Introduction

Most interstate conflicts in Africa have been territorial disputes, where a territory or a part of territory administered or occupied by one country is claimed by another country (Matthews 1970, 339). Territorial disputes in Africa have originated from the colonial boundaries African states inherited at the time of independence. When the Organization of African Unity (OAU) was created in Addis Ababa, Ethiopia in 1963, borders arbitrarily drawn by Europeans became an urgent issue. African heads of state and government pledged to preserve the colonial borders, by adopting the Resolution on the Intangibility of Frontiers, at their first summit meeting, held in Cairo in 1964. The resolution acknowledged the border problems as a grave and permanent factor of dissension, but it urged all member states to “respect the frontiers existing on their achievement of national independence.”¹ Thereafter, the principle of *uti possidetis* (the principle of inheriting the colonial territory in its entirety) has become the norm in addressing African territorial questions, as evidenced by the colonial borders that have remained almost intact to this day. African acceptance of the colonial borders was a necessity, given the ethnic and geographic complexity of the continent and the challenges of new states, it would be
virtually impossible to establish borders satisfactory to all. Nonetheless, numerous territorial claims have been made in Africa, mainly, based on pre-colonial boundaries, common ethnicity, different interpretations of the delimitation treaty, multiple documents defining the boundary, incomplete delimitation of borders, and violation of the principle of *uti possidetis* by the ex-colonial power. European colonialism contributed to each of these bases. Though decades have passed since independence, the impact of colonialism on African borders lingers as a legacy as territorial claims continue.

Most studies on territorial disputes in Africa have focused on the disputes in mainland Africa, and the disputes in the waters off the mainland have received only scant attention. This study fills the gap in the extant literature by focusing on two recent disputes in the Gulf of Guinea: the Nigeria-Cameroon dispute over the Bakassi Peninsula and the Gabon and Equatorial Guinea dispute over the islands of Mbanie, Cocotier, and Conga in the Corisco Bay. While the former has been settled, the latter is still ongoing. I examine how European colonialism has contributed to these disputes and has affected their settlements. The Gulf of Guinea is rich in oil and natural gas, and the disputed areas are believed to be rich in oil and gas resources. This study, therefore, also examines the role of the potential natural resources in the disputes.

**European Partition of Africa**

Pre-colonial African boundaries were fluid (Herbst 1989, 680). “The notion of frontiers” as defined lines was virtually nonexistent in pre-colonial Africa (Ratner 1996, 595). However, this began to change as Europeans drew boundaries in the African territories, which they acquired by conquest, occupation, treaties with African rulers (kings, chiefs, and sultans), or purchase (Keltie 1890, 665; Allott 1969, 14-15; Uzoigwe 1985, 31). They first made claims to
the territories and delimited boundaries afterward (Touval 1972, 16; Ratner 1996, 595). This process progressed at faster speed in West Africa, even before the Berlin Conference (15 November 1884-26 February 1885), which accelerated the European partition of Africa (Gailey 1989, 124). The main goal of the conference, which brought representatives of thirteen European powers (Austria-Hungry, Belgium, Britain, Denmark, France, Germany, Italy, the Netherlands, Portugal, Russia, Spain, Sweden, and Turkey) and the U.S. together, was to establish freedom of navigation and free trade in the Congo River Basin as well as freedom of navigation in the Niger River. However, the conference also laid down a few rules to control future European acquisitions of African territories. Article 34 of the 1885 Berlin Act, produced by the Berlin Conference, stipulates, “Any Power which henceforth takes possession of a tract of land on the coasts of the African continent outside of its present possessions, or which, being hitherto without such possessions, shall acquire them, as well as the Power which assumes a Protectorate there, shall accompany the respective act with a notification thereof, addressed to the other Signatory Powers of the present act, in order to enable them, if need be, to make good any claims of their own” (Berlin Act of 1885). In addition, article 35 stipulates, “The signatory powers of the present act recognize the obligation to insure the establishment of authority in the regions occupied by them on the coasts of the African continent sufficient to protect existing rights, and, as the case may be, freedom of trade and transit under the conditions agreed upon” (Berlin Act of 1885). The purpose of these notification and effective occupation rules was to prevent multiple claims to the same territory on the Africa coasts, and thereby avoid conflicts among the European powers. Though there was no violent military clash among the European powers, these rules triggered competitive European imperial expansion toward the African interior, where notification and the effective establishment of authority were not required (Keltie 1890, 658).
Some European claims to African territories were settled at the conference. However, more serious partition took place after the conference; the European powers signed and ratified numerous bilateral treaties to delimit their possession in Africa (Griffiths 1986, 204). The Franco-Spanish Convention of 1900 and the Anglo-German Agreements of 1913 this study will discuss later were a few of the examples of such delimitation treaties. European powers negotiated delimitation treaties with little detailed knowledge about the ethnographic, geographic, and topological facts of Africa; they drew borders either in straight lines or based on geographical features, such as rivers, lakes, streams, and mountain ranges, most of which they had never visited (Touval 1972, 3; Herbst 1989, 674). In some places, verbal agreements alone delimited the boundaries (Gailey 1989, 130). Consequently, the European delimitation of African borders did not take much time. By the early twentieth century, the majority of African borders were complete (Kapil 1966, 660).

