeria Mixed has played a role in the promotion of confidence building among the populations affected by the judgment of the International Court of Justice.

The above analysis corroborate with the view of a respondent Barrister Mohammed Monguno, Former Attorney General and Commissioner of Justice, Borno State who opined that immediately the ICJ judgment was delivered, one of the contingency arrangement made by President Olusegun Obasanjo was the setting up of the Presidential Resettlement Committee. The committee was then chaired by the Governor of Borno State Sen. Ali Modu Sheriff. People from the National Boundary Commission, Department of State Security (DSS), Military, and the members of the Mixed Commission were brought in. The committee converged in Maiduguri and we went to visit those possible locations where those people who were moving from Cameroon that were affected by the ICJ judgment will be resettled immediately. Most of the people moving back to Nigeria were not actually people from Borno alone, most of them are fishermen, and rice farmers, from Kebbi, Mali, Niger, and Ijaw people. They are all there in the Lake Chad doing their fishing and farming activities, these were the people to be resettled. Because their main source of livelihood and business is the Lake water. That led to the Mixed Commission establishing another team (The Mixed Commission Observer Team) on the land Boundary and Lake Chad. The Team went through the land boundary and part of the Lake Chad Areas, consulting the affected populations on both the Nigerian side and the Cameroon side. The Team was in Ngala, and on the Cameroon side, we went to Maroua, it was a mixed team of both Nigerians and Cameroonians. On the Nigerian side, we developed resettlement centres on the Northern part of Borno in Kukawa area, we have Alli sheriffi, Dambore and Sagir we built a lot of structure there, immigration post, secondary schools, primary schools, water supply scheme, and some housing for these staffs. Two teams were set up of the Presidential Resettlement Committee one on temporary structures. It is a combination of people from everywhere, not only Nigeria, we went there and addressed the people on the need to accept the judgement in order to avoid conflict (Mohammed January, 10th 2022).

Similarly, Emeritus Professor A. I. Asiwaju argued that the entire judgment of the ICJ was what guided the field work, and they started the field work in Darak, right at the Lake Chad all the Teams were there, comprising the Nigerian Delegation, Cameroon Delegation, UN Delegation which forms part of the confidence Building processes. The arrangement was that we speak to local people, on this side of the border, we cross the border and we spoke to the extended communities on the Cameroon border. This also formed part of the sensitization and listening to them too. We complied our reports and the Mixed Commission takes action. The handing over of the villages and so on. This covers all the way from Adamawa, Benue, Borno, and Cross River State from the Nigerian side down to the extended area at Boki, other villages in Cameroon in the thick forest. The Mixed Commission affirmed the report of the Sub-commission on affected population. The committee also interacted with the population from the Bakassi side that

comprises Achibong, Ikang and other places, we went into the creeks to sensitise people. He went further to say that the judgment of the court was also aimed at providing opportunity for the two governments to work together. Confidence building is part of what is aimed at through the work of the Mixed Commission and the Sub-Commission (Asiwaju, January, 4th 2023).

Tarfa, Farouk also highlighted that in terms of confidence building measures, the Mixed Commission over the years, have been given the affected communities sense of belongings. National Boundary Commission has led delegates to the communities on several occasions, for sensitization and enlightenment. NEMA has been providing a lot of relief materials to the affected border population. The United Nations in their magnanimous way conducted confidence building studies for the affected communities in 2011 (Tarfa, December 10th, 2022).

Another respondent and leader of the Affected Population from Ngala, Mallam Bakura Mai Hula Ngala was of the opinion that after judgment of the ICJ of 2002, the resettlement programmes commenced within a short time. Nigerians who were living in villages of Darak and Dabar Masara were resettled in a new area called Alli sherifti. It was carried out by the United Nations, Federal Government and in collaboration with the Borno state government around 2004 until 2009. Projects that have impact on the socio-economic needs of the people were also carried out such as health centres were put in places, schools for the people were also built, drinking water, hospitals were also made available to the people who relocated from Cameroon due to the judgement. Other villages that benefitted were in Sagir, Kirlal, Wula etc. (Bakura, November 23, 2022). Mr. Abeng Ebingha of the Cross River State Management Agency (CR-SEMA) also stated that, thousands of Bakassi Returnees have been provided temporary shelters by the State Emergency Management Agency in collaboration with both domestic and International institutions such as National Emergency Management Agency (NEMA), National Commission for Refugees, Migrant and Internally Displaced Persons (NCFRMI) and United Nations High Commission for Refugees (UNCHR). Over the years, Cross River State government have been providing assistance at all levels and plans to provide alternative accommodation and sources of livelihood to the Bakassi Returnees (Abeng 11th, January, 2023).

Another respondent, Chief Atingha Atingha Cobham, Chief of Ikang, Bakassi Local Government Area of Cross River State said that, the people of Bakassi have been neglected we are suffering here think of the magnitude of people that have been displaced came to stay in one locality, economical wise, social factor wise and poverty accommodation has also become a problem for them, can you imagine Ten (10) people living in one room apartment think of the health hazard, that is what we have been experiencing for almost 12-15 years going even the UN has tried to do something but the effort is not enough. Because I was with the Paramount Ruler of Bakassi, HRM, Etinyin, Etim Okon Edet, when the last UN Team visited, and he complained to them about the plights of the people of Bakassi and he called on the United Nations Officials to intervene (Atingha, December 18, 2022).

