Africa Development, Volume XLVII, No. 4, 2022, pp. 239-265
© Council for the Development of Social Science Research in Africa, 2022
(ISSN: 0850-3907) (https://doi.org/10.57054/ad.v47i4.2984)

Towards Understanding the Cameroon-Nigeria and the Eswatini-South Africa Border Dispute through the Prism of the Principle of Uti Possidetis Juris Customary International Law[1]

Hlengiwe Portia Dlamini*, Manka'ah Mafor Awasom-Fru**, Lenhle Precious Dlamini*** & Sirri Awasom-Fru****

Abstract

This article examines the Cameroon-Nigeria and Eswatini-South Africa border disputes from a comparative perspective within the framework of the doctrine of *uti possidetis juris* in customary international law. Extant scholarly works on these two border disputes have not been sufficiently cogent to enable an evaluation of the relevance and shortcomings of uti possidetis juris. The study methodology is qualitative and includes archival and newspaper sources, in-depth interviews and focus group discussions. This study reveals that the strict application of the *uti possidetis juris* doctrine to the Cameroon-Nigeria dispute over Bakassi was inappropriate and did not generate the anticipated peace and security. The Eswatini-South Africa bilateral talks, aimed at adjusting colonially inherited borders, were an attempt to comply with *uti possidetis juris*, but flopped. Following the Cameroon example, the Eswatini monarchy then contemplated taking South Africa to the International Court of Justice (ICJ). But the two scenarios were different, and the invocation of *uti possidetis juris* was not an appropriate instrument for resolving the Eswatini-South Africa border dispute. Eswatini irredentism has persisted because of the country's commitment to Sobhuza's testament, which sanctioned the unity of the Eswatini people.

Keywords: Cameroon-Nigeria, Eswatini-South Africa, border disputes, The Hague, *uti possidetis juris*, the Sobhuza Testament

* University of the Free State, South Africa. Email: hlingoline@gmail.com

** Uppsala University, Sweden. Email: awasommanka94@gmail.com

*** University of KwaZulu-Natal, South Africa. Email: dlenhle@yahoo.com

**** Balsillie School of International Affairs, Canada. Email: sirri_fru@yahoo.com

Résumé

Cet article examine les différends frontaliers entre le Cameroun et le Nigeria et entre Eswatini et l'Afrique du Sud dans une perspective comparative dans le cadre de la doctrine de l'*uti possidetis juris* en droit international traditionnel. Les travaux scientifiques existants sur ces deux différends frontaliers n'ont pas suffisamment convaincu pour permettre une évaluation de la pertinence et des lacunes de l'*uti possidetis juris*. La méthodologie d'étude utilisée ici est essentiellement qualitative et comprend des sources d'archives et journalistiques, des entretiens approfondis et des discussions de groupe. Cette étude révèle que l'application stricte de la doctrine de l'*uti possidetis juris* au différend Cameroun-Nigéria sur Bakassi était inappropriée et n'a pas produit la paix et la sécurité escomptées. Les pourparlers bilatéraux Eswatini-Afrique du Sud, visant à régler la question des frontières héritées de la colonisation, étaient une tentative de se conformer à l'*uti possidetis juris*, mais elles ont échoué. Le royaume d'Eswatini a alors envisagé de traduire l'Afrique du Sud devant la Cour internationale de justice (CIJ), à l'instar du Cameroun. Mais les deux contextes étaient différents et l'invocation de l'*uti possidetis juris* n'était pas un instrument approprié pour résoudre le différend frontalier Eswatini-Afrique du Sud. L'irrédentisme d'Eswatini a persisté en raison de l'attachement du pays pour la déclaration Sobhuza, qui cautionne l'unité du peuple d'Eswatini.