Were the Europeans the only actors in the delimitation process? Africans also played a role in partitioning Africa, though indirectly. The treaties African rulers signed with Europeans for protection from their enemies or for economic gain were used in bilateral negotiations between the European powers to justify their territorial claims or as bargaining tools (Allott 1969, 14; Touval 1972, 7; Uzoigwe 1985, 31; Griffiths 1986, 207). In some parts of Africa, chartered companies initially acquired the territories, and the agreements between chartered companies and African rulers were also used as bargaining tools in bilateral negotiations between the European powers (Allott 1969, 15). In former French West Africa and French Equatorial Africa, the intra-colonial administrative borders became interstate borders between Francophone African countries after independence (Brownlie 1979, 6). However, those countries have not been immune from territorial disputes. Multiple colonial orders issued by the Governor General to
modify the administrative divisions and incomplete delimitations of the intra-colonial administrative lines made the successor states vulnerable to territorial claims, as evidenced by the disputes between Burkina Faso and Mali and between Benin and Niger, which were settled by the International Court of Justice (Yoon 2009, 82-83).

Nigeria-Cameroon Dispute over the Bakassi Peninsula

Colonial Territorial Division

The Bakassi Peninsula was one of the four disputed areas (the Lake Chad region, the land and maritime boundary, and the Bakassi Peninsula) between Nigeria and Cameroon, which share the border stretching from Lake Chad in the north to the Bakassi Peninsula in the south (Map 1). The 1,000 km² peninsula borders the Akwayafe River to the west and the Rio del Rey to the east (United Nations Office for West Africa). This swampy peninsula was part of the Kingdom of Old Calabar when the kingdom became a British protectorate in 1884; the Kings and Chiefs of Old Calabar signed a treaty with the British for protection (Anyu 2007, 43). In the same year, its neighboring country, Cameroon, became a German protectorate. The British and the Germans drew “a provisional line of demarcation” for their respective spheres of influence by an agreement in 1885 (Keltie 1890, 659). But a more concrete boundary line between Nigeria and Cameroon came into being by the two documents signed in 1913: the “Agreement between Great Britain and Germany respecting (1) the Settlement of the Frontier between Nigeria and the Cameroons from Yola to the Sea; and (2) the Regulation of Navigation on the Cross River” on March 11, 1913; and a protocol, “Agreement [of boundary commissioners] concerning the Demarcation of the Anglo-German Boundary between Nigeria and the Cameroons from Yola to the Cross River,” on April 12, 1913. The Bakassi Peninsula was placed on the German side by
the former. Article 18 of the treaty states: “Thence [the boundary] follows the thalweg of the Akpakorum (Akwayafe) River, dividing the Mangrove Islands near Ikang----as far as a straight line joining Bakassi Point and King Point.” Moreover, Article 20 states: “Should the lower course of the Akwayafe so change its mouth as to transfer it to the Rio del Rey, it is agreed that the area now known as the Bakassi Peninsula shall still remain German territory.”