Table 3: The extent to which the Mixed Commission contributed in the reactivation of the activities of the Lake Chad Basin Commission

| Options | Frequency | Percentage |
|-------------------|------------------|-------------------|
| Strongly Agree | 93 | 25.70% |
| Agree | 144 | 39.78% |
| Disagree | 87 | 24.03% |
| Strongly Disagree | 23 | 6.35% |
| Undecided | 5 | 4.14% |
| Total | 362 | 100% |

Source: Field Survey, January, 2023.

On the extent to which the Mixed Commission contributed in the reactivation of the activities of the Lake Chad Basin Commission the above shows that 25.70% of the respondents strongly agreed, and 39.78% says they agreed to that while, 24.03% and 6.35% of the respondents disagreed and strongly disagreed. 15 respondents constituting (4.14%) were undecided on the matter.

In its 20th Session, of 16th November, 2007, the Mixed Commission noted on the need to organize a Summit of Heads of Members States of the Lake Chad Basin Commission and those of other affected States to consider the serious environmental situation in the Lake Chad Basin area in order to design appropriate strategies for mobilizing resources to fund the inter-basin water transfer project. In view of facilitating the organization of such a Summit, the Mixed Commissioner decided to undertake, as soon as possible, a sensitization mission led by the Mixed Commission Chairman and made up notably of the Heads of the Cameroonian and Nigerian delegations as well as the Executive Secretary of the Lake Chad Basin Commission.

This also corroborates with the views of Barrister Mohammed Monguno, former Attorney General and Commissioner of Justice Borno State, who stated that there were existing bilateral relations, between Nigeria and Cameroon, they used to sit periodically to address some issues relating trade, immigration. But because of the boundary conflict, the Cameroonians stopped attending such meetings for quite a long time. They only resumed after the establishment of the Mixed Commission. After the ruling, the Mixed Commission worked along with the UN to set up what is called Confidence building measures, one of the major programme that was carried out was to resuscitate the regular meetings of the Lake Chad Basin Commission. The Mixed Commission visited N'djamena and held a meeting with the management headed by a Nigerian on the recharging of the Lake by bringing water from the River Congo, Ubangi River through some channels. The quantity of water will now flow into to the Lake Chad, which will help in reducing conflict by addressing the economic challenges of people of the area. The instrumentality of the Mixed Commission was used to engage the LCBC in bringing in the United Nations to complete on the feasibility study, what was needed then was about 5million Dollars so, President Obasanjo donated a substantial part of that money. And then the United Nations also took some part of the challenges of trying to organize a donor conference in Tokyo, which also formed part of achievement of the Mixed Commission. (Mohammed, January, 10th, 2023). With regards to confidence building initiatives, the Mixed Commission in its 33rd Session of 20th November, 2021, commended the cooperation of United Nations Country Teams in Cameroon

and Nigeria; and encouraged them to work closely with the United Nations in realizing the projects already developed to assist the affected populations in the Lake Chad Area, Land Boundary and Bakassi.

Another responded said to a larger extent, confidence building measures have been put in place and it is still in place. The promotion of such idea is being propagated very well by the Mixed Commission. Even, recently we were in Dakar Senegal to celebrate the 20th Anniversary of the CNMC, this was one of the measures issue that was discussed. We found out that most of our activities, funds are to be sourced for the programmes of confidence building measures which has direct impact on the populations that have been affected by the ICJ Judgement.

Conclusion and Recommendations

In the process of implementing the International Court of Justice (ICJ) judgement, the Mixed Commission has contributed in trust-building between the affected populations of Nigeria and Cameroon which involved technical expertise, diplomacy, patience inspiring of trust, sensitization drives, resettlement and capacity building for local communities that is in line with the modalities established by the Cameroon-Nigeria Mixed Commission for the protection of the rights of the affected populations. Progress could not have been made without the commitment by the counties respective Heads of States. The Mixed Commission has contributed in the promotion of peace between Cameroon and Nigeria as both parties have agreed to renounce the use of force in their bilateral relations and pursue peaceful ways for the settlement of their boundary differences. There has been ccommitment by the two countries to sustain the spirit of peaceful brotherly and strengthening of good neighbourliness which has also created the window of building trust and contributed in the promotion of continental peace.

However, there is the need for the two countries to cooperate directly with each other in order to address the problem faced by the Mixed Commission in the interpretation of the Thomson-Marchand document over the settling of the remaining disputed territories of Koja/Kotcha, Rhumsiki, Mabas village and Pillar 8. There should be increased in the funding of the activities of the Mixed Commission by both parties and the checking of long bureaucratic processes which has continued to hinder the implementation of the activities of the Mixed Commission. The participation of key stakeholders, particularly members of affected populations in the activities of the Mixed Commission will go a long way towards protecting their rights and the promotion of confidence in the implementation process. It is also vital to put into consideration the welfare of the affected populations from both sides, through the provision of border communities development projects such as infrastructural and health facilities.

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