Mots-clés : Cameroun-Nigéria, Eswatini-Afrique du Sud, différends frontaliers, la Haye, *uti possidetis juris*, Testament de Sobhuza

Introduction

This article sets out to critically survey the trajectory of two of the most protracted border disputes in contemporary Africa, namely the Cameroon-Nigeria and the Eswatini-South Africa border disputes. It aims to do this from a comparative perspective by historicising and evaluating their adjudication through the prism of the international legal principle of *uti possidetis juris.*[2] This principle of customary international law serves to preserve the boundaries of colonies emerging as states. It is a Latin phrase derived from Roman law, which literally means 'as you possess, so you possess' (Shawt 1997; Naldi 1987). *Uti possidetis juris* under international law determines colonial title to territories whose boundaries are inherited by independent states and become their international frontiers. Originally applied to establish the boundaries of decolonised territories in Latin America, *uti possidetis juris* has become a canon of broader application, notably in Africa and elsewhere (Foucher 2020; Sainz-Borgo 2020).

Both Cameroon and Eswatini were engaged with their giant neighbours in the struggle for the acquisition of contested territories. Cameroon and Nigeria were scuffling over the ownership of the Bakassi Peninsula using historical and legal arguments. Bakassi was effectively part of Nigeria until 2002 when the International Court of Justice (ICJ) at The Hague ruled that Bakassi should be ceded to Cameroon. The Bakassi Peninsula is a tiny strip of land consisting of a series of fluvial islands that project into the Atlantic at the Gulf of Guinea. It covers approximately 50 square kilometres and is inhabited by dozens of villages. It is situated at the extreme eastern end of the Gulf of Guinea, between latitudes 4°25' and 5°10' N and longitudes 8°20' and 9°08' E. It lies between the Cross River estuary, near the Nigerian city of Calabar, in the west of the Bight of Biafra, and the Rio del Rey estuary in Cameroon on the east.

Map 1: Bakassi Peninsula

Source: https://www.globalsecurity.org/military/world/war/bakassi-peninsula.htm

It is important to appreciate the geography of Bakassi and the international boundary on Map 1, represented by a black line that places Bakassi within Cameroon's territorial jurisdiction as per colonial treaties. These indicate Cameroon's *de jure* ownership of Bakassi according to the doctrine of *uti possidetis juris.* The peninsula traditionally has been occupied by fishermen

settlers of the Efik-Ibibio-speaking people of Nigeria (Anene 1970: 56); its population was estimated at 300,000 people in 2002.

The Kingdom of Eswatini is the smallest country in the southern hemisphere, with a population of 1.5 million people (2020). It is a landlocked country, 30 per cent of which is bordered by Mozambique to its northeast and 70 per cent by South Africa to its north, west and south. The problem Eswatini has with South Africa is related to the quest for territorial aggrandisement because the kingdom lost over 90 per cent of its territories to its neighbours in the last quarter of the nineteenth-century scramble for Africa. A sizeable population of ethnic Eswatini people were excised and awarded to South Africa, and a small portion went to Mozambique.3 Eswatini was left with a minuscule land area of 17,364 square kilometres, while its giant South African neighbour has a total surface area of 1,221,037 square kilometres. Eswatini has been struggling to 'right' this historical 'wrong' by clamouring for an adjustment of its boundaries with South Africa.

Conceptual Framework and Methodology

We used two broad approaches in the study of African borders: the structuralist and the functionalist approaches. The structuralist perspective of boundaries is state-centric and emphasises the sanctity of colonially inherited borders. African statesmen agreed to stick to the colonially inherited borders by enacting the international legal principle of *uti possidetis juris* (Lalonde 2001; Ahmed 2015), which essentially entrenches the arbitrary acts of the imperial boundary craftsmen. Modern African states are structured by their frontiers, which cannot be changed. The international legal principle *of uti possidetis juris* is structuralism *par excellence* as it upholds inherited boundaries as sacrosanct.

The functionalist approach to border studies is different from the structuralist approach. The functionalist approach does not treat boundaries as rigid lines of demarcations between states. Border scholars (see, for example, Aboyade 2020; Whande 2010; Stoddard 2002) posit that the functionalist approach is hinged on the doctrine of mutual necessity, which sees boundaries as points of symbiotic reciprocity between the borderland people. This approach focuses on historical, social and cultural linkages and affinities of the partitioned people on the borderline and their frontier networks, which serve as continuous transboundary links to the extent of making the boundary a comfort zone. Boundaries serve as points of economic, political and cultural interaction of partitioned borderland people (Stoddard 2002). This is precisely how the Eswatini-South Africa international border functions.