Map 1: Bakassi Peninsula

Source: BBC News 2008

Cameroon was repartitioned to British and French mandates after WWI and became British- and French-administered UN trust territories after WW II. The France administered about 80 percent and the British administered about 20 percent of Cameroon (Gros 1995, 113). British Cameroon was governed as an integral part of Nigeria, which resulted in a huge influx of Nigerians to British Cameroon (Konings 2005, 277). Bakassi was placed under the British mandate, and was ruled by the British Governor of Lagos, Nigeria. After both Cameroon and
Nigeria became independent in 1960, a UN-sponsored plebiscite was held in British Cameroon in 1961 to allow the local population to choose either Nigeria or Cameroon to be incorporated. While the southern part of British Cameroon voted for joining former French Cameroon, the northern part chose unification with Nigeria. The Bakassi Peninsula, because it was situated in the southern part of British Cameroon, became incorporated with former French Cameroon in 1961; the inhabitants of the peninsula, 90 percent of whom were of Nigerian origin, opposed this move (Anyu 2007, 42). In fact, the incorporation of the peninsula with Cameroon never occurred due to the objection of its population (Sumner 2004, 1802).

**Competing Claims to the Peninsula**

The point of contention was the Anglo-German treaty of March 11, 1913, which placed the peninsula on the German side. Cameroon argued that the peninsula had belonged to Germany since March 11, 1913; when Cameroon became independent, it inherited Bakassi based on the *uti possidetis* principle (International Court of Justice 2002). Cameroon based its claim mainly on the March 1913 treaty and the principle of *uti possidetis*. Nigeria, however, challenged the validity of the March 1913 treaty based on its own interpretation of the Treaty of Protection that the Kings and Chiefs of Old Calabar signed with the British on September 10, 1884. It argued that the 1884 treaty did not include relinquishing the title of Bakassi to Britain, and Britain did not have sovereignty over Bakassi to concede to Germany in the first place; the root of the title to Bakassi, therefore, belonged to the Kings, the Chiefs, and the people of Old Calabar (International Court of Justice 2002). The Nigeria’s claim to the peninsula was also based on: a) long occupation by Nigeria and by Nigerian nationals constituting a historical consolidation of title; b) peaceful possession by Nigeria and an absence of protest by Cameroon; and c)
manifestations of sovereignty by Nigeria with acquiescence by Cameroon in Nigerian sovereignty over the peninsula (International Court of Justice 2002).

Submission to the International Court of Justice (ICJ) and the Court Ruling


The Court ruled in 2002 that the boundary between Cameroon and Nigeria in Bakassi was effectively delimited by the Anglo-German Agreement of March 11, 1913 and that Cameroon had sovereignty over the peninsula by the principle of uti possidetis (International Court of Justice 2002). In response to the Nigeria’s argument on the 1884 treaty, the Court noted that the treaty “established a colonial protectorate and, in the practice of the period, there was little fundamental difference at international level, in terms of territorial acquisition, between colonies and colonial protectorates”; therefore, Britain was in a position in 1913 to determine its boundaries with Germany in respect of Nigeria (International Court of Justice 2002). In addition, the Court noted that the 1884 treaty did not specify the territory to which Britain was to extend its protection.

