

# Executive-Legislative Relations in Nigeria's Management of the Border Crisis between Nigeria and Cameroon: The Case of the ICJ Ruling on the Bakassi Peninsula

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## Abstract

This paper examines Executive-Legislative relations in Nigeria's management of the border crisis between Nigeria and Cameroon with special focus on the ICJ ruling on the Bakassi Peninsula. Using both primary and secondary data, the paper traced the root cause of the border dispute between Nigeria and Cameroon on the Bakassi Peninsula to colonial legacy of arbitrary boundary demarcation by erstwhile colonial powers, namely; Britain, Germany and France. The border crisis resulted in a protracted litigation and eventually culminated in the ICJ ruling which awarded the Bakassi Peninsula to Cameroon in 2002. The executive and the National Assembly which share constitutional responsibilities in external relations could not forge a common policy agenda on the matter. In many instances, both arms of government appeared confused and bereft of ideas to handle the situation. The lack of consistent and coherent policy framework on the matter stemmed from inexperience and lack of political will on the part of the National Assembly as well as frequent conflict and mistrust between the two arms of government. Consequently, the Executive arm of government handed over the disputed territory to Cameroon without the approval of the National Assembly. The paper concludes that the Executive and the Legislature in Nigeria should see their roles in government as complimentary and always put national interest above other considerations.

**Keywords:** executive, legislature, Bakassi Peninsula, international court of justice, management, Nigeria, Cameroon

## 1. Introduction

Bakassi Peninsula is mostly a mangrove forest swamp-land which forms the southernmost tip of the Cross River State of Nigeria, jutting out into the Gulf of Guinea, at the Nigeria-Cameroon frontier (Umoh, 2014: 11). The peninsula which covers a territory of approximately 1,800 square kilometres, lies roughly between latitudes 4°25' and 5°10' and longitudes 8°20' and 9°08'E (Umoh, 2014). It has a maritime climate, with an average annual rainfall of about 4000mm which often reaches 7000mm during the rainy season. Average temperature of the area stands around 25 to 35°C, the relative humidity is above 85% and an average density of 133 persons per square kilometre (Beckly, 2013: 41). The main occupation of the people is fishing and trading because cultivation is difficult due to marshy nature of the soil.

The Bakassi kingdom is believed to have been founded around the year 1450 by the Efik people of coastal south eastern Nigeria and it was incorporated into the political framework of the Kingdom of old Calabar (*The Eden News*, 2008). Recent estimates suggest that the area has a population of between 200,000 and 300,000 (Konings, 2005), mostly made up of the Efik, Ibiobios, the Bakole, the Barombi, the Balondo, and some Bayanui.

After Nigeria's independence in 1960, the lingering, unresolved boundary issues between erstwhile colonial powers namely Britain, Germany and later France resurfaced as a major source of dispute between Nigeria and Cameroon. Although, the Bakassi Peninsula is not the only territory involved in the boundary dispute between Nigeria and Cameroon, the discovery of large oil deposit in the adjoining Niger Delta, along with the prospect of large gas reserves in the area reinforced the interests of both countries in the swampy peninsula (Abegunrin,

2003; Dos Santos, 2014; Babatola, 2012; Gbenga, 2011; Halleson, 2009; Falola & Genova, 2009; Llamzon, 2007; and Eze & Traub-Merz, 2004).

The two states became entangled in protracted border skirmishes over ownership and jurisdiction of the Bakassi Peninsula (Sama & Johnson-Ross, 2006: 105). The counter-claim led to frequent violent incursion by the Cameroonian gendarmes into the territory resulting in the molestation of Nigerians living in the community. In 1981, a similar incursion by the Cameroonian gendarmes led to the death of 5 Nigerian soldiers. The event generated widespread public outcry in Nigeria for a reprisal attack, but the skillful handling of the situation by then President Shehu Shagari, prevented a war incident between the two countries.

Between 1992 and 1993, several aggression were launched by the Cameroonian military authorities leading to the death of Nigerian civilians in Cameroon including the expulsion of many Nigerian civilian population from the Peninsula. This prompted an open hostility between the two countries resulting in heavy deployment of Nigerian troops and subsequent occupation of the Peninsula by the Nigerian military during General Sani Abacha's regime. Cameroon, in response, sent its troops to the frontline with armed reinforcements from France, thereby creating an impending war situation (Falola & Genova, 2009). As tension heightened between the two countries along the Bakassi borders, the Cameroonian government instituted a legal proceeding against Nigeria at the International Court of Justice (ICJ), in 1994, for violently contesting sovereignty over Bakassi peninsula (Tarlebba & Baroni, 2010; Konings, 2005).