In terms of methodology, the qualitative approach was suitable for this study. Archival sources and newspapers were found useful and were validated by cross-checking the two sources against each other and against oral sources. Archival and newspaper sources provided an array of information that helped us construct the narrative. We used the purposeful sampling technique (see Duan et al. 2015) to select participants who were knowledgeable and experienced in the border disputes and were available and willing to participate in this study. We depended on twelve participants in the Cameroon-Nigeria border dispute and ten in the Eswatini-South Africa border dispute, all aged between fifty and seventy-five years. We constituted three focus groups of five to seven participants for Cameroon and Nigeria, and Eswatini and South Africa. We, and our research assistants, collected oral data from these participants in English, Pidgin and French between March and April 2019 in Cameroon and Nigeria, and between November and December 2019 in Eswatini and South Africa. The focus group transcripts were analysed and used in conjunction with written sources to provide a comprehensive narrative. In keeping with ethical guidelines (see Walford 2005) we obtained the consent of participants and guaranteed respect of their privacy and confidentiality by pledging not to disclose their identity given the sensitivity of border issues.[4]

Statement of the Research Problem and Literature Review

There is a plethora of publications on the border disputes between Cameroon and Nigeria over the Bakassi Peninsula,[5] on the one hand, but only a few on the Eswatini-South Africa, on the other, and on the adjudication of these disputes.[6] But there is no comparative study that specifically addresses these two distinct disputes and contextualises them within the doctrine of *uti possidetis juris*. This comparative approach is informed by the fact that officialdom in Eswatini saw the 2002 ICJ verdict of the Cameroon-Nigeria border dispute as a solution to its longstanding conflict with South Africa. We therefore set out to explore these two border disputes from a comparative perspective with a view to evaluating the appropriateness of the application of the *uti possidetis juris* doctrine.

Extant literature on border disputes in Africa points to the fact that African leaders solemnly adopted the 1964 Cairo Declaration of the OAU on the intangibility of colonially inherited borders as an ideal framework for the resolution of border disputes (see, for instance, Foucher 2020; Donaldson 2009; Luker 2008). The ICJ interpreted the resolution to mean that the doctrine of *uti possidetis juris* was part of the principle governing African boundaries. One school of thought has viewed the successes in the

application of the doctrine in terms of guaranteeing the stability of the African territorial status quo after independence and in tackling certain border disputes in Africa (Herbst 1989; Hensel, Allison and Khanani 2004). The settlement of the Cameroon-Nigeria border dispute was hailed therefore as a 'pacific settlement of border disputes' (Issaka and Ngandu 2008) that should serve as a lesson for Africa (see Ojo 2017; Konings 2011; Lukong 2011). However, scholars have revisited the *uti possidetis juris* principle in the light of its inadequacies in the discussion and analysis of other selected cases handled by the ICJ, such as the border dispute over Lake Nyasa between Tanzania and Malawi, and the border dispute between Botswana and Namibia (see Ulaya 2015; Luker 2008; Rosen 2006). *Uti possidetis juris* therefore should not be seen as a model for conflict resolution.

Literature on the border disputes between Cameroon and Nigeria, and Eswatini and South Africa, has not always been sufficiently analytical and the historical contours have not been succinctly captured to enable one to evaluate the appropriateness of international adjudication in these cases. Furthermore, there are limitations in confining the Cameroon-Nigeria border dispute largely to economic reasons (see, for instance, Thiam and Rochon 2020: 163–180; Okoli and Ngwu 2019) or even attributing it to irredentist tendencies (see, for instance, Oluda 2011; Udogu 2008; Falode 2005). Such approaches do not take into consideration the fact that the problematic Nigerian ownership of Bakassi preceded the discovery of oil in the 1980s and the Bakassi people had never desired to be part of Cameroon for any reason whatsoever.

Scholarship on the Eswatini-South Africa border dispute (Griffiths and Funnell 1991; Whitney 1983; Esterhuysen 1982) has been impoverished by the lack of a comparative approach. It has also largely ignored the dispute's legal framework to capture its relevance, specificity and dynamics. Although the Eswatini-South Africa border dispute continues unabated to date, authors studying Eswatini in international relations (Domson-Lindsay 2014; Vandome, Vines and Weimer 2013; Lang 1990) hardly mention the legal implications of Eswatini irredentism or merely give a patchy account of it. There is a need for a more robust and critical account of Eswatini's quest for territorial aggrandisement by situating it in a comparative historical and legal framework.

