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# **Natural Resource Conflict: The Bakassi Lesson for Sudan and the Republic of South Sudan over Abyei**

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## **Abstract**

The split of Sudan into two sovereign states, Sudan and the Republic of South Sudan, in July 2011 did not come as a surprise to many interested parties to the Sudanese conflict. Sudan and the Republic of South Sudan have intensified their dispute over an oil rich border region of Abyei. This article looks at the history of another border dispute between Nigeria and Cameroun over Bakassi peninsula with the aim of identifying mistakes made by the two neighbors, Nigeria and Cameroun, in trying to resolve the dispute. Specifically, this study suggests paths Sudan and the Republic of South Sudan can follow to resolve their border dispute without committing the same mistakes made by Nigeria and Cameroun over Bakassi.

## **Introduction**

The Republic of South Sudan proclaimed its independence on July 9, 2011. On that day, the Republic of South Sudan became the 55<sup>th</sup> independent state in Africa. As a sovereign nation state, it shares borders with Sudan, Democratic Republic of Congo, Uganda, Central African Republic, Ethiopia, and Kenya. Some of these borders may be contentious because of the presence of scarce resources as in Abyei. Other border areas may remain peaceful because of existing better methods of resolving conflicts among neighbors like negotiations and accommodation. Yet, there may be others that are strategically located but may not be contentious either because the actors in the area chose peace over confrontation or avoidance culture prevail in such areas. Border towns or areas are beautiful brides courted by many suitors not necessarily because of natural love for them but most often, as a result of what can be exploited from the brides. The story is the same from the Kashmir tripartite boundaries among China, India, and Pakistan to the Rock of Gibraltar's boundary between Spain and Morocco—as well as the Bakassi Peninsular which, until recently, was a source of tension between Cameroun and Nigeria. The people on the two sides of the Sudan divide have the

opportunity now to use the lessons of Bakassi to manage their conflict for a mutual benefit as they transition from one sovereign state to two sovereign nations.

Conflicts can be political, economic, social, and legal. None of these typologies can stand alone; rather, they are interlinked. For example, political conflict may lead to economic conflict as was the case of Nigeria where conflicts between the military ruling class and its civilian counterpart promoted the misuse of the economic windfalls from the first and second Gulf wars. Similarly, the social disagreement between the secular minded sections of Afghanistan and the religious group (Taliban) is partly responsible for the political, economic, and legal woes of the country today. In the same vein, the Sudanese conflicts have often been written and explained as conflicts between the Muslim dominated North and the Christian and animist Southern Sudan.

Bakassi peninsula is a border region between Nigeria and Cameroon (Kamerun during Germany era, Cameroun when France occupied it, and Cameroon by the UK). The two countries claim sovereignty over the area for more than one reason. The first is the discovery of oil, a natural resource that can make a nation powerful in the international community. There are also positional and cultural conflicts among the two independent states given their shared colonial history and the ethnic groups that have lived there. The European powers that ruled the peninsula at various stages had their own conflicts over such natural resources as agriculture and trade. The purpose of this paper is to look at the history of the Bakassi peninsula and its conflicts with a view to identifying some of the mistakes in them that need to be avoided in order to achieve success in Abyei. This paper fills the gap in the literature by identifying lessons that may be learned by Abyei from the Bakassi conflict.

## **Review of Related Literature**

### ***Concept of Natural Resource Conflicts***

Many writers such as Collier (2004) and Pankhurst (2003) have aptly established the link between natural resources and violent conflicts by stating that states and communities that depend on natural resources are more likely to be engaged in conflict. Abdalla (2006) is of the view that the conflicts between the Dinka Ngog and Misseriya ethnic groups that dominate the Abyei region are directly connected to its natural resources. He further opines that their survival is almost completely dependent on natural resources and the environment.