While the matter lasted with the ICJ at the Hague, border clashes between Cameroonian military personnel and Nigeria continued, particularly, from January 1994 to May 1996, with Nigeria suffering more casualties. In fact, *New York Times* (1996: 5) reported that even though Nigeria was comparatively larger in population and in military size than Cameroon, she suffered more casualties during the intermittent military clashes. No fewer than 50 Nigerian soldiers were reported to have been killed while some were captured and jailed in Cameroonian prisons during the period.

After 8 years of litigation, the ICJ in 2002, gave its verdict on the border dispute, ceding Bakassi Peninsula to the Republic of Cameroon. The ICJ ruling as well as the modalities for the implementation of the judgment generated a lot of tension and anxiety between citizens of the two countries. It also presented a challenging experience for both the executive arm of government and the National Assembly in Nigeria. It is needless to say that the border disputes between Nigeria and Cameroon over the Bakassi Peninsula, is, perhaps, one issue in Nigeria's foreign policy history that has stretched the diplomatic skills of successive administrations to their limit.

## **2. Historicizing Nigeria-Cameroon Border Crisis over the Bakassi Peninsula**

The conflict between Nigeria and Cameroon over the disputed Bakassi Peninsula has a long historical antecedence which predates the independence of both countries. Its origin can be traced to the contradiction of colonial history arising from the partitioning and occupation of African territories by extra African powers. Historians have established that before the arrival of the colonial masters, the area now called Bakassi Peninsula was part of the ancient kingdom of Calabar (Tarlebba & Baroni, 2010; Udogu, 2008).

From the 1830s, the British signed series of treaties with the kings and chiefs of various parts of the Guinea Coast. The major objectives of the treaties was to secure and encourage trade in items such as palm oil, ivory and to abolish slave trade (Eze, 2008). A similar treaty between the British and the King of Calabar, in 1884, brought the area under British protection. With the conclusion of the famous Berlin Conference in 1885, African territories were formally partitioned among competing European powers. This marked the beginning of formal colonialism in Africa.

To give effect to the decisions reached at the Berlin Conference and effectively bring African territories under colonial occupation, participating European powers sought to define their territories as spheres of influence by establishing physical control. Thus, European powers entered series of treaties among themselves to define their areas of jurisdiction in accordance with the relevant Articles of the Conference. It is these colonial border demarcation exercise that defined most of Africa's postcolonial boundaries. Ikome (2004) suggest that some of the existing boundaries between Nigeria and Cameroon were determined through series of treaties and accords between Britain and Germany, which started in 1885. In the 1885 agreement, it was assumed that Rio-del-Rey was a river, hence the border was placed on the right bank of the Rio-del-Rey.

In mid-1885, it was realized that Rio-del-Rey was only an estuary and could therefore not be relied on as a lasting boundary marker. This led to series of other Anglo-German treaties in 1886, 1890, April 1893, November 1893, and 1906, respectively. Britain and Germany also exchanged series of notes between 1907 and 1909, in

order to give more precision to the borders from Yola to the Atlantic Ocean (Hertslet, 1967). The essence of these border agreements was for Germany and Britain to define the extent and limit of their spheres of influence on the coast of the Gulf of Guinea. As Ikome (2004: 10) rightly observed, the boundaries drawn by the colonialists were riddled with imperfections, lacking precision and based largely on questionable assumptions.

To address the inadequacies of earlier agreements, Britain and Germany signed the last and probably the most detailed border agreement in 1913 (Umoh, 2014). This Anglo-German agreement gave Bakassi out as part of Cameroon (Babatola, 2012). Ikome (2012) & Umoh (2014) pointed out that despite the detailed nature of the 1913 agreement, it still fell short of producing a satisfactory maritime borderline between the two colonial powers. These ill-defined boundaries became the precursor to border conflicts between Nigeria and Cameroon in the postcolonial era.

At the end of the First and the Second World Wars, Germany was stripped of its colonial territories by the war victors. Cameroon, which was formerly under German colonial control, was placed under the mandate of the League of Nations and later the Trusteeship of the UN (Udogu, 2008; Tarlebba & Baroni, 2010). Under these arrangements, Cameroon was divided between Britain and France, thus creating the need for a new boundary regime. Consequently, a Franco-British accord in 1919, divided the mandated territories and placed Bakassi Peninsula and southern Cameroon under British mandate; but the British administered the southern Cameroon independently from Nigeria until 1961.

As the demand and agitations for independence intensified in both Nigeria and Cameroon, the United Nations (UN), in 1959 requested the British Colonial administration to conduct a plebiscite to clarify the wishes of those living in the trusteeship territories of southern and northern Cameroon from Britain. Consequently, a plebiscite was conducted for the people of the British colonial territory of northern Cameroons and they voted for self-determination to join Nigeria. For the people of southern Cameroon, this opportunity was deferred because of internal unrest, until 1961, when they voted for independence to join the independent Republic of Cameroon. Umoh (2014) rightly pointed out that despite the multiplicity of agreements between the British colonial administration in Nigeria and Germany and later France, they failed to produce a satisfactory boundary regime.