The Court also rejected the Nigeria’s contention that, despite the Anglo-German Agreement of March 11, 1913 Agreement, Bakassi had remained under the sovereignty of the
Kings and Chiefs of Old Calabar until Nigeria’s independence in 1961. The Kings and Chiefs of Old Calabar, the Court stated, failed to protest the Agreement of March 1913 and took no action to pass territory to Nigeria before independence. Furthermore, the Court added that no evidence proved that Nigeria, upon independence, was acquiring Bakassi from the Kings and Chiefs of Old Calabar. According to the Court, the long established settlement of Nigerians and the Nigerian administration in Bakassi could not establish Nigeria’s title to the peninsula; when there is a conflict between title and *effectivités* (effective occupation), title prevails (International Court of Justice 2002). In response to the Nigeria’s contention on Cameroon’s acquiescence in Nigerian sovereignty over the peninsula, the Court noted that “Cameroon had since its independence engaged in activities which made clear that it in no way was abandoning its title to Bakassi” (International Court of Justice 2002). The Maroua Declaration signed in Maroua, Cameroon in 1975, which delimited the maritime boundary between Cameroon and Nigeria and recognized Cameroonian sovereignty over Bakassi, though never ratified by Nigeria, added more voice to the Cameroon’s claim (Konings 2005, 291). The Court stated that in 1961-1962, Nigeria clearly and publicly recognized Cameroon’s title to Bakassi and continued that position until the Maroua Declaration (International Court of Justice 2002). The ICJ ruled that Nigeria withdraw its administration, troops, and police from the peninsula; in the same ruling, the Court ordered Cameroon to withdraw its administration and military and police forces from several islands in Lake Chad, which the Court awarded to Nigeria (Anyu 2007, 46).

**Implementation of the ICJ Ruling**

Several weeks before the ICJ ruling, Kofi Annan, then the UN Secretary General, secured an assurance from the presidents of the two countries that they would respect the judgment of the
Court. After the Court ruling, the UN Secretary General established the Cameroon-Nigeria Mixed Commission, which consisted of delegations from both countries, upon the requests of the two presidents. Among the mandates of the Commission were the demarcation of the land and maritime boundary between the two countries; the withdrawal of civil administration, military and police forces and transfer of authority in relevant areas along the boundary and in the Bakassi peninsula; and the eventual demilitarization of the Bakassi peninsula (United Nations Office for West Africa 2007).

On June 12, 2006, the Agreement between the Republic of Cameroon and the Federal Republic of Nigeria Concerning the Modalities of Withdrawal and Transfer of Authority in the Bakassi Peninsula, also known as the Greentree Agreement, was signed at the Greentree Estate in Manhasset, New York. Nigerian completed its withdrawal of armed forces from the peninsula in August 2006, but it was allowed to keep its civil administration and a police force necessary to maintain law and order in the area for a non-renewable period of two years from the time of the withdrawal of the Nigerian forces (United Nations 2006). “Residents were given the choice of remaining in Bakassi with their Nigerian nationality, taking up Cameroonian citizenship or moving to Nigeria” (“Nigerian Troops Leaving Bakassi”). A majority of Bakassi inhabitants contested the ICJ decision. The Court decision also generated much nationalist sentiments among Nigerians. Sporadic violence in defiance of ICJ ruling delayed Nigeria’s complete withdrawal from the peninsula. In November 2007, reported killings in the region led to military clashes between the two countries. The violence cost lives as late as June 2008 (“Slaughter on the Border”). On August 14, 2008, in application of the Greentree Agreement, Nigeria withdrew its civilian administration and its police force from Bakassi and officially handed over the peninsula to Cameroon in a ceremony in Calabar, the capital of Nigeria’s Cross River State, with
the presence of representatives of the UN, France, Germany, Britain, and the U.S. Some residents moved to Nigeria following the handover; most of them resettled in the Cross River State. The handover officially removed the Bakassi Peninsula from the Cross River State, to which the peninsula had previously belonged.

