

## **From Integration to Bifurcation: The Internalization of Calabar Boundary Regime in the Context of Border Conflicts and Management in Africa**

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**Abstract:** Historically speaking, boundaries between territorially adjacent states are notorious and prone to conflicts or co-operation, and they tend to separate the inseparables or divide the indivisible of common interests such as peoples, lands, surface and underground water, natural and other strategic resources and the environment. The paper is an analysis of the major consequence of the colonization of Africa by some European powers and the imposition of the ill-defined boundaries in the African landscape. It is indicated that Old Calabar was a coherent cultural society that was evolving into an integrated region up to the Cameroons. Old Calabar “commercial empire” extended beyond her local boundaries and the Efik language was evolving into the “lingua franca” of the region. The European powers – Britain – Germany – France, imposed their boundary on an already existing pre-colonial coherent area. Old Calabar and Duala became the foci in the process of bifurcating an integrated region. From this localized impact of the boundary, the consequences have been its internationalization leading to militarization of the boundary regime and litigation following the International Court of Justice ruling. Though the paper is not aimed at the politics of loss or gain of the peninsula, it is suggested that the disposition to conflict, war and litigation be persuaded to yield ground to emerging concepts of dissolving the “barrier” function of the boundary to “bridges” for systematic exploration and systematic utilization of the peace and cooperative potentials of the internationalized boundary regime. Lessons from European trans boundary management and cooperation are highlighted to demonstrate the futility of war and litigation.

**Keywords:** Historically speaking, territorially adjacent, landscape

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### **INTRODUCTION**

It has been asserted that pre-colonial Africa did not consist of a series of European-type nation states existing within fixed borders. There were a number of empires and kingdoms that were identified in many areas of the continent but the notion of territorially delimited boundaries with centralized governments was not widespread. The modern nation state in Africa is almost, wholly, the creation of European imperialism deriving its key features and attributes from the European pro-type, out of which emerged modern states in Africa.

But even in Europe, it was in the mid-14th Century that communities began to be seen in terms of territorial entities and the notion of a state began to emerge. Prior to this, political and social life revolved around individual and tribal allegiance to the sovereign and the church. It was the Peace of Westphalia that ended the 30 years European war (1648) that marked a crucial point in the creation of a classical international law i.e. the first sustained attempt to establish a world order for the basis of states exercising sovereignty over territories that heralded the emergence of the modern

European nation state system. When the erstwhile colonial territories emerged from their dependent political status in the 1950s – 1960s, they inherited the legacy of nation-state structures, particularly with respect to international identity and territoriality.

However, this does not suggest that pre-colonial African societies had no notion of boundaries. Borders in pre-colonial Africa prior to the colonial penetration of the continent were permeable and, to a great extent, allowed the free movement of people and goods. Though the borders had potential for conflict, the co-operative element was more emphasized. Before the advent of European colonialism in the Cross River region, Old Calabar was evolving into a coherent cultural region with the “Efik Commercial Empire” including the Efik language extending to the Cameroons. Trade routes developed from Calabar to the Benue and Eastern region of what later became Nigeria. Old Calabar as a sea port and capital of the Oil Rivers Protectorate had locational advantage in this trade. Old Calabar’s proximity to Cameroons, sea ports of Duala and Victoria enabled her to play middleman role not only in the trade with various hinterland groups but

also, play an essential role in the Trans-Atlantic Slave Trade.

It was imperial rivalry between the British, Germany, later the French that led to the vivisection of the emerging cultural coherent area. Nigeria and Cameroon emerged as neighbouring nation-states out of territories initially colonized by Britain and Germany respectively. After World War I however, Britain and France assumed control over a divided Cameroon as Mandate Powers of the League of Nations. From 1945, they continued to administer those territories on the basis of the United Nations Trusteeship system. The two countries have been constantly in disagreement about the legal status and correct alignment of their land and estuarial boundaries. On a number of occasions, the two countries have come perilously close to war over the ownership of the Bakassi Peninsula which was under the influence of Old Calabar prior to colonial rivalry. This paper is not designed to examine the merits of the Nigeria – Cameroon case over the Bakassi Peninsula but to provide policy options that could avert war and litigation and suggest alternative methods of cross-border co-operation and management of the boundary regime.

#### **Pre-Colonial Integrative Processes in the Cross River Region and South-West Cameroon**

According to John Holt reported in 1875:

The Efut country (Balondo land) was under the influence of Calabar chiefs. Trade in the area up to the western foot hills of the Cameroon Mountain had been dominated by Calabar chiefs – Yellow Duke, Chief Henshaw, Duke Henshaw, Ephraim Yellow and Egbo Egbo Bassey of Duke Town [1].