Martinelli and Almeida (1998) posit that conflicts are “disagreements, public complaints, and protests involving arguments, physical assault, violence and lawsuits. Feelings of unfairness and injustice, suspicion, anger, emotion, and mistrust lead to conflict” (p. 3). Conflict diamonds (UN 2000 & Amnesty Inter-

national 2007), conflict minerals (DiJohn 2002), and natural resource conflict (Collier 2004) are some of the phrases often used to describe conflicts caused by natural resources. The resource war may be domestic as is the case of Nigeria and Niger Delta community, or North and South Sudan when they were one nation. It may be international as was the case between Iraq and Kuwait which led to the first Gulf war or Sudan and Republic of South Sudan, as presently being played out. At the center of the conflict between Sudan and the Republic of South Sudan (RSS) is Abyei. Since it is between two sovereign states, it is an international dispute. Abyei is a border region and therefore, it is also a dispute over territory. What does a territory mean in political science? Ubi (2010) attributes territory to sovereignty and believes that territory is a basic characteristic of the state. This implies that each state, in this case Sudan or the RSS, has certain territories or jurisdiction for which its laws are supreme over people and institutions within such geographical units. The two states here are trying to establish their jurisdictions over a geographical area known as Abyei. But two countries cannot exercise jurisdiction over one region at the same time. A state that has no territory cannot be treated as a legal entity (Shaw 1999). For example, during the dark years of colonialism, most of the colonial regions had no clearly delineated territories and therefore were not seen as legal entities. The colonial authorities were the entities representing the colonies in treaties and agreements. An example is the 1813 Treaty between Britain and Germany over areas that today are called Nigeria and Cameroun. These were negotiated and signed by UK and Germany not Nigeria and Cameroun. The colonized areas were either called colonies, trusteeships, or protected areas.

Legal documents and other agreements signed then were in the names of colonial authorities. The Anglo-German Treaty of 1913 was not between Nigeria and Kamerun but between Germany and Britain. It is not uncommon then for a disagreement or conflict to arise over a territory. Huth (1996) posits that "territorial dispute involves either a disagreement between states over where their common homeland or colonial borders should be fixed. Or, more fundamentally, the dispute entails one country the right of another country even to exercise sovereignty over some of or all its homeland or colonial territory" (p. 20). Starr and Thomas (2005) list two main purposes a territory serves: (i) the creation of spatial arrangement and (ii) the provision of group identity and symbol (p. 125).

The spatial arrangement of units helps to indicate where the physical or geographic distance between the units are to be found. For example, the Abyei Boundary Commission (ABC) report in 2005 defines the exact territories of the northern limit of the nine Ngok Dinka chiefdoms as latitude 10.10' N, from longitude 27.50' E to longitude 29.00' E. The group identity and symbol relates to where the people live and what the area means to them. An example of such symbolism can be the Ghandi's salt match in India. In Africa, land is a symbol of

an ethnic group's origin, life, and survival. Abdalla (2010) supports this symbolic argument by positing that "the Dinka Ngok harbor exceptionally strong sentimental attachments to Abyei, which has formed and consolidated their identities for generations" (p. 2.) Sticky as it is, the Abyei region is a disagreement between the two nations over where their border lines should be. So divided were the two states on where their territorial limits should be that they had to resort to the Permanent Court of Arbitration (PCA) to decide or resolve the territorial dispute for them. Abdalla (2010) observed that the PCA decision on the dispute resulted in the loss of pastoral water points and blockage of stock routes.

Several articles (Collier 2000 & 2004, and Humphrey 2005) have been written on natural resources and conflicts in Africa, Asia, and other regions of the world. While Collier (2000) powerfully establishes the link between natural resources and civil war, others including Amoah (2004) and Le Billon (2001) make cases for natural resources as one of the architects of territorial wars. It should be noted that the original conflict between Germany and Britain over Bakassi and its adjoining regions was over fishery and commercial shipping rights. Nigeria and Cameroun inherited this dispute, but soon added conflict over such other natural resources as agriculture, oil deposits, and sea routes.