**Gabon-Equatorial Guinea Dispute over the Islands of Mbanie, Cocotiers, and Conga**

*Origin of the Dispute*

Gabon became independent from France in 1960. Gabonese coastal chiefs signed treaties of protection with France in 1839 and 1841; France occupied the entire Gabon in 1885 and began its administration in 1903 (U.S. Department of State). Gabon became one of the four colonies within French Equatorial Africa in 1910. Equatorial Guinea, which consists of Rio Muni (mainland), the Bioko Island (formerly Fernando Po), and a series of small islands (the islands of Corisco, Elobey Grande, Elobey Chico, and Annabon) became independence from Spain in 1968. The Portuguese first established control of the islands in 1471, but ceded them to Spain in 1778 by the Treaty of the Pardo between the two countries in exchange for the area of modern day Brazil (Ugarte 2006, 271). Spain’s actual control of Equatorial Guinea, however, came much later: it took over Fernando Po in 1858 and Rio Muni between 1926 and 1927 (Pélissier 1965, 524-25). Spain had almost no interest in Equatorial Guinea; it tried to sell Fernando Po twice in the 19th century, first to Britain and later to Germany (Roberts 2006, 19). The disputed islands of Mbanie, Cocotiers, and Conga are small virtually uninhabited islands in the Corisco Bay; they are located just north of the Gabonese capital, Libreville, and near the border between Rio Muni and Gabon; they are geographically closer to Gabon than to Equatorial Guinea (Map 2).
The root of this dispute is the Franco-Spanish Convention of June 27, 1900, *Convention pour la délimitation des possessions françaises et espagnoles dans l’Afrique occidentale, sur la côte du Sahara et sur la côte du Golfe de Guinée*, which delimited the French and the Spanish colonial possessions in West Africa: on the coasts of the Sahara and the Gulf of Guinea. Article 4 of this treaty laid down the boundary line between the French and the Spanish possessions on the coast of the Gulf of Guinea; Article 7 recognized the Spanish ownership of the islands of Elobey (Elobey Grande and Elobey Chico) and the island of Corisco in the Corisco Bay; however, no part in the treaty mentioned the three disputed islands, though they were in the same bay. The three islands were also absent in colonial maps that delimited the borders between the French and the Spanish possessions (“Outrage as Gabon Sells Island to Equatorial Guinea”). Therefore, the 1990 Franco-Spanish Convention and colonial maps suggest that France and Spain did not define the ownership of those islands. Perhaps, those small uninhabited islands were not viewed as significant at that time, and France and Spain did not see the need to define the ownership of
them. Consequently, Gabon and Equatorial Guinea inherited those islands whose sovereignty had never been defined.

**Convention Demarcating the Land and Maritime Frontiers of Equatorial Guinea and Gabon**

Added to the contention was the 1974 Convention Demarcating the Land and Maritime Frontiers of Equatorial Guinea, which Gabon submitted to the UN Secretariat in May 2003 to register. Article 3 of the treaty states: “The High Contracting Parties recognize, on the one hand, that Mbanie Island forms an integral part of the territory of the Gabonese Republic and, on the other, that the Elobey Islands and Corisco Island form an integral part of the territory of the Republic of Equatorial Guinea” (United Nations 2004a). Article 3 that addresses respective titles to the islands is followed by Article 4 that delimits the maritime frontier between the two countries. According to Article 10 of the treaty, the treaty was written in both French and Spanish and went into effect in 1974.

Since May 2003, Equatorial Guinea has challenged the authenticity of the Convention. It claims that no such convention has ever existed; in fact, there has been no treaty regarding the land and maritime borders between the two countries (United Nations 2004b). According to Equatorial Guinea, Gabon submitted a barely legible photocopy of the alleged convention which had never been mentioned during all those years of negotiations to the UN Secretariat to register; furthermore, the French and the Spanish texts do not match (United Nations 2004b). Equatorial Guinea registered its objections to the authenticity of the treaty to the UN three times (March 18, April 7, and April 26, 2004). The President of the Republic of Equatorial Guinea, Obiang Nguema Mbasogo, wrote on April 26, 2004 to Kofi Annan, then the UN Secretary General:
In May of 2003, Gabon presented for the first time in the long history of this dispute (about 30 years) a poor quality photocopy of a document the Gabon alleges to be a treaty signed by the Presidents of the two countries in 1974. This was a total surprise to Equatorial Guinea, since we had been negotiating in good faith with Gabon for nearly 30 years regarding the questions of sovereignty and boundaries and our two countries had even reached agreement on the legal documents relevant to this matter. Gabon never once in all these years mentioned the 1974 document. When questioned about the origins of the documents Gabon indicated that a third State has recently provided it to Gabon and that there is no original. It was clear that Gabon was attempting to impose upon Equatorial Guinea a new document that, in reality, did not exist before. In fact there is no such boundary treaty between Equatorial Guinea and Gabon and none has ever been concluded between our countries. (United Nations 2004c)

Equatorial Guinea states that documents in possession of Spain prove its sovereignty over the three disputed islands, but it has not elaborated what documents it refers to. Both Gabon and Equatorial Guinea have released very little information about the evidence that supports their respective claims.