Before the advent of colonialism in the Cross River Area, trade routes developed in the south of the region up to the Benue. Old Calabar as a port and capital of the Oil Rivers Protectorate had locational advantage in this trade. Old Calabar's proximity to Cameroon sea ports of Duala and Victoria enabled her to play middleman role in this trade. Duala and Victoria were not well located and had to depend on Old Calabar for trade with hinterland peoples. The Efik established commercial contacts with groups in the Cameroons.

Similarly, Roger Casement observed in July 1894 that:

The Calabars were rich in goods and wanted people. Balondo had nothing except brothers, sisters and children and poor hungry slaves (Roger Casement, 1894:43).

The Efik supplied the hinterland groups up to the Cameroons particularly the Balondo with a variety of European goods such as hot drinks, salt, clothes, iron, guns and gunpowder. The Balondo supplied slaves,

ivory and palm produce. Efik traders were believed to have kept their Ndiian trade routes hidden from the Europeans in order to avoid their monopolistic practices from being broken. The sea ports of Duala and Victoria in Cameroon relied on Old Calabar for certain goods as reported by Greenfell G. in 1886.

The Balong and Abo towns were dependent upon water communication for the supply of their barter goods. Old Calabar supplied them with their needs [2]. The Balong, Wur, Balondo, etc., traded and exchanged goods such as salt, tobacco, indigo and other forest products with the Efik.

Perhaps the Diary of Antera Duke of Old Calabar who traded in the Cameroons in 1786 is one of the most important source materials in relation to Efik trade with Cameroon groups. The Diary revealed that there were good trading and social relations between the Efik and their Cameroonian counterparts before the European incursion in the region (Latham, 1976: 14). The Cameroonian ethnic groups and their Efik and Ibibio counterparts made considerable profit from this trade. Old Calabar and Cameroon trade relations led to the growth of the former as a commercial and administrative headquarters of not only the Oil Rivers Protectorate of Southern Nigeria [3].

Kannan, K. Nair posited that despite the depression of the 1860's, the economic prosperity of Old Calabar was brightened by trade and commercial contacts with the Cameroonian ethnic groups. This trade and commercial contacts between the Efik and Cameroonian ethnic groups especially the Balondo led to social interactions that eventuated into marriages between the Efik and Balondo.

A prosopographical study (i.e. studies of biographies across borders) of the Cross River region with Southwest Cameroon shows clearly that some Efik, Ejagham, Ibibio, Boki, Akwaya have dual parentage. Both groups have contracted marriages from pre-colonial times to date, and those marriages have produced offspring that inhabit the region. For instance, the mothers of some Efik leaders such as David and Richard Henshaw, came from the Balondo towns of Iloani and Lobe respectively. Edidem Essien Ekpo Oku, V, Obong Calabar in 1965, traced his mother's lineage to the Balondo in Cameroon (Bonchuk, 1997:60). Also, the Efik and Ejagham socio-political and religious institutions including chieftaincies and their array of perophenelia such as the Muri-Munene, Ekpe, Mgbe, etc. still prevalent in the region are common features shared by both groups across the borderlands as would be detailed later.

North of the Cross River bend were the northern trade routes which straddled the Boki, Ejagham and Akwaya area linking the Benue up to the

Cameroon. The Boki, Ejagham, Akwaya produced palm oil, kernel, salt, and ivory. From their neighbours in Cameroon such as the Bayangi, they bought slaves. Other groups such as the Balong, Bafaw, Bamilake and Bangwa exchanged palm oil, plantain, yams, ivory and slaves. From the Bali and Bamenda, slaves, kola nuts, beans, tobacco and slaves were exchanged.

The Ejagham, Boki and Akwaya, like the Efik in the Coast had locational advantage in the northern trade with Cameroon ethnic groups. They sold forest products to the Efik in the coast for exchange with European goods. European goods so priced were textile, guns, gunpowder, iron rods, hot drinks, hats, umbrellas, beads, brass products and copper. The imported European salt was more refined than that produced at Mbankana and Danare respectively. Thus, from Ejagham settlements of Nsofang, Ajassor, Bendeghe, Agbokim, Efraya, Abijang, Ekugheti, etc. and Boki groups – Biajua, Abu, Kanyang, Okwa, Bamba, Butatong, Abanorok, Basho, Okwa, etc. trade relations blossomed with Mamfe and Mfum in Cameroon.