### **Types of Territorial or Border Disputes**

The Nature Gallery Geography identifies four types of boundary disputes as: positional, territorial, resource, and cultural disputes. The positional dispute deals with disagreement over the location of the border lines. This may be as a result of historical or surveyor and survey inadequacies. The Nigeria/Cameroun dispute over Bakassi, Sudan and RSS over Abyei, Chile and Argentina over the Beagle Island attest to positional disputes. Territorial dispute arises when one country lays claim to some parts of another sovereign nation. The annexation of Kuwait in 1990 by Iraq leading to the first Gulf war is an example of this. Historical and cultural factors drive this type of dispute. The conflict between the Kingdom of Morocco and Saharawi Arab Democratic Republic stands as a model here. The Bakassi Peninsular is another example. Resource conflict occurs as a result of the scarcity of natural resources and their abundance in proxy areas. Though nations do not directly acknowledge that their disputes are caused by insufficient or lack of resources, observers are aware that pressure on nations resulting from overpopulation and dwindling resources can generate disputes. There is also the cultural element of border dispute. Borders tend to separate or alienate groups or their members; they separate groups as a result of ethnic distinctiveness, religious difference, and ideological affiliation. The Nigerian civil war is an example and so is the division of Northern Island between Catholics and Protestants. It is in-

formative to note that a border dispute may arise because of the combination of some or all of the above factors.

### **The Case of Bakassi**

The dispute over Bakassi predates the independence of the Cameroun and Nigeria. The European contending colonial powers, Germany and Britain, had conflicts over fishing rights and commercial sea routes. Sango (2002) describes the dispute over Bakassi as “a legacy of imperialist colonial rule and neo-colonial regimes in Africa” (p. 3). The balkanization of Africa that started in Berlin in 1884 set the stage for the crisis that trailed the Nigeria-Cameroun relationship. What was already a confused border situation was further compounded by the presence of natural resources in an area that was in dispute. Collier had earlier informed us about the six ways natural resources fuel conflicts. Suffice it to say that the rent expected from oil and fishing in the Bakassi region made the two nations to engage in the following conflict behaviors: they expressed their grievances through the media, framing each other, and refusing at certain times to talk to one another. They moved to a level where open clashes or violent confrontations occurred between state and non-state actors leading, to the death of about 60 people. Negotiations have also taken place including but not limited to the controversial agreement between late President Ahmadou Ahidjo of Cameroon and former Nigerian military leader, General Yakubu Gowon in 1971. The failure of these measures resulted in the litigation that played out at the International Court of Justice. The outcome was a zero-sum that favored one party and left the other dissatisfied.

The conflict between Nigeria and Cameroun over Bakassi stemmed from the colonial greed that was passed on to the two countries. The Germans that colonized Cameroun before World War 1 (WW1) were interested in shrimps (fishery) and Britain that ruled Nigeria was interested in uninterrupted and secure sea lane (strategic natural resource) access to Calabar (Omoigui 2006). The opposing needs or interests of the colonialists led to the 1913 Anglo-German Treaty. Other treaties were signed between France which took over parts of Cameroun following the defeat of Germany in WW1 and Britain that ruled part of Southern Cameroun and Nigeria. Dzurek (1999) notes that a Nigerian ethnic group inhabits the peninsula. Dzurek’s view is supported by Konings (2005) who says that the Igbos of eastern Nigeria dominated the Bakassi region and other eastern part of Nigeria. The truth remains that Bakassi was not inhabited by only one ethnic group in Nigeria. The Ibibio, Efik, and Ijaw are among the many other Nigerian ethnic groups that live in the area.

The Obong of Calabar’s Treaty of Protection with Britain in 1884 which among other things served the interests of the United Kingdom prohibits the par-

amount ruler from signing any Treaty with another European power without the United Kingdom's approval. The Colonial government's manipulations became evident in the signing of the 1913 treaty with Germany in which neither approval nor consent of Calabar, Nigeria, the owners of the maritime zone, were sought (Omoigui 2006 & Anyu 2007). To the two Europeans, it was a demonstration of their ability to resolve conflicts between them without litigation, fighting, or arbitration. The first resource conflict (fishing rights and commercial sea route) of Bakassi was thus resolved by those that created them through the 1913 Treaty. The defeat of Germany in the WWI guaranteed that France and United Kingdom shared African territories that were under German occupation. The German northern Kamerun subsequently became a United Nations (UN) trust region under the French mandate. Its French name, which it still answers today, became Cameroun. The southern Cameroun became a British mandate under the UN trusteeship and was known as Cameroon. Subsequent agreements were made by Britain and France. The colonial aggression against the Africans by the European powers was glorified as conquest. Anyu (2007) agrees by postulating that "the deep scars that these conflicts leave on people and nations are often obscured by historical accounts that, more often than not, glorify conquest and ignore aggression" (p. 44). The peninsula was not much a subject of territorial and economic disputes among the Africans during the colonial period as they lived peacefully together but a common ground to join forces to confront their common dominators (the colonialists).