**Efforts for Peaceful Settlement of the Dispute**

The dispute began on August 23, 1972, when Gabon extended its territorial sea to 100 nautical miles and occupied those islands to safeguard its fishing; late President Bongo went to Mbanie to plant the Gabonese flag (*Facts on File* 1972, 864; “Annan Makes Progress in Island Dispute”). These islands have been under Gabon’s control since then. The dispute has brought
the two countries to the brink of war several times and has delayed their maritime delimitation. Nevertheless, the two countries have exhibited efforts to settle the dispute peacefully. They first referred the dispute to the OAU in 1972. Though an ad-hoc commission was formed under the auspices of the OAU to deal with this dispute, no settlement was reached. Nevertheless, the dispute had been dormant until February 2003, when Gabonese Defense Minister Ali Ben Bongo, son of late President Omar Bongo, visited a police unit on the Mbanie Island, accompanied by military chiefs, and reaffirmed the Gabonese claim to the island (Lawson 2003). His visit sparked a quick and indignant response from Equatorial Guinea, which viewed Gabon’s occupation of Mbanie as illegal (“Gabon and Equatorial Guinea: UN Mediates Dispute over Corisco Bay Islands”).

The two countries turned to the UN for help in 2003. Since then, a number of bilateral summit meetings have been brokered by the UN. Kofi Annan, then the UN Secretary General, has appointed Yves Fortier, a former Canadian ambassador to the UN, as his special adviser and mediator on this dispute. In 2004, the two countries, in addition to reaffirming their commitment to peaceful settlement of the dispute, agreed to explore oil jointly in their offshore waters affected by the dispute until the dispute is resolved. UN Secretary General Ban Ki-Moon, in June 2008, noted that the UN mediation has achieved only modest progress since it began in 2003. He appointed Nicolas Michel, a Swiss legal expert, on September 17, 2008 as the Special Adviser and Mediator of the Border Dispute between the two countries. The Secretary General has urged the two countries to stick to their commitment to peaceful settlement of their dispute and has encouraged the two countries to adopt a constant and open communications policy with the UN and to continue to avoid mutual recriminations of any kind to achieve peaceful resolution (United Nations 2008). After having explored various options, the two countries announced in
late 2008 that they were likely to take the case to the ICJ and they had worked on documents for their planned joint submission to the Court.

**Role of Potential Deposits of Natural Resources in the Disputed Areas**

The internal conflict cases of Angola, the Democratic Republic of the Congo, Nigeria, and Sierra Leone suggest that natural resources are related to the cause and duration of conflict. Humphreys (2005) found that in the case of civil wars, “conflict onset is more response to the impacts of past natural resource production than to the potential for future production; and conflicts involving natural resources “are more likely to end with military victory for one side rather than with a negotiated settlement.” Is this also the case with territorial disputes involving potential natural resources? While the impact of natural resources on African internal conflicts has received much attention, the role of natural resources, particularly potential deposits of natural resources, in African territorial disputes has received almost no attention.

The Gulf of Guinea, which stretches from southern Nigeria to Angola, is one of the deepwater zones in the world that are hydro-carbon rich (“Oil on Troubled Waters”). All the disputants this study examines are oil producing countries; oil has been the major source of their government revenues, though the dependence on oil in Cameroon has not been as significant as in the other three countries. Offshore production of crude oil in Nigeria and Gabon began in 1957 during colonial rule, but it began much later in Cameroon and Equatorial Guinea: Cameroon in 1973 and Equatorial Guinea in 1996. Though efforts to prospect oil were made in Cameroon and in Equatorial Guinea during colonial rule, they proved unsuccessful then (Frynas 2004, 528; Yates 2004, 39). Since 1957, Nigeria’s oil production has steadily increased and has never been matched by any of its neighbors. It has produced over 2,000,000 barrels a day since 1996. Cameroon’s oil production reached its peak from 1985 to 1990, but it has gradually
declined since then. Equatorial Guinea has exported over 350,000 barrels of oil per day since 2004. Today, it is the third largest crude oil producer in Africa after Nigeria and Angola. Gabon, which produced about 248,000 per day in 2008, trails Equatorial Guinea as the fourth largest producer.