By 1800, the Cross River constituted a commercial and cultural unit which provided an excellent highway for the use of the canoe. The river was so important to trade that the British made sure that it was secured from the Germans. The Aro, Efik, Ibibio, Isangelie, Umon, and Agwegune, who had locational advantage in the Cross River and Rio del Rey exchanged goods with the Upper Cross River and Cameroon hinterland groups. By the 19th century, both the Cross River and Rio del Rey had been linked in trade with the Cross River becoming the main centre of trade between Old Calabar, Bonny Duala and Victoria seaports [17].

Before the 1913 vivisection by the Anglo-German boundary in the region the Boki, Ejagham and Akwaya shared (and still share) a contiguous stretch of territory between themselves and their kith and kin in the Cross River borderlands. Their original homeland as historical and linguistic evidence reveal was the Nigeria – Cameroon border. It was trade that brought both the Upper Cross and Cameroon groups together with the Efik in the coast. The Efik referred to the Upper Cross people as “Atam” and the Ejagham as “Ekoi”. This was because Ejagham people sold a red wood (camwood) locally known as “Ekui” to the Efik, hence the corruption of “Ekui” to “Ekoi”.

The meeting of the Ejagham improvement union which took place at Oban in September, 1922 and comprised of Ejagham groups from Memfe, Ikom and Calabar Divisions was also attended by J. R. Dewhurst. The Union resolved to jefison the label “Ekoi” given to them by the Efik, and popularized by P. A. Talbot, and wished to be known as Ejagham [4]. The origin of the

ward “Atam” is also traceable to trade relations between the Efik and Upper Cross groups. “Atam” is Efik corruption of “Ofunatam”, a village in present day Obubra which served as an important trade centre and station. The name has crystalized into a “social fact” and used to refer to Upper Cross groups as such. The boki peoples refer to the Efik and Ibibio as “Banri kawuk” or those who eat garri [5].

### Secret Societies

One of the dominant themes in the history of the Cross River region and Southwest Cameroon is that of the secret societies. Most of the secret societies were religio-magical in nature and the way they functioned could be divulged only to the initiated. Members are bound by oath and hardly can they reveal their secrets.

In this region, secret societies served different functions and provided the cement for social stability and inter-group relations. Professor Westerman referred to them as the “backbone of the indigenous political order”. Their existence was justified according to the roles they played. Their judicial functions approximated European notion of law courts, their executive functions could be compared to modern day governmental departments. Not all secret societies provided useful functions. In Boki, Ejagham and Akwaya, water witches and sorcerers’ guild were condemned and there were checks instituted to deal with them [20].

Perhaps, the most important and most Cameroon to all peoples in the border region including Southwest Cameroon was the leopard societies: *Ekpe* (Efik), *Mgbe* (Boki), and *Nyangbe* (Ejagham). They were also found among the Mambila and Kaka where they were referred to as *So*. Their costumes were more loosely woven than those of other societies and decorated with large circles and other geometric forms that interpreted the leopard’s natural markings. These costumes were of the same basic form of construction as others in Boki, Ejagham, Efik, Issangelie and Oron.

P. A. Talbot submits that *Ekpe* was originally a woman’s society which was imported from Ejagham in the Cameroons; and that men wrestled it from the women and transformed it into an effective governmental institution in Calabar and beyond. E. O. Erim, S. Onor, O. E. Uya, Bonchuk, M. O. in their studies agrees with Talbot’s assertion that *Ekpe* was an Ejagham creation which spread across the Cross River region. Usak Edet is supposed to be the cradle of the society – Usak Edet is Balondo land, and that Archibong Ekundu, a Cameroonian from Usak Edet brought *Ekpe* to Calabar in the 18th century and sold it “Essien Ekpe Oku”.

However, the spread of the masquerade society among these groups was in response to the economic

and political conditions that existed at that time. The leopard masquerade in this region pre-existed the slave trade economy and the vivisection of the Calabar boundary integrated boundary regime. The trade in palm oil trade provided the impetus or catalyst for its adoption and spread at different times in the region and to the new world. There was also the element of diffusion through social interactions, migrations outright purchase and peaceful penetration especially among the Aro [21]. From Ejagham, Boki, Old Calabar, Oron, Issangelie and Rio del Ray axis, trade routes and centres that developed provided channels and “osmotic points” of interaction, interjection and interpenetration Cameroon hinterland groups. For instance, the Bayangi, Bangwa, Mfun-Mamfe, etc. in Cameroon adopted the leopard socially for reasons of status, trade, insurance policy and aesthetics.