After Nigeria's independence in 1960, the Tafawa Belewa government, in line with its outlined foreign policy principles accepted the outcome of the plebiscite of 1961 and endorsed the transfer of Bakassi Peninsula to the Republic of Cameroon. The Balewa government officially dispatched a diplomatic note to the government of Cameroon in 1962, accompanied by a map, which accepted the plebiscite and the delimited Nigerian border with Cameroon through the bank of *River Akpa Yafe* (Omeje, 2014), thereby technically endorsing the Anglo-German treaty of 1913. The action of the Balewa government was in total commitment to the "principle of *uti possidetis juris*, pledging to respect the existing international boundaries of the country as drawn by and inherited from the colonial authorities". This principle later became a core policy of the Organization of African Unity (OAU)-now African Union, formed in 1963 (Omeje, 2014).

By the end of the Nigerian Civil War in 1971, the then military Head of State, General Yakubu Gowon, re-opened the issue of claim over the Bakassi Peninsula. Consequently, a joint Boundary Commission was set up by Nigeria and Cameroon to review the borderline between the two countries. This culminated in the signing of two agreements namely the "Yaounde" and the "Maroua Declaration" in 1971 and 1975, respectively, by General Gowon of Nigeria and Ahidjo of Cameroon. The Maroua Declaration purportedly ceded Bakassi Peninsula to the Republic of Cameroon, thus giving effect to the Anglo-Germany treaty of 1913. It is noteworthy that successive governments of Nigeria after Gowon refused to recognise the Maroua Declaration, especially considering the strategic military and economic implications of the agreement (Babatola, 2012).

### **3. The ICJ Verdict on the Bakassi Peninsula: A Theoretical Exploration**

After eight years of legal wrangling, the ICJ on the 10<sup>th</sup> October 2002, ruled that Bakassi Peninsula belonged to Cameroon basing its decision on the 1913 treaty between Britain and Germany (Lacey & Banerjee, 2002; Sama & Johnson-Ross, 2006; IPU, 2006; Udogu, 2008 & Halleson, 2009). The ICJ relied on treaties and international law to determine the boundary between Nigeria and Cameroon (Jibril, 2003: 648). In particular, on the matter of the Bakassi Peninsula, the Court rejected Nigeria's argument that Britain had no right to cede the Bakassi Peninsula to Germany in the Agreement of March 11, 1913, where the King and Chief of old Calabar previously signed a treaty with Britain on September 10, 1884 (Jibril, 2003: 648). The court also refused to take into account Nigeria's defense on historical consolidation.

The ICJ upheld the existing maritime boundary between the two countries in accordance with the declaration of Yaounde II and Maroua, signed by Nigerian former military ruler, General Yakubu Gowon and Cameroon's former President, Ahmadu Ahijo in 1971 and 1975, respectively (Halleson, 2009: 67). The Yaounde II and

Maroua declarations, though never ratified by Nigeria, clearly recognised the sovereignty of Cameroon over Bakassi Peninsula (Konings, 2005). It should be noted that the non-ratification of these declaration may be due to the fact that the 1963 Nigerian Constitution made no provision for legislative ratification as contained in Section 12 of both the 1979 and 1999 Constitutions. Moreover, under military dispensation, the executive and the legislature are fused. Thus, policies made by the military executive is deemed as done by the legislature. In the ICJ ruling, the court indicated that the maritime boundary between Nigeria and Cameroon is on the precise course of the *Akwayafe* to the West of Bakassi Peninsula. See figure below:



Figure 1. Map indicating Post-ICJ Ruling Boundary between Nigeria and Cameroon

Source: United Nations (2005).

The ICJ ruling and the subsequent signing of the Green Tree Agreement (GTA), by Nigeria's President Obasanjo and Paul Biya of Cameroon generated polemics among intellectual community in Nigeria on the justiciability or otherwise of the judgement. This has produced three main strand of thoughts that more or less reflect the aggregate opinion of different segments of Nigerians on the matter. These thoughts are summarized as follows:

The first school of thought can be described as internationalist. The proponents of this view include: Bola Ajibola cited in Emetulu (2012); Nwabueze (1983); Dakas (2012); & Egede (2008). They argued that by virtue of the ICJ ruling, the authority to exercise jurisdiction over Bakassi Peninsula has been ceded to Cameroon. These scholars premised their argument on the provisions of the Vienna Convention on the Laws of Treaties (VCLT), of 1969. Furthermore, they held that the ICJ judgement impose international obligation on Nigeria as a member of the United Nations, a party to the United Nations Charter and the Statute of the ICJ to comply with the ruling in line with Article 94(1) of the UN Charter (Egede, 2008). For them, the requirement of domestication by national authority is only an act of formality. Hence, whether the Nigerian National Assembly ratifies the GTA or not, Nigeria has already lost her sovereignty over Bakassi Peninsula by virtue of the ruling of the ICJ. They argued that Nigeria as a member of the UN is under moral and legal obligation not only to respect the ICJ ruling but to implement the judgement. As persuasive as this school of thought may sound, empirical experience have shown that not all judgement of the ICJ involving members of the UN have been complied with.