This article historicises and compares the Cameroon-Nigeria and Eswatini-South Africa border disputes within the framework of the principle of *uti possidetis juris* as a conflict resolution instrument. The research questions of this study include the following:

- Why and when did Cameroon and Nigeria claim ownership of the Bakassi Peninsula, on the one hand, and why did Eswatini claim territories from South Africa, on the other, and to what extent did these territorial challenges constitute a basis for litigation?
- How adequate was the application of the doctrine of *uti possidetis juris* to the border dispute between Cameroon and Nigeria, and how successful were border adjustment bilateral talks between Eswatini and South African within the brackets of *uti possidetis juris*?
- How far did the application of *uti possidetis juris* provide an agreeable solution to the border disputes between Cameron and Nigeria, on the one hand, and how appropriate was it for the Eswatini monarchists to invoke *uti possidetis juris* as a possible viable option to solve their perennial border dispute with South Africa, on the other?

The Question of the Ownership of the Bakassi Peninsula

The historical determination of the ownership of Bakassi is useful in order for any adjudication to take place. Anybody who sets foot on the Bakassi Peninsula cannot doubt the fact that its inhabitants are overwhelmingly Nigerian of Efik-Obibio extraction, of both the Cross River and the Akwa Ibom states of Nigeria. Bakassi had always been an integral part of the Efik-Obibio group in Nigeria.

During the nineteenth-century scramble for territories, Britain and Germany defined their territorial boundaries from Yola in the north to the Cross River in the south in a series of treaties on 11 March 1913 (Mbuh 2004: 1–29), which placed Bakassi under German Cameroon. When World War I started in 1914, Germany exited Cameroon and the territory was divided between Britain and France. The Bakassi Peninsula fell within the territorial sphere of the British Cameroons,[7] which was administered as part of Nigeria until 1961. This made Bakassi a *de jure* British Cameroonian territory. Given that Bakassi was under British administration, it was never disconnected from Nigeria (Amin 2020; Keke 2020).

After Nigerian independence in 1960, the Nigerian state continued to exercise full sovereignty over Bakassi without any contestation from Cameroon until the 1981 skirmishes and the 1990 military confrontation.[8] Nigeria's postcolonial sovereignty was exercised through the maintenance of public law and order, the collection of taxes, the introduction of local governance, the widespread use of the Nigerian currency, the holding of Nigerian passports by Bakassi residents, and the presence of schools and health centres subsidised by the Nigerian state (FGD: Calabar Nigeria, March/April 2020). Nigeria's postcolonial claim over Bakassi ownership was

based largely on the principle of historical consolidation of territory and the exercise of sovereignty (Sama and Johnson-Ross 2005) and had nothing to do with the presence of oil resources, which was a later development.

At no point in their history did the Bakassi people clamour to become Cameroonians because of ethnic propinquity; this did not exist and there was no incentive for it (FGD: Calabar Nigeria, March/April 2020). This situation is different from that of the Eswatini people of South Africa who were not separated from their kith and kin in the Eswatini kingdom during colonial rule. After the independence of Eswatini in 1968, South African Eswatini chiefs and the Eswatini monarchy consistently expressed the desire to unite.[9]

Nigerian officialdom interpreted the depiction of Bakassi on colonial and postcolonial maps as Cameroonian territory as one excessive oversight of the imperial demarcation of boundaries in colonial Africa. They lived in total denial that Bakassi could possibly belong to Cameroon given that it was inhabited by Nigerian citizens and there was effective Nigerian federal government presence in the area (FGD: Calabar Nigeria, March/April 2020). There were no border skirmishes between Cameroon and Nigeria over Bakassi until the 1980s and no military confrontation until the 1990s.