Through Old Calabar port where slaves were transported overseas, the societies spread to Cuba, and have become prevalent among some Afro-Cubans. In the 17th – 18th centuries, the Efik adopted the Ekpe in order to meet the challenges of the slave and palm oil trade. A. J. H. Latham observed that the Ekpe provided the Efik with he described as “a genuine African capitalist institution of elementary kind.” Bassey W. Andeh, observed that the spread of Ekpe in the border region created a vast Ekpe polity”, while O. E. Uya described the phenomenon as the “Ekpe imperium[6]. This cultural feature and its array of masquerades fertilized cultural unity in the border region. Inter-ethnic marriages folklore and music assisted in this spread. The leopard society had a hierarchical structure with particular grades that emphasized security for social control and adapted to a variety of structures.

The studies of Hernberg, Malcom Ruel and David Silver emphasized its political, trading, legal recreational functions including a symbol of power, authority, and performance at funeral rites of its members. Its costumes also symbolized hunting, catching and fishing. From Southeastern region of what later became Nigeria the society spread to the Mbum and Mogo, to the Bakossi mountains that included the eastern area of the Cameroon grassfield that were on the pre-colonial trade routes and centres (Hernberg, 1984:4).

Keith Niclin observed that before the western artist began to create art works by placing disparate elements in close juxtaposition with each other, the forest peoples of the Nigeria – Cameroon border had created superficially similar effects for their ritual and artistic purposes; and in display in lodges of men’s leopard spirit society – the *Mgbe* (Niclin, 1989:44). Talbot noted that, “the importance of this society is obvious even to the most casual visitor to any land where it has gained a foothold.” E. O. Erim observed that political stability was derived from various forms

of association including *Mgbe*, and that where it operated it was regarded as ‘tolerable opposition’ as it performed legislative, judicial and executive functions of government. A regional survey of Ikom Urban Area in 1922 – 1943 revealed that “the *Mgbe* spread from Eko” (Ejagham) to Mamfe, Calabar, up to Abakaliki and the Aro. Every village along and astride the border had its *Mgbe* hall (Ocham) in the centre of the village, and before a village is built, the *Mgbe* hall (Ocham) must first be [7].

Throughout the border region, *Mgbe*, *Ekpe* or *Nyangbe* provided a veritable instrument in the enforcement of law and order. Police and security duties were performed, especially during festivals when the spirit of *Mgbe* was invoked to keep the peace. David Thompson, Eugne Laib including Robert Romano observed that at such moments, the booming voice of the leopard was heard from the inner lodge, warning and challenging members and sometimes fining them for faulty observances. The elicited enjoyment and the fundamental lores and norms of the community were re-affirmed. *Mgbe* helped to stimulate a healthy commercial intercourse between the peoples. Discipline was maintained through its hierarchical structure and the exspirit de corp that existed between members provided for trust, insurance and social cohesion [20].

The *Nsibidi* sign writing was another peculiar cultural feature that was unique in the border region. The *Nsibidi* was the reduction into writing of the sign language utilized by the secret societies – *Ekpe*, *Nyangbe* and *Mgbe*. Fordo C. Daryl opined that the writing originated from the Upper Cross region. Talbot suggested that *Nsibidi* originated from the Ejagham of Akamkpa. M. D. Jeffreys attributed its origin to the Aro while J. K. Macgregor’s account implied an Ejagham origin. Erim O. Erim observed that by 1900, the knowledge of *Nsibidi* had spread throughout the Cross River basin to the Cameroons. Sandy Onors study indicated that “the ideography of the Ejagham people ... explode the myth of Africa as a continent without tradition of writing” [8].

*Nsibidi* was a cultural product utilized by the leopard society as a medium of communication. *Nsibidi* script was sacred and could not be divulged to junior members as it was used mainly by those in the higher grades. Between 1600 – 1900, it attained full cultural fruition and facilitated communication and spread of the cultural product in the border region. *Nsibidi* also embraced other meanings,

... it was once understood as the sacred language of *Ekpe/Mgbe*. Societies; it served as a secret code for transmitting amorous messages and white ethnographers applied it to the principle of decorative art, and it was a force of cultural resistance in the 20th century [9].