Examples of such cases include the *US v. Nicaragua* in June 1986; and more recently in July 2016, between *Philippines v. China*, over the South China Sea.

The second school of thought can be regarded as Lego-Statist; and have the following exponents: Udogu (2008); Adebisi (2009); Anyaegbunam (2010); Emetulu (2012); & Dos Santos (2014), among others. They argued relying on the provision of Section 12(1) of the 1999 Constitution of the Federal Republic of Nigeria, as amended, which states that "No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly". They held that the VCLT of 1969 is limited in scope and applicable only to those agreements between states that have been concluded. Moreover, Article 14(1) (c) of the same Convention spell out that the consent of a state to be bound by a treaty is expressed by ratification when "the representative of the State has signed the treaty subject to ratification" (Emetulu, 2012). Therefore, no treaty is concluded until it is ratified by relevant national authorities. Thus, ratification represents the most important legal and conclusive step to be taken before a nation is bound to an international agreement.

For these scholars, even though the ICJ ruling has awarded Bakassi Peninsula to the Cameroon, the transfer of sovereignty cannot be conclusive except it is ratified by the Nigerian National Assembly. As far as these scholars are concerned, Bakassi Peninsula still remain a part of Nigeria because the GTA has not been ratified by an Act of the National Assembly. Thus, apart from the clear provisions of Nigeria's 1999 Constitution that treaties must be ratified by the National Assembly before it can have the force of law, the submission of the GTA by President Obasanjo, to the Senate in 2007, clearly shows that former President Obasanjo recognised the authority of the National Assembly to ratify the agreement he signed (Emetulu, 2012). This position is also buttressed by the Nigerian Supreme Court judgement in the case of *Abacha v. Fawehinmi* which held that: "international treaty entered into by the Government of Nigeria does not become binding until enacted into law by the National Assembly. Before its enactment into law by the National Assembly, it has no such force of law as to make its provisions justiciable in our courts" (Anyaegbunam, 2010: 73). Some of the proponents concluded that Nigeria must not cede any part of its territory to any nation and should go to war with Cameroon if need be to keep the Bakassi Peninsula.

The third school of thought is the realist which holds that Nigeria lost her bid to retain sovereignty over the Bakassi Peninsula because of her weak power status vis-à-vis her main opponent-France in the global power equation. These scholars argued that Nigeria is not a weak country compared to Cameroon, however, France strong support for Cameroon put Nigeria at disadvantage. Fagbodebo, Idahosa & Tomwarri (2013), for instance, held that the incoherent domestic environment coupled with the weakness of the Nigerian state in terms of power relations in the international system put Nigeria at a disadvantaged position on the matter. Ogunbadejo (1976: 21-23) opined that France's support to Cameroon is an extension of its national interests in Africa. Besides, France openly supported and assisted the Biafra during the Nigerian Civil War. President Charles de Gaulle of France did not hide his opposition to the strength of Nigeria as against the other Francophone West Africa.

Chief Richard Akinjide (a member of the Nigerian legal team during the court proceedings) summarized his views on foreign influence as follows: "We must accept that, the ICJ judgement is 50 percent international law and 50 percent politics. And as far as the case between Nigeria and Cameroon was concerned, the dispute was really between Nigeria and France. Cameroon was just a proxy for France," there is no doubt that in law and in fact Bakassi belongs to Nigeria because that is supported by a lot of documentary evidence which were tendered before the court. But which the court ignored (Akinjide, 2002).

#### **4. Executive-Legislative Relations in Nigeria's Management of the ICJ ruling on the Bakassi Peninsula**

The case between Nigeria and Cameroon over the disputed Bakassi Peninsula was at the ICJ before democracy was restored in Nigeria in 1999. The National Assembly which was inaugurated in June 1999, supported the legal option pursued at the Hague for the peaceful resolution of the boundary crises between the two countries. The support of the National Assembly for this cause can be inferred from the budgetary approval received by the Federal Government to finance the case at the ICJ from the year 2000, up till the time the case was finally determined in October 2002.

The ICJ ruling ceded the Bakassi Peninsula and 33 other villages with an estimated population of 60,000 people around the Lake Chad area to Cameroon (Etekepe, 2013). Although, the border dispute between Nigeria and Cameroon over Bakassi Peninsula predates Nigeria's independence, it is on record that successive governments in Nigeria since 1960 have played several constructive roles towards the resolution of the border dispute without success. However, the ICJ judgment which ceded Bakassi Peninsula to Cameroon occurred under a democratic

rule, thus, bringing the role of democratic institutions particularly, the National Assembly which shares responsibility with the executive on foreign policy, into light.