The Cameroon-Nigeria Military Skirmishes and Confrontations in the 1980s and 1990s

The first military skirmishes between Cameroon and Nigeria since independence took place on 16 May 1981. They were not related to contestation of the ownership of the Bakassi Peninsula. The skirmishes arose from the killing of five Nigerian soldiers in Cameroonian territorial waters during crossfire exchange (Amin 2020; Keke 2020; Ngalim 2016). Cameroonian and Nigerian security officials are notorious for harassing and extorting money from traders and smugglers. The Nigerian navy strayed into Cameroon territorial waters in hot pursuit of smugglers from whom they wanted to extort money. Nigerian marines were killed when they refused to surrender to the Cameroonian navy (FGD: Kumba-Cameroon, March/April 2020). Cameroon's President Ahidjo acted fast to mend fences with Nigeria because he feared the dispute could open doors for Anglophone separatists and that his political enemies could take advantage of the situation and swing into action to compromise his reign (Interview: Yaoundé-Cameroon, March/April 2020). Cameroon apologised and compensated families of the Nigerian victims of the skirmishes (Amin 2020; Keke 2020; Konings 2011) and peace returned, but not for too long.

Under President Paul Biya, Cameroon changed its policy of indifference towards Bakassi, as a result of altered economic circumstances. The discovery of potential oil reserves in commercial quantities in the waters surrounding the Peninsula made it a coveted territory (Amin 2020; Ngalim 2016). Biya made unprecedented and bold moves in the 1990s to claim Bakassi, which had been under Nigerian occupation, on the grounds that it was technically Cameroonian territory, according to colonial treaties. He was supported in this by the French, who backed it on the basis of military co-operation agreements since independence in 1960, and by multinational oil companies (Ngniman 1996).[9]

Early in 1990, Cameroonian gendarmes went on the offensive. They invaded nine Bakassi fishing villages, where they hoisted the national flag, and attempted to install police and administrators on the Peninsula. Nigeria's General Sani Abacha riposted and had the Cameroonian soldiers dislodged from the area. On 18 and 19 February 1994, Abacha occupied the whole Peninsula (Ngniman 1996; *Jeune Afrique* 1996). The stage was set for war between the giant, Nigeria, and Cameroon.

The International Court of Justice, *Uti Possidetis Juris* and the Undisguised Second Partition of West Africa Without the Involvement of the Bakassi People

A protracted war with Nigeria was going to be catastrophic for both sides, and France prevailed on Cameroon to seek international arbitration. On 29 March 1994, the Cameroonian government filed an application with the ICJ to institute proceedings against Nigeria for using violence to contest Cameroon's sovereignty over the Bakassi Peninsula. Meanwhile, international pressure weighed on both sides to exercise restraint (Ngniman 1996). It took the ICJ eight years of deliberations before ruling in favour of Cameroon, on 10 October 2002, in respect of the principle of *uti possidetis juris* (ICJ 2002). The ICJ based its verdict on the colonial Anglo-German treaties of 11 March 1913. The Bakassi inhabitants had to choose between giving up their Nigerian nationality, keeping it and being treated as foreign nationals, or leaving the Peninsula to live in Nigeria (ICJ 2002). The 2002 ICJ verdict was followed by the Greentree Agreement, the formal treaty signed by Nigerian President Olusegun Obasanjo and Cameroonian President Paul Biya on 12 June 2006 to resolve the Cameroon-Nigeria border dispute. Nigeria was required to withdraw from a territory it had owned since colonial and postcolonial times and hand it over to Cameroon (Baye 2010; Egede 2008).

The 2002 verdict resurrected the 1913 Anglo-German partition treaties to which British Nigeria and German Cameroon were subject but which were aborted by World War I. It clearly reflected the interests of a configuration of

Western multinationals, spearheaded by France. The fact that a Frenchman, Gilbert Guillaume, was the President of the ICJ, raised suspicion about the court's objectivity. Chief Richard Akinjide, a former Nigerian Attorney-General and Minister of Justice, described the 2002 ICJ verdict as being '50 per cent international law and 50 per cent international politics' and 'blatantly biased and unfair' (Joseph and Nwapi 2019:12). Another Nigerian judge at the ICJ, Bola Ajbola, gave a dissenting judgment in which he reminded the ICJ of its paramount obligation to ensure that its verdict guaranteed international peace and security (Joseph and Nwapi 2019:12).