(Table 1 about here)

Both the Bakassi Peninsula, disputed between Nigeria and Cameroon, and the Corisco Bay, where the three islands disputed between Gabon and Equatorial Guinea are located, have been presumed to have huge oil and gas deposits, due to their proximity to the oil producing fields. Therefore, the countries have had a high stake in their respective disputed areas, because the ownership of those areas would allow them more space to explore. Nigeria’s reluctance to hand over the Bakassi Peninsula to Cameroon after the ICJ ruling clearly demonstrated the economic importance of the peninsula to Nigeria, though the handover of the peninsula involved issues other than the economic interest, such as the history and the people. Equatorial Guinea also has been explicit in expressing its economic interest in the disputed region. President Obiang Nguema Mbasogo said: “The main problems are the resources of the sub-soil, the oil” (cited in “Gabon-Equatorial Guinea: Neighbors to explore jointly for oil in disputed waters”). According to late President Bongo, there was only “a tiny little disagreement” between the two countries (“EG, Gabon Agree to Border Talks”). Nevertheless, Gabon and Equatorial Guinea has not been able to resolve the dispute for decades.

In the cases of Cameroon and Gabon, the declining oil production might have elevated their interests in the disputed territories (Table 1). Cameroon produced about 82,000 barrels a day in 2008, which was a significant drop from the 1990s. Likewise, Gabon’s production has
significantly declined since 2000, and according to the International Monetary Fund, Gabon’s oil production will further decline to 175,000 barrels per day by 2010 (“Bongo Forever”).

Geographically, these two countries have much smaller Exclusive Economic Zones (EEZs), compared to Equatorial Guinea, which can claim 200 nautical mile EEZs around its islands in accordance with the 1982 UN Convention of the Law of the Sea (“Oil on Troubled Waters”). Thus, sovereignty over the Bakassi Peninsula and the three islands in the Corisco Bay would give Cameroon and Gabon more offshore territory, respectively.

According to Simmons (2005, 824), “there are significant opportunity costs to disputing the accuracy or legitimacy of the border,” while “mutually accepted international borders provide joint gains” that can be lost “if the legitimacy of the border is in dispute.” A territorial dispute means that the resources in the disputed area cannot be explored (“Oil on Troubled Waters”). To circumvent this situation, some countries in the Gulf of Guinea have moved toward joint exploration, including Gabon and Equatorial Guinea. For example, Nigeria has set up joint development zones with Equatorial Guinea and São Tomé and Príncipe and has received shares from oil revenues from the zones (Musa 2008). In 2007, Angola and Congo-Brazzaville ratified an agreement to create an offshore Zone d’Intérêt (Zone of Common Interest), though their offshore and onshore borders are yet to be resolved (“An Offshore Imbroglio”).

Nonetheless, the territorial disputes have been a stumbling block to full exploration of the potential oil resources in the disputed areas due to the uncertainties the disputes present to oil companies that might be interested in investing. Oil companies are less likely to invest in areas whose sovereignty is in dispute, because the transfer of the territory from one country to the other can cause a massive loss of their investment (“Oil on Troubled Waters”). Nigeria, Cameroon, Gabon, and Equatorial Guinea are the cases in point. Gabon has granted exploration
rights to Royal Dutch Shell and Anadarko respectively to explore two areas around the disputed islands; however, neither company would explore unless the dispute could be settled (“No Man an Island”). Though Gabon and Equatorial Guinea, in 2004, agreed to explore the area jointly until the dispute is settled, they have made little progress. Nigeria and Cameroon have agreed to develop a joint development zone to explore the oil and gas resources in the Bakassi region only after the settlement of their dispute. According to Ahmedou Ould-Abdallah, a Mauritanian who once headed the Cameroon-Nigeria Mixed Commission, “Cameroon has been reasonable about the oil that Nigeria already started extracting….Nigeria could continue to extract the oil as long as it pays Cameroon taxes” (“Settling Bakassi-Interview with UN Envoy Ahmedou Ould-Abdallah” 2007). A few months after the Nigeria’s withdrawal from Bakassi in 2008, Cameroon met with several drilling companies to prospect oil in Bakassi (Salau 2008).