Some ethnographers, cultural and art historians who have studied the ethnography of the Cross River region and southwest Cameroon have come to the conclusion that this region was evolving towards a cultural coherent area before the colonial era. Patrick Allison first recorded on the presence of Cross River monoliths or *Akwanshi* and recorded the presence of two hundred and ninety stones together with a collection of small shaped stones of cynical and ellipsoid form in a wide area bounded by the Cross River to Eyong confluence. It is in Nta, Nselle and Nnam, Ekajuk, Nde and Abanyum that the largest and most elaborated concentration of these stone civilizations is found [10].

Among the Nta and Nselle, the monoliths are known and called as Akwanshi or dead person in the ground. The monoliths have also been located at Wanikande (Ogoja) and at Nsadop (Boki) by Kevin and Raymond Anozie. Ikechukwu Okpokoko also located them at the Nigeria – Cameroon border. In Boki the monoliths are referred as *Aka* stones, in Ejagham *Etai* (stones).

Though Onor submits that the Awanshi civilization is part of Ejagham civilization, more research is required to ascertain this claim. It would also shed more light on the ages of these stones located in various areas of the border, and establish the cultural links between the Boki, Ejagham and their neighbours. There were other socio-cultural – religio-magical and political institutions that also acted the fertilizer in inter-group relations. Some of them such as *Obol*, *Agrinya*, *Obasi Njom*, *Kechi*, *Atam*, *Augbu*, etc. were used to cleanse society of evil diseases and the activities of witches, water spirits and sorcerers; or used to prepare initiates for war. Fertility cult such as *Monikim*, *Echon*, etc. were common to both groups while *Bapong* and *Kapen* in Boki were magico-religious institutions shared by both groups in Nigeria and Cameroon [5].

### Linguistic Affinity

Okon E. Essien has demonstrated that:

... in view of the mutual intelligibility and the fact that sometimes one language is referred to by more than one name, the number of languages ... is fewer than what is often assumed .... On the other hand, certain dialects that are mutually intelligible versions of the same language, which happen to bear different names are treated by many, including linguists as if they were separate languages with no mutual intelligibility between them at all ... [11].

This view is in contrast to that of J. C. Anene's assertion that groups that inhabit the Nigeria – Cameroon borderlands speak “mutually unintelligible languages”, and this was why they could not unite in a systematic struggle against European incursion. Apart from O. E. Essien's analysis of the language situation of the region, J. P. Sterk's study of the languages of the Upper Cross region as evidenced in his lexico-statistics determined the genetic relationships of the Upper Cross languages, indicating their mutual intelligibility of the language spoken up to Southwest Cameroon.

In his study of cross-border cultural interactions, Bonchuk, M. O. suggest that there is evidence that the Efik language was evolving into the “lingua franca” of the region. Efik language was the language of trade in the region up to Cameroon. Efik trade and contacts also influenced the languages of coastal groups. In most areas in this region, the Efik language was not only adopted by traders, but by missionary schools, and this became the principle means of communication. Although some areas particularly in the Upper Cross region still maintained a distinct language, yet a great deal of their vocabulary is made up of Efik loan words, and this was replicated in the Cameroon hinterland.

Linguistic Chart

English	Efik	Ejagham	Boki
Book	Nwed	Nwed	Nwed
Bell/Time	Nkanika	Nkanika	Nkarika
Bottle	Ekpeme	Ekpeme	Ekpoma
English	Mbakara	Okakara	Okakara
Lamp	Utuenikang	Otorikang	Otirikang
European	Mbakara	Okakara	Okakara
Key	Ukpohore	Okpokoro	Okpokoro
Soap	Swop	Esoup	Nsop
English	Efik	Balondo	Bayanga
Lamp	Utuenikang	Otorikang	Otirikang
Bottle	Ekpeme	Ekpeme	Ekpeme
Soap	Swop	Esoup	Esoup
Box	Ekebe	Okebe	Akebe

Source: Bonchuk, M. O. – *International Boundaries and Divided Peoples*, p. 78

### Colonial Partition and Bifurcation of the Region

European rivalry in this region especially between the British, Germans (later the French) led to demarcation of the hitherto coherent cultural region into two antagonistic spheres – the British – German colonial territories. The coastal towns of Old Calabar and Duala formed the foci from which the Nigeria – Cameroon boundary emerged. The occupation of the coast requires the European powers to allocate, delineate and demarcate their spheres for economic exploitation and general administration.