The second resource conflict similar to the British-German conflicts of late 1800s stem from the secessionists threat faced by the Gowon administration in the Eastern Nigeria and similar but less violent threat to the Ahidjo Administration in the Southern Cameroun. The Gowon regime moved to block a strategic natural military resource base of the secessionist group in eastern Nigeria by signing a protocol agreement with the Ahidjo regime. The term "protocol agreement" implies here a memorandum of understanding paving way for future negotiations to settle any gray area in the region. The Gowon's movement cannot be said to be different from what Britain did with Germany in 1913 when commercial interest pushed it to sign off partial sovereignty to Germany. A testament to that is the fact that the Yaoundé government did not establish an administration in the area even after the Nigerian civil war had ended. This administrative gap in the peninsula was filled by the Nigerian government which established an administrative unit in the region.

The growing population of both Nigeria and Cameroon after independence coupled with the pressure put on existing resources increased pressure on the peninsula. The governments on both sides, looking to expand their revenue bases which depended heavily on a primary economic resource, found a willing horse in the pronouncement made by European multinationals about the discovery of

oil in the region. Collier (2004) hinges the economic roots of civil war in Africa to, among other things, the higher ratio of land to population and dependence on natural resources when other developing regions are moving into manufacturing. The multinational corporations that spearheaded the natural resource exploration have been known to be more interested in profits than stabilizing or developing the African nations. So, if destabilization will guarantee the flow of profits into their pockets, they are ready to sponsor such moves (see Agir Ici-Survie 1999, on the role of USA and French governments in the Chad crises).

Cameroun's decision to take the case to the International Court of Justice (ICJ) is suspected of having tacit approval from France so that French oil companies can have unfettered access to the crude oil deposits found in Bakassi. The French tacit support of Cameroon is further echoed in an alleged statement by France that it will support Cameroon militarily against any conflict with Nigeria because of existing military alliance between it and its former colony. Another aspect of the rumor is the secret diplomatic meetings between France and Britain to collaborate and mobilize other European Union Blocs at the ICJ to rule against Nigeria.

The outcome of the conflict as finally delivered by the ICJ in 2002 was the transfer of sovereignty of the peninsula over to Cameroun. The Nigerian people especially the Bakassians never accepted that verdict but they have to live with it as the decision is final and not appealable. An opportunity to invite inputs from the inhabitants of the area through a referendum was missed by the ICJ and the UN. This is contrary to the much taunted "Right of Self-Determination" as provided by Part 1 Article 1 of the UN and further strengthened by Resolution 61/295 the Declaration on the Rights of Indigenous People. One of the outcomes is a win to one party and a loss to the other. Has that stopped violence or threat of war in that area? I would say that at the moment, the two nations are technically not at war but the non-state actors from both sides are at war.

### **Why Do Natural Resources Cause Conflicts in Bakassi and Abyei?**

Collier (2004) provides a one-shot answer when he links the fueling of conflict with rent which natural resources generate in excess. His argument is further supported by the six routes by which natural resource rents increase the risk of violent conflict. The routes include the contest for control of resource revenue; detachment of government from the electorates; location of natural resources (natural resources are usually found in peripheral parts of the country); source of finance for rebel groups (MEND in Nigeria and military wing of SPLM in Sudan); appreciation of the real exchange rate (other sectors of the economy are neglected); and unstable nature of natural resource price in the market (the price

of natural resources are usually volatile, so that the economy becomes subject to booms and busts) (p.4).

