

# Gowon and Bakassi

By Dr. Nowa Omoigui

**To the Editor, Guardian Newspapers, Lagos, Nigeria**

Sir

In a recent article titled "Gowon, the Queen and the stolen bronze", Reuben Abati raised interesting questions about the alleged expropriation of an original piece of Benin artwork from the National museum by General Gowon enroute to Britain in 1973 for a State trip.

I understand the sentiment he projected and agree with the moral outrage over the museum matter.

However, I was bothered by his attempt to link the issue of the Benin Bronze gift to the Bakassi question. A journalist of Abati's stature ought to be much more familiar with the truth about the Bakassi issue. The media should refrain from sensational publications which can smear people unnecessarily and/or push government into an untenable domestic political corner in dealing with complex external affairs issues.

Again and again, over the years (since the July 1975 coup) this false story has been peddled around that Gowon gave away Bakassi to Cameroun as a gift. It is one of the bigger lies of the modern Nigerian generation - a lie which has affected Nigeria's approach over the years to the Bakassi dispute and has even unnecessarily cost the lives of Nigerian soldiers.

Briefly, let me point out that:

1. Treaties between Britain and Germany dating back to 1913, official Nigerian regional border delineation (eg The Legal Notice No. 126 of 1954), as well as British-Nigerian

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and Nigerian-Cameroun exchange of diplomatic notes (1960-2) all clarified the matter LONG BEFORE Gowon ever came to power in 1966.

2. Administrative maps of Nigeria have continued to reflect these realities, showing Bakassi inside Cameroun, except the few that were reprinted in 1991 (during the Babangida/Aikhomu regime) to try to reinvent the wheel. A courtesy visit to most Government ministries in Nigeria, which often pin Nigerian maps up on walls, will confirm this observation. Pay particular attention to the South-east corner and notice where the maps claim Bakassi is.

3. During the Cameroon/Nigeria plebiscite of 1961, 21 polling stations were physically located in the Bakassi peninsula. UN records clearly show that approximately 73% of the people living there AT THAT TIME voted NOT to be administered under independent Nigeria. This is fairly easy to confirm either from the UN itself or Ambassador BA Clark who was Deputy Permanent Secretary External Affairs in 1970/71. The precise number of polling booths and their exact locations is a matter of public record. It is fair to assume that the vote was binding on future generations in the area. The question of whether it could have been different - as was the case with Northern Cameroons - is one of the more fascinating but unexamined aspects of Nigeria's history from that period. Whether the vote meant that the people of Southern Cameroons should form their own country or be fused with French Cameroun is another curious angle that has recently surfaced.

4. General Gowon was guided in his approach to the Nigeria-Cameroun border question by a formal legal opinion prepared in 1970 by the late Teslim Elias, Nigeria's former Attorney General and, incidentally, later a Judge of the ICJ. Elias prepared a well thought out formal brief for then Commissioner for External Affairs, Okoi Arikpo, (who was of South Eastern State origin), in which he clearly stated that Nigeria had no legal claim to the Bakassi peninsula. Elias also advised that given the legal and historical precedents, as well as the good relations between both countries, and the role Cameroun played during the civil war, it was not wise, fair nor right for Nigeria to press the issue. This document is available.

5. In 1969, even before the Elias opinion - and long before Gowon ever met with Ahidjo to discuss the border, the office of the Geographer, US State Department, came to the same conclusion about the Nigeria-Cameroun border. This document is also available.

6. Although some indigenes of the area, local politicians and misguided national commentators have raised dust over the years, the real dispute between Nigeria and Cameroun was not originally about the shrimp rich Bakassi peninsula per se. As a consequence of language in the original Anglo-German Treaty, the dispute was about the OFFSHORE border and precise delineation of the APPROACH CHANNEL to the Calabar Port. Why? Because the treaty stated that the NAVIGABLE portion of the channel was to lie wholly within Nigeria while the peninsula itself was to lie wholly within Cameroun - even if the Akpa Yafe river was to change its course and flow into the Rio del Rey. The issue, therefore, was to define the navigable channel. This became more sensitive when oil was discovered offshore.

7. General Gowon relied on experts from the Federal Survey Department in the Ministry of Works on what the offshore delineation of the approach channel to the Calabar Estuary should be - up to the 3-mile limit. The Nigerian civil servant (not Gowon) who actually decided the offshore eastern border of the navigable channel - which formed the basis of what became known as the Coker-Ngo line - was Chief R. Oluwole Coker, Director of Federal Surveys. Accompanied by a group of civil servants from then South Eastern (later Cross-River) State, including SJ King who had previously served as Consul General in the Nigerian mission at Buea, the Solicitor General and Permanent Secretary for Justice of the South Eastern State (Mr. Ukot) at that time was party to it and cosigned the declaration. It is not, however, clear whether the Permanent Secretary of the Federal Ministry of Works, Gray Longe, or the Federal Commissioner, Femi Okunnu, were aware of the details. The Governor of the South Eastern State, Col. UJ Esuene was certainly in the delegation, as was Colonel Musa Usman of the North Eastern State. Mr. U Ekaette, now Secretary to the Obasanjo government, was also there as one of Gowon's key assistants. Surveyor Adeleye was in attendance.