The implication of this was that the Germans and British had to establish not only economic relations, but political and social relations between themselves and the Africans. Given the logic of effective occupation as defined by the Berlin West African Conference (1884 – 1885), and the hinterland theory, the need to define areas for legal and administrative competence compelled the Germans to embark on wars of conquests in the Upper Cross region to the Cameroonian hinterland. Bonchuk, M. O [5] has argued that, contrary to the often generalized view that African boundaries were imposed by Europeans and therefore “artificial”, with “little” or no consideration for local situations, the experience of this borderland shows that, the British, to a larger extent than the Germans, desired that the boundary should respect and respond to the ethno-linguistic composition in the Upper Cross River even though the dominant interest was European.

It was the failure of both countries to arrive at an ethno-linguistic boundary in the Upper Cross region in order to avoid splitting the Boki, Ejagham and Akwaya communities into two, and that based on the extent of Efik commercial empire in the coast to the Cameroonian hinterland areas, that led them to utilize physical features, river systems especially the Cross River, Rio del Rey, Akpafaye and Ndian which have proved to be conflictual from 1884 to date.

British and German boundary relations were bound to generate controversies which centred on the conflicting claims and ambitions of the two powers. For instance, British traders in Old Calabar had enough knowledge about the economic potentials of the interior around the Ndian River where Efik traders had established a firm grip on the market. The Germans need waterways. They reasoned that since British had control of the Niger Delta and Calabar water systems, the logical corollary was it would be equitable and justifiable for them to control the source of any other major river east of Calabar. It was these conflictual interests that moderated the boundary negotiations from 1884 to 1913.

The major problems both countries encountered were in the allocation, delineation and demarcation – three stages needed for boundary

evolution before boundary management. The Baptist Mission at Victoria, the Cameroon Mountain, the extent Efik commercial empire including the ethnological spread of the Akwaya, Boki and Ejagham posed serious problems for the two powers. Most importantly, river systems change their courses periodically and are unreliable points for boundary evolution, and this explores why the Rio del Rey, Ndian and Akpafaye were not the best options for such an exercise.

When G. Valdau and K. Knutson, Swedish explores, and later, H. Johnson discovered that the Rio del Rey was not a river eighty miles long as assumed in the provisional boundary, both that, the Rio del Rey was a recipient estuary of a number of small streams connected with two larger rivers. The Akpafaye and Ndian boundary relations between the two powers became intractable [12]. The problem so posed was – which of these two should be the boundary, Akpafaye or Ndian? Eugene Zintgraff, a German official confirmed Johnson’s discovery when he observed that:

...you know as well as I do that there is no Rio del Rey, at least, no source of such a river ... I do not know whether the rapids of Cross River are to be found easier or whether they have the same mystical existence [13].

Johnson’s ethnographic study assumed that, of the two river systems feeding the Rio del Rey, it was the Ndian, not the Akpafaye, which marked the eastern terminus of the Efik Commercial Empire. British “Treaties of Protection” with Efik kings or “Republics” were not enough to secure the compliance and co-operation of the various fiercely independent groups that occupied the Upper Cross River.

Both British – German ethnographers could not convince each other about the Ndian – Akpafaye Saga. Germany rejected British claims that the land is ours by our Calabar treaties, because “it all belong ... to Old Calabar chiefs”. The Germans insisted that the 1885 provisional boundary was predicated on river systems and not on the extent of Efik Commercial Empire or ethnology. British officials instructed the Efik traders to intensify their trade across the provisional boundary in order to convince the Germans of an Efik Commercial Empire which an international boundary should respect [14].

The failure of the two powers to reach an agreement from the coast to the hinterland of the Upper Cross River led to frustration and mistrust. David Anderson, a British official observed that; “the territory in dispute might prove to be an eldorado or a worthless swamp. In the same vein, Claude Meedonald noted that, “the area under dispute is a dismal swamp that was peopled by a miserable fisher folks. In the submission of Peter Trench to the foreign office, “the settlement of

the disputed boundary should finally dispose of the Akpafaye – Ndian controversy.

Another consideration was whether the boundary should be altered to the north of the Rio del Rey or the Ejagham, Boki, Becheve Akwaya, or they should be split and placed in Nigeria – Cameroon. Ralph Moor noted that “I make this remark purely in the interests of the natives who will be affected by the proposed boundary ... that it will be a hardship to cut off the native of (Calabar) from other markets” (Anene, 1972:47). In his memorandum to the foreign office he insisted that the boundary should be negotiated to skip Ejagham and non-Ejagham groups in favour of Britain in order to preserve these groups unity and Efik markets.