France and its multinational partners, who were drilling for oil in the area, preferred the transfer of Bakassi ownership from Nigeria to Cameroon. The multinationals, which included Elf, Shell, Mobil, Chevron and Agip, had first-hand experience of the difficulties of drilling for oil in Nigeria, where intractable militant groups fought ferociously for the protection of their environment and for a greater share in oil profits (FGD: Ikom Nigeria, March/April 2020; see also Allen 2020; Oluwaniyi 2010). Intermittent militant attacks on oil installations affected oil production and this made some observers conclude that the multinational oil companies therefore preferred Cameroonian ownership of Bakassi (FGD: Ikom Nigeria, March/April 2020).

The doctrine of *uti possidetis juris* favoured the multinationals and ignored Nigeria's effective ownership of Bakassi. This doctrine underscored the non-changeability of colonially inherited boundaries contained in the 1964 Cairo Declaration. The ICJ verdict ignored Nigeria's historical ownership of Bakassi and invoked the 1913 treaties, which had remained a dead letter from their signature. There was need to rethink the *uti possidetis juris* legal parameter against postcolonial developments on a case-by-case basis[11] because Bakassi belonged to Nigeria and had developed as a Nigerian territory inhabited by Nigerians.

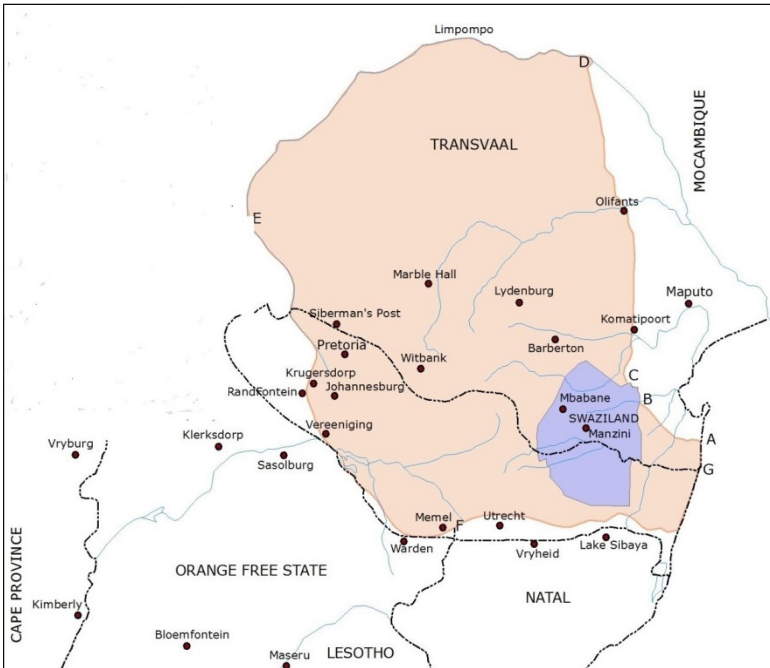
The 2002 ICJ verdict, followed by the Greentree Agreement, was hailed as a victory of the rule of law and international diplomacy (see, for instance, Dakas 2018; Ekaney 2017; Konings 2011). This optimism appears to have been exaggerated because the anticipated peace in the region was not realised. The Bakassi insurgency against Cameroon started immediately after the Greentree Agreement handed Bakassi to Cameroon. Several resistance militant groups mushroomed, of which the initial prominent one was the Bakassi Movement for Self-Determination (BAMOSD). The BAMOSD declared the Bakassi area an independent state on 9 July 2006 and was supported by Biafran separatist rebels in Eastern Nigeria (Funteh 2019; LeFebvre 2014). The Bakassi insurgency rose to new heights with systematic attacks on ships, sea pirating, kidnapping sailors and carrying out seaborne raids on targets far into the Cameroon coastal town of

Limbe and Douala, fuelling terror (Funteh 2019; Pérouse de Montclos 2012). Cameroon's responses were usually amplified in the Nigerian media as attacks on Nigerians and this often set the two nations at daggers drawn (Funteh 2019; LeFebvre 2014). The ICJ verdict based on the principle of *uti possidetis juris* cannot be celebrated as a triumph of the rule of law and/or a return to normalcy between Cameroon and Nigeria.