### **Commonalities of Abyei and Bakassi Conflicts**

History has a way of linking events, communities, and nations together. Colonialism as a part of African historical identity placed Bakassi and Abyei together. Burton (1991); Zonkosi (2004); and Tanagho and Hermina (2009) have all stated how Abyei was ruled by Britain at a certain stage of its existence. Similarly, Mbuh (2004) and Omoigui (2006) point to the time Bakassi peninsula was under British rule. It is not surprising therefore that these two regions have similar history of being former colonies of the United Kingdom. They shared another British legacy of boundary disputes.

The conflicts in the two regions are the combinations of territorial, positional, resource, and cultural factors. The parties to the conflicts (in Nigeria vs. Cameroon over Bakassi, and Sudan vs. RSS over Abyei) disagree over where the boundary lines should be in their respective disputed areas. There are also the issues of culture which place certain attachments on the groups that claim the given disputed areas. One of such claims is the claim of Ngok Dinka that Abyei is a symbol of many of their ancestors who lived in the land.

The Abyei region and its ethnic group composition were said to have been placed at different administrative areas during Sudan's colonial past under the United Kingdom. As aptly observed by the International Crisis Group (2007) "they lived within separate administrative boundaries in colonial days, until 1905" (p. 2). Bakassi was at various times under the administrative control of Germany, England, France, Cameroun, and Nigeria.

Another commonality is the presence of oil deposits which is one of the reasons that turned the region into a beautiful bride that is courted by not only the two neighboring countries but also by China and other international oil speculators. Oil has served as the magnet that attracts the multinational corporations (MNCs) and their home governments. It is a resource that generates rent according to Collier and the rent is higher than is required to explore the resource deposit. The governments of Sudan and the RSS are eagerly waiting their chance to control the expected revenue from the oil deposits in Abyei.

Another commonality for them which may not be a mutual benefit is the need to share refineries or oil processing facilities through joint ownership or management. Experience has shown that in the event of future crises between the two countries, the oil facilities will be the first target for economic and political strategies. The threat to and actual cut off of supplies or increased tariffs often seen or heard in Russia's relationship with some of its former ideological part-

ners in eastern Europe may serve as examples. Similarly, oil refineries are in the northern Sudan while the crude oil deposits are in the South especially in Abyei.

### **Lessons Abyei Disputants Can Learn from Bakassi?**

The first lesson Abyei, Sudan, and the Republic of South Sudan should take from the Bakassi conflict is not to allow external agencies to partition their borders. The judges of the ICJ, PCA, and other institutions that arbitrate or adjudicate border disputes rarely set their feet on the plains of the disputed territories. They cannot therefore be more knowledgeable than the people that own the land. Most of their decisions have never been acceptable to the so called “big powers” who think that the institutions are not competent enough to decide on cases involving their interests. The Guantanamo Bay dispute between the United States and Cuba and the Gibraltar area between Spain and Morocco provide us with some examples. It has been argued that a government that guarantees the protection of the interests of the power players in the international scene will always receive their backings at the ICJ and other related bodies. China would continue to use its veto power at the UN to thwart any move that threatens President Omar al-Bashir’s position as long as he remains China’s reliable partner. Whenever it becomes necessary for China’s national interest, China will trade its veto power and support for Sudan with other super powers.

Also, even where the judges are knowledgeable, the positions of their home countries’ governments and the interests of the MNCs weigh much on the direction of decisions, especially when the external powers are not very sure of the intentions of would-be successors or their puppet regimes. Moreover, Abyei should understand that the probability is high of the Court delivering rulings in favor of the side/country that guarantees the interests of the western world. An example is the foot dragging by the super powers in the Syrian crisis.

Further, the people or human elements at the center of the Bakassi conflict have been dislodged, dislocated, and dismembered from their source of livelihood, place of residence, and cultural group or nationality. The Anangs, Efiks, Ibibios and others on the Nigerian side now have to be called citizens of another country. This is not new; since the Berlin Conference, African ethnic groups have been so divided among various nations. The difference is that the transfer was being effected by the judicial decision in 2002, about 116 years after Berlin. As a result, the people’s fishing occupation is at a crossroad because of the transfer to a Camerounian government, law, and customs—with the accompanying xenophobia. Their counterparts in Cameroun have to go through the process of accepting and competing with additional population and ethnic groups. These human angles of the conflicts were not considered when the ICJ judges ruled in

2002. Similarly, any arrangement that may result in the dislodging or dismembering of the ethnic groups in Abyei will be a future source of conflict.