Adebiyi (2009) argued that before a treaty is binding on a country, it must be ratified by a body authorised by law to ratify treaties. The authorities vary from country to country depending on the law of the land. He pointed out that in the United States of America, it is the Senate; in Britain, the Queen; and in Nigeria, it is the National Assembly. Section 12(1) of the 1999 Constitution, for instance, provided that: “No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly”. According to Emetulu (2012), the objective of this provision is to underscore the primacy of the National Assembly in law-making and to discourage executive impunity in the conduct of international affairs and national commitment to international agreements.

Following the ICJ ruling on the 10 October 2002, the Nigerian Government issued a statement rejecting the verdict of the International Court (Friends of the Earth, 2003 & Sango, 2002). Similarly, the Nigerian House of Representatives, rejected the transfer of sovereignty and passed a resolution requesting then-President Olusegun Obasanjo to demand UN-supervised referendum on whether the Bakassi inhabitants wanted to remain part of Nigeria or become part of Cameroon (Dos Santos, 2014: 1-2).

This veiled threat to reject the ICJ judgment by the government of Nigeria resonated further in many segments of the population. The post judgment reactions showed popular public opposition to the judgement. This raised considerable internal, political pressures on the government not to respect the ICJ decision (Asobie, 2003). The Bakassi people, Nigerian Bar Association (NBA), and Civil Society Organisations, for instance, rejected the judgement. In the same vein, a Federal High Court also issued a ruling stopping the enforcement of the ICJ judgment until the Bakassi people were properly resettled (Odoh & Nwogbaga, 2015).

However, after weeks of considerable tension between the two countries over the ICJ judgment, the former UN Secretary-General, Kofi Annan, brokered a negotiation between President Obasanjo of Nigeria and Paul Biya of Cameroon, resulting in the setting up of a Mixed Commission under the supervision of the UN with the mandate to explore practical and peaceful means of implementing the ICJ ruling. The Commission met over a four year period (2002-2006), culminating in the signing of the GTA by Nigeria’s President Olusegun Obasanjo and President Paul Biya of Cameroon, on the 12 June 2006. Despite security concerns, restraining court order against the hand-over and the dissent of National Assembly, the Nigerian Government peacefully handed-over Bakassi Peninsula to the Government of Cameroon in the presence of senior UN officials and diplomats from numerous countries (Babatola, 2012).

After the resolution by the Nigeria’s House of Representatives, which rejected the ICJ ruling in August 2002, the legislators suddenly became passive as the 2003 general elections drew near, the attention of members of the National Assembly was diverted from the patriotic issue of keeping the country’s boundaries intact to personal matters of gaining electoral victory. The legislators became preoccupied with political activities of securing return tickets in their various constituencies and political parties. Similarly, dissensions by legislators who were dissatisfied with executive handling of the Bakassi issue became less frequent as members, particularly those in the ruling People’s Democratic Party (PDP), tread with caution or risk losing their re-election bid. As Ileffe (2011: 227) puts it “it was only gradually that Obasanjo learnt the most effective way to control legislators, which was to control their re-election. As 2003 neared, opposition within the National Assembly evaporated”.

Na’abba (2016 *Interview*) corroborated this view when he asserts that “by 2002, those in the executive realized that members of the National Assembly were potential threat to them, so they conspired with the ruling party (the PDP) to recruit members that would serve their own purpose. In the primary elections of 2002, the heavy intervention of President Obasanjo and the ruling party led to the recruitment of stooges to the National Assembly, men and women who do not have the mind of their own. This marked the beginning of the drawbacks of the legislature that is being experienced today.”

By the time the 5<sup>th</sup> National Assembly was being inaugurated in June 2003, it was obvious that over 70% of its former members had lost their re-election bid. In the Senate, out of 109 members, only 35 were re-elected. Of the 360 members of House of Representatives, only 108 came back (Hamalai, 2014). See figures below:

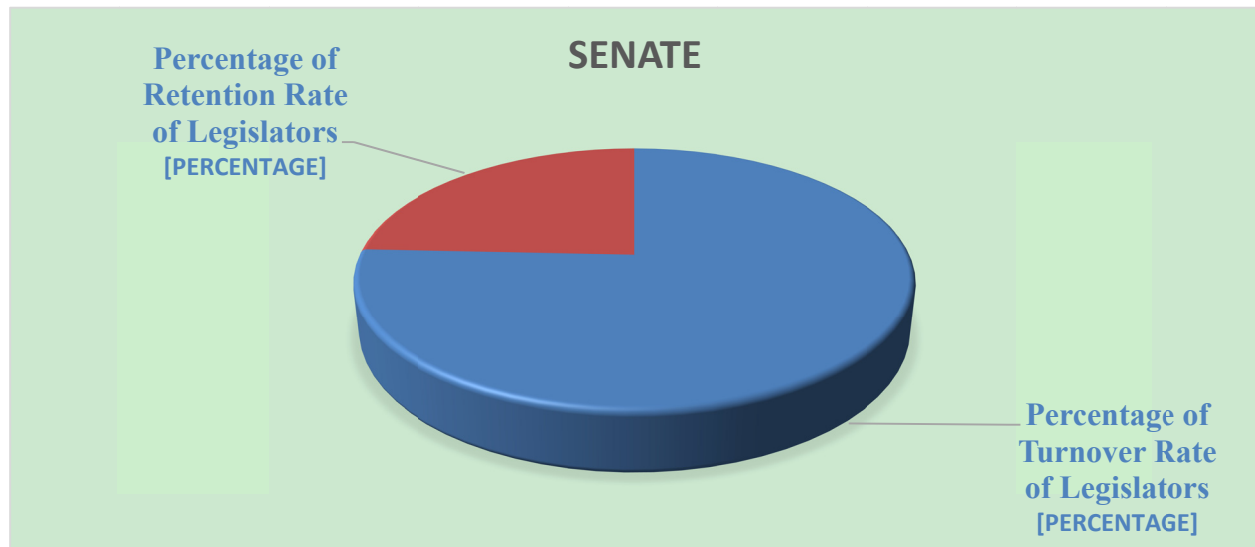


Figure 2. Re-election Rate in the Senate after 2003 General Elections

Source: Authors

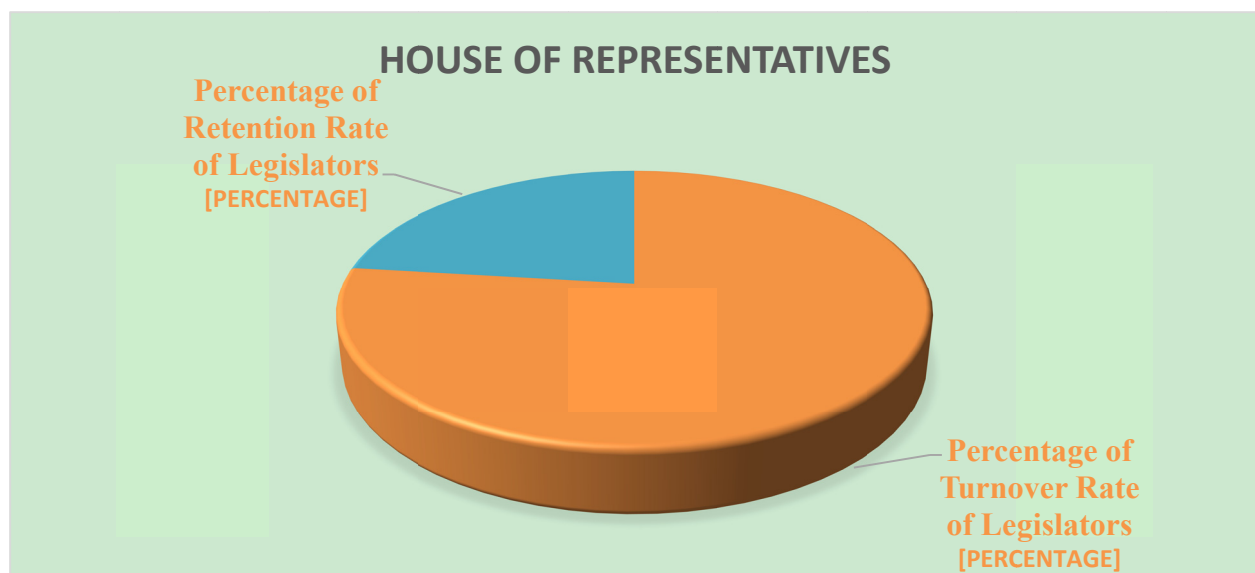


Figure 3. Re-election Rate in the House of Representatives after 2003 General Elections

Source: Authors

Confronted with low retention rate and high turnover of legislators, the 5<sup>th</sup> National Assembly suffered loss of institutional memory. This became manifest as the Bakassi Peninsula was driven into the inner recesses of the legislative agenda of the National Assembly and the question of sovereignty over Bakassi never featured in the Senate or the House Representatives Order Paper. This situation remained unchanged until 2006, when the issue again resurfaced as the President prepare to sign the GTA. However, while the silence lasted in the National Assembly, there were seldom expression of concern by legislators either corporately or individually on the humanitarian situation generated by the internal displacement of the Bakassi people. Also, oversight visits were undertaken by the 5<sup>th</sup> Senate and House of Representatives, respectively, to assess the internally displaced persons (IDPs) in Bakassi local government, but no concrete steps or legislative measures were taken to address the situation. Ndoma-Egba (2016 *Interview*); and Enang (2016 *Interview*) opined that the National Assembly did not take action on the Bakassi Peninsula because the matter was never formally brought to it.