What Gowon and Ahidjo did was to sign on either side of the Coker-Ngo line. When Ahidjo asked Gowon to draw the line, Gowon in turn turned to Chief Coker and asked him to define it. Gowon did not order anyone to give anything away to Cameroun, nor did he do so himself. The specifics of this line were certainly previously fiercely debated internally within the Survey Department at a technical level, and there were some who felt it ought to have been further toward the Cameroun side, but it is wrong to suggest that General Yakubu Gowon "gave away Bakassi". The issue of Bakassi itself was sealed by the Ministry of Justice legal opinion, supported by Okoi Arikpo of External Affairs, based on decades of legal and political precedent. If the people of the Bakassi peninsula had either boycotted the Cameroon plebiscite altogether or had voted along with the rest of Southern Cameroons to stay in Nigeria, the matter would have been much less complicated - although it could still have been an internal border problem between states. To compound issues, the late Alhaji Malabu, one time Nigerian Ambassador to Cameroun used to say some people in the area often paid taxes to both countries. There are unconfirmed reports that some of the local residents also kept taking part in voter registration and elections in Nigeria AFTER voting overwhelmingly to leave!

8. In reaching an agreement with Ahidjo about the Coker-Ngo "navigable channel" border, the question of whether Gowon had the authority to do so without subsequent ratification by the SMC was also the subject of another legal opinion by the Nigerian Ministry of Justice of that era. Gowon's authority (as confirmed by the Justice Ministry) derived from a decree originally promulgated by the Ironsi regime. It will be recalled that the Supreme Military Council - under this decree - was only an advisory body to the Head of State. Neither Ironsi nor Gowon after him required legal ratification for anything from the SMC. This is why, for example, Ironsi was able to promulgate the unification decree of 1966 without formal SMC approval.

Gowon's powers after July 29, 1966, (in continuation of Ironsi's powers) were the subject of discussions at Aburi in January 1967, and led to the controversial Decree No. 8 of 1967. This decree was never, however, formally codified because Ojukwu rejected it in the run down to the outbreak of the civil war in July 1967. It will be recalled that in late May 1967 Gowon declared a State of Emergency and assumed full powers after the

Ojukwu-appointed Eastern Regional Assembly mandated Ojukwu to declare secession. In 1969, after Colonel Obasanjo refused to cooperate with Colonel Muhammed to delay the end of the civil war in order to force Gowon to "share power" with other officers, there was no further opportunity (or interest) after the war to change the powers assumed in the original Ironsi decree. The decree and Gowon's "supreme commander" like legal status was thus in effect when the Nigerian-Cameroun Boundary commission was doing its work in the early seventies.

9. When Brigadier Muhammed came to power in July 1975 he initially wanted to retain this "sole power" arrangement but was overruled by the middle ranking officers (Yar'Adua, Garba, Abdul Mohammed, Taiwo etc) who carried out the coup. This is why he had to agree to share power with Brigadiers Obasanjo and Danjuma in a trioka. This is also why the new decree reconstituting the new SMC in 1975 (after Gowon was overthrown) enhanced the authority of the SMC and made it more than an advisory council. It was in the context of this newly enhanced power for the post-July 1975 SMC that questions were raised (retrospectively) about Gowon's authority to sign the Coker-Ngo line. However, AT THE TIME he did, Gowon was well within his legal powers no matter what we may feel today. However, whether the civil servants who advised him to accept the precise location of the Coker-Ngo line, advised appropriately, is a different issue. Whether ANY military government can sign ANY agreement whatsoever for the country is another. The latter is a fundamental point that affects many laws, agreements and treaties signed by Nigerian governments during the long period of military rule.

10. The sensitive question of arbitrary colonial borders in Africa affects many countries. There are Yoruba speaking communities which are split between Nigerian and Benin republic. There are Ewe speaking communities split between Ghana and Togo. The question of communities split between Nigeria and Cameroun is unfortunate but not unique. Nigeria, in ratifying instruments which established the OAU in 1963, agreed to respect the inviolability of colonial borders. This was reflected in the 1964 OAU Cairo Declaration on Border Disputes among African States.

11. Very interestingly, it came to light during the Buhari regime that several years AFTER Gowon left office the precise location of the Coker-Ngo line and the navigation beacons for approaching the Calabar Estuary were shifted even further westwards toward Nigeria making our case worse. This shift (which was done either during the Obasanjo or Shagari regimes) may have been done without authority or proper research by the Nigerian Ports Authority - another consequence of the frequent turn-overs of governments in Nigeria and lack of collaboration between various pre and post-coup regimes. Or perhaps it was done to create a reason to award a contract to dredge the area. Who knows?

12. I humbly advise Reuben Abati (and others) to review original documents or talk directly to those civil servants WHO WERE THERE AT THAT TIME before he (and others) write further on the Bakassi matter, confusing Nigerian policy makers and the public and potentially exposing our soldiers to unnecessary risk. Some of those in the know are dead but there are others who are not.

13. Like other Nigerians, I hope the judgement of the ICJ helps to settle this issue or create a framework for bilateral and trilateral discussions to resolve the dispute - for the sake of those who live there and for the sake of the rest of us. I am also eager to see how the ICJ reacts to the interesting arguments put forward by Chief Richard Akinjide and his legal team.

14. However, in the meantime, journalists should stop repeating the lie that Gowon gave away the Bakassi peninsula. He may have given away an original piece of Benin Bronze to the Queen of England. But he did not give away Bakassi to Cameroun.

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