The British officials became habituated to addressing these groups according to their ethnic identities and issued testimonials to reflect their new identities such as British Ejagham or British Boki in the Upper Cross boundary area with the Germans, example:

To Whom It May Concern, notice is hereby given that in the village of ... living within the limits of Her Britannic Majesty’s Niger Coast Protectorate the people are under the care and protection of that government [12].

In the coast and in Old Calabar areas, British and German proclamation of protectorates, over the areas was preceded by protectorate treaties entered into between the protesting power and the subjects as represented by their chiefs. Old Calabar treaty between their majesty’s government and the Obong of Calabar covered all the “Efik” speaking subjects; and the Bakassi and including the islands that fell under the Obong’s sphere. However, due to the controversies cited above, the fifteen (15) protocols and agreements that were reached between the British and Germans provided the basis for the vivisection and imposition of the European boundary regime

“Articles 18 and 21 of the 1913 Anglo-German Treaty stipulated that the boundary was to “follow that way of Akpafaye as far as the straight lime joining Bakassi point and king point”, and thence the boundary to follow centre of navigable channel of Akpafaye as far as 3 miles seaward of a line joining sandy point and Tom shot point” (Thershet, 1968:33-37). It further stated that:

should the lower course of the Akpafaye so change its mouth as to transfer it to the Rio del Rey, it is agreed that the area now known as the Bakassi Peninsular should still remain German territory. The same condition applies to any portion of territory, now agreed to as being British which may be cut off in a similar way.

It is on the basis of these provisions that Cameroons original title to Bakassi is rested. It stated that:

- Cameroons major argument is that the 1913 Treaty established the boundary which put Bakassi in Cameroon, which was further confirmed by the Union of British administered Southern Cameroons with the Republic of Cameroon in 1961 as well as post-independence agreements on the subject between Nigeria – Cameroon.
- The agreement relied upon include the Yaounde and Lagos Declaration of 1971, the Kano Declaration of 1974, and the Maroua Declaration, I. June 1975 – the validity of all these instruments have been challenged by Nigeria.

The International Court of Justice judgment (ICJ):

- The court decided that the land boundary between the two countries had been fixed by treaties entered into during the colonial period.
  - Judgment was on the entire boundary of about 2000 kilometers between the two countries from the Lake Chad in the north to the Atlantic Ocean in the south, and this was unprecedented in the annals of the ICJ at The Hague.
  - Although Nigeria has lost its contested claims of sovereignty over the Bakassi Peninsula, and less contentiously, Darak area of the Lake Chad Basin, the nation has gained lands and numerous settlements both in the Lake Chad Basin, and the 1680 km land border in Borno, Adamawa, Taraba, Benue States.
  - Nigeria retained its firm control on virtually the entire maritime area, contested by Cameroon, which contain its main-offshore oil wells and reserves in the Gulf of Guinea.
  - The reaction by Nigerians to the loss of the Peninsula has been that of aggressive nationalization and the quest to reign in the Peninsula.
  - Internally, sister state of Akwa Ibom and Cross River trade claims over the loss of oil wells which has put Cross River in a precarious situation in terms of revenue losses.
- The challenge is therefore to assess the new boundary regime which has been conflictual, militaristic and prone to litigation.

### **International Boundary Regimes in Africa**

The modern states of Africa are mostly successors to the colonial territories created by the European partition in the 19th century. Since independence only few boundary adjustments have been made; the transfer of the Saruana province in the then Northern Cameroons to Nigeria after the 1916 UN administered plebiscite is a case in point.

The organization of African Unity Declaration on the intangibility of frontiers made at Cairo, 1964 reflects a regional policy of boundary maintenance. Since then only Togo, Ghana, Somalia and Morocco rejected the policy and pursued boundary revision or irredentists' policies. In most of Africa, the nationalist movements agitated and gained independence based on the territorial framework of colonial administrations. This also reflects the principles of classic international law that a change in sovereignty at independence does not affect the status of international boundaries established by the predecessor power. This principle of continuity is described and reflected in Article 62 of the Vienna Convention on the Law of Treaties, 1969 and also, the Vienna Convention on succession of states in respect of treaties, 1978:2.