Apart from the issue of re-election and the loss of institutional memory, the National Assembly also suffered from poor corporate management and low capacity legislators. For one, the legislature displayed its ignorance of the constitutional responsibilities in the conduct of foreign policy. Perhaps, this explains why the Assembly couldn't fathom the way out of the dilemma, so the House of Representatives quickly aligned itself with the popular sentiments expressed by the Nigerian public and passed a resolution rejecting the ICJ decision on the Bakassi Peninsula without a thorough study of the situation. According Bugaje (2005 *Interview*), "the resolution was hasty, emotive and ill-informed. The House of Representatives did not discuss, consult or even debate the matter before the resolution rejecting the ICJ judgement was passed". Thus, later attempts by the legislature to nullify the GTA were of no effect simply because it was a belated action (Fagbadebo, Idahosa & Tomwari, 2013: 89).

Adeolu (2011) also criticized the National Assembly for failing in its oversight function to call President Obasanjo to order. He stated that although the House of Representatives passed a resolution requesting the president to seek National Assembly ratification before completing the transfer, it was ignored, which it readily accepted. Adeolu suggest that the National Assembly could have instituted an impeachment proceedings against President Obasanjo but failed to do so. He argued that the National Assembly usually became assertive when it was about their financial gains of wanting increased allowances or the French Peugeot 607.

The incoherent relationship between the legislature and the executive also created communication gap between the National Assembly and the Presidency. The National Assembly was not properly informed about what was going on and so wallowed in the dark on critical decisional information. Therefore, there was no agreement on what Nigeria should do about the issue of Bakassi Peninsula, following the verdict of the ICJ. There was no consensus on the matter neither at the National Assembly nor in the States (Onyekakeyah, 2013).

Bugaje (2015 *Interview*) affirmed that the lack of effective communication occasioned by lingering frosty relationship between the executive and the legislature, prevented the Nigerian government from developing a common agenda on the issue of Bakassi Peninsula. President Obasanjo did not carry the National Assembly along, leaving the legislators grappling in the dark without adequate information on the matter. Although, this was not surprising giving President Obasanjo "determination to dominate..., his experience as a military ruler, his supreme assurance of his own vocation, his passion concerning national revival and development and his long-standing contempt for politicians, whom he openly described as 'legislators'" (Ileffe, 2011: 225), he was less disposed to accommodate the often probing views of the National Assembly even if Nigeria was going to lose part of her territory. The matrix of the legislative-executive relationship on the Bakassi matter is represented in the model below:



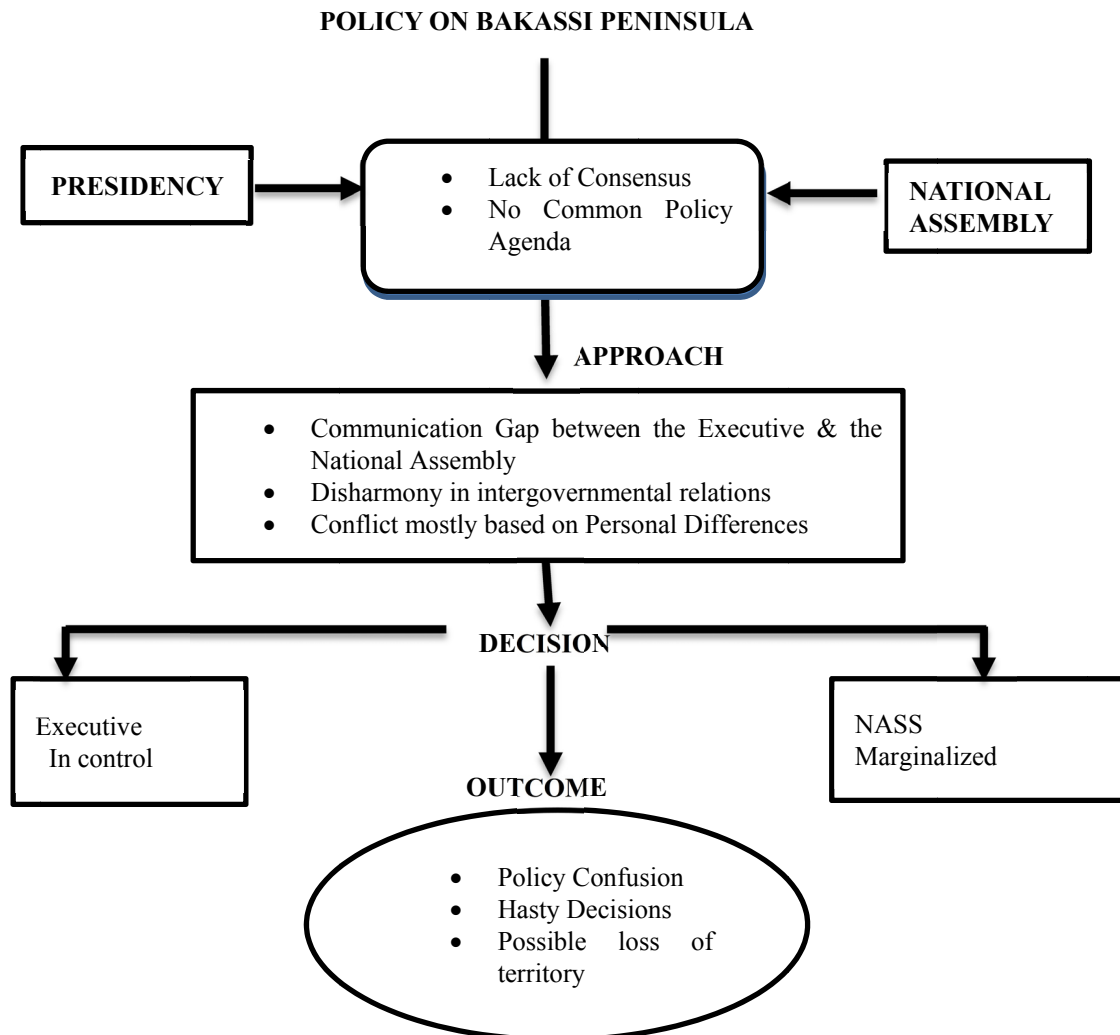


Figure 4. Model on Executive – National Assembly Relations on the Bakassi Peninsula

Source: Authors

Acting on his own personal conviction, to “save” the country’s international image, President Obasanjo went ahead and signed the GTA that ceded Bakassi to Cameroon and automatically rendered thousands of people in that part of the country homeless (Onyekakeyah, 2003: 663). According to Odoh & Nwogbaga (2015), the disposition of the Nigerian Federal Government to respect the ICJ decision was borne out of the desire to secure debt relief from the International Monetary Fund (IMF). Flouting of the ICJ judgement could have otherwise frustrated Nigeria’s chances of gaining the support of world powers like France, the World Bank, IMF, and the G77 which have significant influence on the creditor club (London and Paris). Unchecked and unencumbered by legislative or judicial bottlenecks, President Obasanjo used his executive powers to execute action on the process of transferring sovereignty over the disputed Bakassi Peninsula to the Republic of Cameroon before bringing it to the National Assembly for debate and ratification (Onyekakeyah, 2003: 663-664).

In what appeared to many Nigerians as “locking the stable door, after the horse had bolted”, the Senate, in its plenary session in November 2007, rejected the ceding of Bakassi Peninsula to Cameroon by the Nigerian authority arguing that the process of transfer of sovereignty was unconstitutional because due process was not followed (Ploch, 2007; Fagbadebo, Idahosa & Tomwarri, 2013). This development came more than five years after the ICJ ruling had ceded Bakassi to Cameroon. Fagbadebo, Idahosa & Tomwarri (2013: 89) described the late reaction of the National Assembly as a characteristic nature of the Nigerian legislature on sensitive issues. He argued that the failure of the National Assembly to act appropriately and accordingly on the Bakassi matter not only stemmed from its incoherent relationship with the executive but also due to ignorance of its constitutional duties in the conduct of foreign policy (Fagbadebo et al., 2013).

## 5. Conclusion

The ICJ verdict on the Bakassi Peninsula, is perhaps one issues that have stretched the tact and diplomatic skills of Nigerian Federal government to its limit since the country attained independence in 1960. Even though the border dispute between Nigeria and Cameroon had lingered since the independence of both countries, the matter reached its peak at a time Nigeria had returned to democratic rule. Whereas the Executive had more exposure and capacity, the National Assembly was relatively new and lacked the requisite capacity and experience to effectively perform its functions, especially, in external relations. President Olusegun Obasanjo, who headed the Executive, despised and distrusted the National Assembly for their lack of “financial accountability.” His stance which is perceived by many legislators as an attempt to cow and limit their influence in public policy, have often elicited resistance by courageous leaders and or members of the legislature, sometimes, at the expense of their re-elections.

The lack of cooperation and common agenda between the Nigerian executive and the legislature in the management of the Bakassi crisis created cloud of uncertainties on the matter. Even though the disputed territory has been handed-over administratively to Cameroon by Nigeria’s former President Obasanjo as a demonstration of his commitment to implement the GTA, the issues is far from resolved due to the non-ratification of the GTA by the Nigeria’s National Assembly. But in spite of the lack of common grounds between the executive and the National Assembly in dealing with the Bakassi issue, both arm of government showed uncommon diplomatic skills in their commitment to use institutional and pacific means, rather than war, even when the country’s national interests was severely hurt. The executive and the legislature in Nigeria should see themselves as partners in progress rather than foes with rival interests in order to advance national interests and project core national values,

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