Yet, another lesson to be learned is the case that joint ownership of, or investment in, petroleum facility by the two countries will not be economically and politically viable given the level of mistrust that exists between the two nations. The trends have shown that war is likely between the two countries. In the event of any exacerbation of the conflict, one side may cut off the supply or refining of petroleum products to the other nation. This joint ownership has also some implications in terms of the development of the area. No government on either side of the partnership will be willing to invest much on the disputed area fearing that one day, it may finally be overrun by the other and their investments will be lost.

Interestingly, before the advent of colonialism in the Bakassi area, the known paramount ruler, the Obong of Calabar, his council, and subjects have traditional peaceful resolution of conflicts mechanisms that enabled them to live in peace. Two of those mechanisms are the narrative mediation and negotiation. The parties to the conflicts would narrate what brought the conflict and any claims each makes must have a narration that links him or her to the issue at stake. A council of elders or spiritual leaders and other related agencies will listen to these narrations and come up with an unbiased mediated agreement that all will be happy with. A similar system existed in pre-1905 Abyei which may be revived and modernized to promote peace among the indigenes.

Finally, Abyei should learn from Bakassi that war does not provide a durable or sustainable solution to border disputes but has brought destruction of life and property. The resources for which the nations go to war are also either destroyed in the process or are immediately impossible to exploit.

### **Conclusion and Policy Recommendations**

Having established some commonalities between the Abyei and Bakassi conflicts and based on the lessons learned from the bad measures taken to resolve the Bakassi conflicts, this paper recommends several solutions:

The traditional peace building and peace making that worked for the Abyei people prior to 1905 should be explored, modified, and adopted rather than resorting to international arbitration and litigation. There are advantages to be derived from this approach. It is cost effective and relationships are maintained. Elders of the ethnic groups are more knowledgeable about the things that hold them together. They know where the boundaries of each group start and end. They also know how to multiply the pies (resources) such that each party wins or benefits from the available resources as well as contributing to their replacement. The judges and interests that preside at the PCA, ICJ, and other related arbitration institutions do not know or often ignore this rich African peacebuilding tra-

dition. Abdalla (2010) points to the action of the Permanent Court of Arbitration (PCA) which redrew the border areas of Abyei and the dissatisfaction of the disputants as one of the flaws of litigations in border disputes. In the pre-1905 traditional system, the major ethnic groups by the end of every season came together and decided on compensations and damages that may have resulted from their joint economic activities in the area. The process served the community very well then because each party went home satisfied with what they got and also maintained their peaceful co-existence. The parties derived satisfaction from the fact that they resolved their conflicts themselves. The pride of ownership of the peace efforts motivates disputants to fend of adversarial externalities.

Secondly, the two nations should build upon their traditional conflict resolution mechanisms by negotiating a compensation package that is payable and acceptable to both parties in order to transfer complete ownership of economically productive resources such as refineries to whichever state that eventually wins sovereignty over Abyei. This recommendation serves two purposes. The first one is to ensure that the problem of cutting off supply or production is averted in the event of unforeseen conflicts between them. The second is to ensure that the region is properly developed and any failure to develop it can be blamed on the country where it is located rather than holding the two entities jointly responsible.

Finally, this paper recommends that the MNCs and their home governments should work with the African governments in their efforts to solve their problems in the African way. It is suggested here that many of African conflicts would not have escalated to the level that they were, were it not for external influence of the West and, presently, China. This is not advocating for Africa to isolate itself from the rest of the world. Rather, the continent should look inward for home-grown conflict management mechanisms. The interventions of the International Court of Justice, Permanent Court of Arbitration and other supranational organizations have always brought no permanent and sustainable peace. Their effectiveness has been apparent mainly in the protection of Western interests.

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