The vast majority of African boundaries were laid down by European treaties such as Britain and Germany in the 19th – 20th centuries as evidenced in the works of Ian Brownlie. However, legal experts have argued copiously about the legality or otherwise of these colonial treaties. Article 62 of the Vienna Convention on the Law of Treaties, 1989, and paragraph 2 of that Article stipulates that; a fundamental change of circumstances shall not be invoked as a ground for terminating from a treaty if the treaty establishes a boundary. This means that “a change of sovereignty arising from decolonization is not a valid ground for terminating or withdrawing from a colonial boundary agreement. Similarly, the Vienna Convention on succession of states in respect of treaties, 1978 indicated that “boundary treaties are *sui generis* and cannot be affected by a fundamental change of circumstances even a succession of states.

In modern international law, preference is given to “continuity” and “stability”, “status quo” and “effective” possession. This means that “... new states have to be in consonance with the reality of the political situation ... and acknowledge the colonial boundaries for what they are”. This declares well with the assumptions of Westphalia notion of international relations – of territorial exclusivity and sovereignty of the state as contained in the 1970 UN Declaration on the principles of international law. The concept of inviolability of boundaries has come to occupy a central position in the international system, thereby elevating the principle of *Uti possedetis juris* adopted by Latin American States as evidenced in the Cairo Declaration, 1964 [15].

This principle of boundary maintenance does not reflect the reality of African history. Empirical evidence gathered from boundary studies either in Europe, North America or Africa show that borderlanders do not respect the lines that suppose to separate them. The daily lives of those living proximate to an international boundary are a paradox. Along and

astride the Nigeria – Benin, Nigeria – Niger and Nigeria – Cameroon, etc., the divided Yoruba, Hausa – Fulani, Mandara, Boki – Ejagham respectively continue to interact freely between kith and kin across borders as if the partition never took place. The boundaries divided the colonialists and not the related groups.

This phenomenon is not related to only Africa, as European boundaries also divided related ethnic groups; the sea lane, valleys, mountains and cultural areas. Boundaries therefore either in Europe, North America, Asia or Africa presents “ambiguities”. Raimondo Strassoldo, has explained the “ambiguities” in terms of the fact that

Borders divide and unite, bind the interior and link the interior; (they) are barriers and junctions, walls and doors, organs of defence and attack. ... border lands can be managed as to maximize either of such functions. They can be militarized as bulwarks against neighbours, or made into areas of peaceful interchange [16].

Perhaps, it was the fact of these “ambiguities” that informed Lord Curzon to observe in his Roman Lecture at Oxford, on 2 November, 1907 that “frontiers (i.e. borders) are, indeed, the razors edge on which hang suspended the modern issues of war or peace, of life or death to nations” [18]. Star and Most came to the conclusion that shared “international boundaries” are like coins with one side issuing with ‘risks’ and the other with ‘opportunities’ in international interaction [19]. Felix Gross, characterized international relations between adjacent states, as a continuum with conflict at one end and co-operation at the other [2]. These ambiguities are a credible reminder that policy options open to decision makers are limited to two basic alternatives: conflict or co-operation, war or peace, death or life.

In Europe, prior to 1945, the chosen path was generally of friction, wars and attendant human tragedies. In the period after 1945, the option clearly have been of peaceful cooperation characterized by regional integration including transborder cooperation planning and development as evidenced in the success story of the European Union. Emphasis is on the simplification of the boundaries and their devaluation from “barriers” to “bridges” of co-operation and development.

In the context of the Nigeria – Cameroon boundary regime, the chosen policy option has been either conflict, war or litigation and this cannot facilitate cross-border development. In the light of the above therefore, both countries should imbibe a “new thinking” on boundary management and avoid conflicts and litigation. Potentials for cross-border management exists: these include a common historical experience,

micro-integration that is continually taking place along and astride their common borders, fish stock, common policy on maritime security against irritants such as smugglers, piracy, illegal theft of sea and petroleum resources, human trafficking and the need to promote development along their neglected borderlands. The European experience is cross border management is instructive. This would convert the borders from barriers” to “bridges” as evidenced in the European Outline Convention on Transfrontiers co-operation between Territorial Adjacent States.

## CONCLUSION

The paper examined Old Calabar boundaries from the pre-colonial times to the imposition of the colonial boundary and the ICJ judgment. It was argued that Old Calabar was evolving into an integrated culturally coherent region before colonial bifurcation. Colonial rivalry between the British and Germans led to treaties of protection which formed the basis of the ICJ judgement and the loss of Bakassi to Cameroon. Though the paper was not interested in the politics of gain or loss, it indicated prospects and potentials for cross-border management of shared resources as the panacea to the war and litigation option. It suggested the conversion of the borders from “barriers” to “bridges” of co-operation as evidenced in European transboundary co-operation.

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