To sum up, the prospect for oil and gas has prolonged the disputes, by increasing the interests in the disputed territories. However, it has also prevented the countries, interested in exploring the prospected resources, from using force to settle their disputes. President Obiang Nguema Mbasogo of Equatorial Guinea stated in 2004: “We have to solve this problem of the resources in a very positive fashion; the most important question here is how to fight against poverty with the resources both states have” (cited in “Gabon-Equatorial Guinea: Neighbors to Explore Jointly for Oil in Disputed Waters”).

**Conclusion**

As the cases of this study demonstrated, territorial disputes in Africa have deep roots in European colonialism. While conflicting interpretations of the Anglo-German Agreement of March 1913 became the source of the dispute between Nigeria and Cameroon over the Bakassi
Peninsula, the incomplete delimitation of French and Spanish colonial possessions in the Gulf of Guinea, which left out the disputed Corisco Bay islands, underlies the ongoing dispute between Gabon and Equatorial Guinea over those islands. The Nigeria-Cameroon case proves that colonial delimitation treaties are still binding and the principle of *uti possidetis* is a powerful tool in determining the ownership of a territory. Given that Article 38 of the ICJ Statute identifies treaties as one of the sources of international law, claims based on treaties are persuasive at the ICJ (Summer 2004, 1782).

Both cases suggest that the prospect for oil and gas reserves in the disputed area intensifies territorial claims and prolongs the dispute; however, it also discourages the disputants eager to explore the resources from settling the dispute militarily. Given the relatively large number of territorial disputes in Africa, the number of disputes that have escalated into war has been rare. Most disputes have been settled peacefully through third party mediation, arbitration, or adjudication. As Nigeria and Cameroon settled their dispute through the ICJ, it is likely for Gabon and Equatorial Guinea to take their case to the Court for adjudication.

A number of circumstances have helped these four countries seek peaceful resolution. First, in both cases, the disputants referred their disputes to the UN, and there has been much pressure from the UN for peaceful settlement of the disputes. The past and the present UN Secretary Generals (Kofi Annan and Ban Ki Moon) have been personally engaged to steer the disputants to peaceful settlement of their disputes. For that purpose, a number of meetings between the UN Secretary Generals and the heads of those disputing states have taken place over time. The UN mediation might have been possible because none of the disputants is a major power. The territorial disputes in the Indian Ocean that involve the ex-colonial powers (for example, the Mauritius-Britain dispute over the Chagos Archipelago and the Comoros-France
dispute over Mayotte) suggest that the UN has not been able to do much beyond passing declarations to support territorial integrity of the ex-colonies that could not inherit the entire territory. Second, all the disputants are members of the Gulf of Guinea Commission, which also includes Angola, the Republic of Congo, the Democratic Republic of the Congo, and São Tomé and Príncipe. The Commission was formed in 1999 to promote peace and security among the member states and to provide a framework for cooperative exploitation of the natural resources in the Gulf of Guinea. Third, as was mentioned above, any use of force to settle their disputes would prevent them from exploring the supposedly oil and gas rich areas.
Table 1: Petroleum Production by County (Thousand Barrels per Day)

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Source: Energy Information Administration 2009
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Endnotes

1 For the text of the resolution, see Gino J. Naldi (1992).

2 For the text of the Anglo-German Treaty of March 11, 1913, see Brownlie (1979: 557-561).

3 For the text of the Franco-Spanish Convention of 1900, see Hertslet (1967, 1165-1167) and Brownlie (1979, 439-441).