Colonialism and the Eswatini-South Africa Border Dispute

The postcolonial border dispute between Eswatini and South Africa, like the Cameroon-Nigeria one over Bakassi, was a direct colonial creation which spilled into the post-colony. Ironically, during the colonial era, the Eswatini people in South Africa and the British Protectorate of Eswatini belonged to the Kingdom of Eswatini under the leadership of the Eswatini monarchy.

The European settlers successfully encroached, grabbed and dismantled the Kingdom of Eswatini, which had been consolidated under the leadership of King Mswati II (*c.*1820–1868).



Map 2: Indicating how the 19th-century Kingdom of Eswatini was reduced to its current size

Source: NAK, CO 1048/706, Kingdom of Swaziland, The Border Adjustment Talks, 1964-1983

The Eswatini territories that the Boers appropriated ultimately became part of South Africa after Eswatini independence. The Pretoria Convention of 1881, which followed the Anglo-Boer War, recognised the Boer territory of the Transvaal and above all endorsed Eswatini's territorial losses to the Boers. The London Convention of 1884 elaborated on the boundaries of Eswatini addressed by the Pretoria Convention and upheld its reduced size (NAK, DO 1019/147, Boundaries; NAK, DO 1057/159, Boundaries). The colonial borders of the Kingdom of Eswatini were therefore fixed by the 1884 London Convention.

Meanwhile, the Anglo-Portuguese treaty of 1891 had fixed the Eswatini border to the east with Portuguese Mozambique. Eswatini also incurred the loss of other sections of its territories to Mozambique (NAK, DO 1019/147, Boundaries; NAK, DO 1057/159, Boundaries). The diminished Kingdom of Eswatini was made a British Protectorate in 1903. On 31 May 1910, the Union of South Africa was formed under British dominion and the new nation contained almost 90 per cent of original Eswatini territory (NAK DO 119/1477, Boundaries). Worthy of note is the fact that the colonial demarcations of Eswatini's borders were only lines on the map, in the same way that the Bakassi Peninsula appeared on the map as belonging to German Cameroon. Eswatini effectively remained part of South Africa, except that it was administered by the British (NAK DO 119/1477, Boundaries). When Eswatini attained independence, in 1968, it was little more than a diminutive enclave, with a surface area of 17,364 square kilometres, not more than 200 kilometres north to south and 130 kilometres east to west. Eswatini is therefore the smallest country in the southern hemisphere (Gillis 1999).

The Eswatini monarchy was allowed to extend its political tentacles over the Eswatini people under British and South African control (MacMillan 1989). The colonial order, in essence, sustained and nurtured the idea of a united Eswatini. This situation was unlike that obtained in other parts of Africa where ethnic groups partitioned by different colonial powers were rigidly separated and the cross-border political influences of African chiefs were reduced if not totally disconnected (see Michalopoulos and Papaioannou 2016). The British actually envisaged ultimately transferring Eswatini to South Africa[12] but this was compromised by the latter's apartheid policies.

South African and Eswatini Nonchalance Towards Independence in Preference for Union to Expunge Colonial Boundaries

South Africa was against the idea of independence of British Eswatini for three reasons: first, Eswatini was a miniscule, landlocked territory almost totally encircled by South Africa on which it was economically dependent.

Second, there was the feeling in South African officialdom that Eswatini independence would disconnect the Eswatini people from their relatives in South Africa (NAK, CO 1048/706). Lastly, South Africa did not want to lose King Sobhuza II, for whom they had a great admiration as a prototype of an African traditional ruler. Europeans considered centralised political entities a trademark of civilisation and political sophistication (see Fortes and Evans-Pritchard 2015). The South African state admired the Kingdom of Eswatini and the authority that its king held over his subjects, and were calculating to use the Eswatini king in realising their Bantustan policy of territorial apartheid. This policy was intended to set aside separate states for black inhabitants of South Africa under their respective African traditional rulers and to ultimately grant them 'independence'.[13] It was a policy to force the relocation of black people from nominally 'white' areas into homelands. South Africa envisaged creating an Eswatini Bantustan that comprised the Eswatini people of the Kingdom of Eswatini and South Africa under the traditionally flamboyant King Sobhuza II.[14] South Africa was therefore against Eswatini independence because of its national interests.

Eswatini Independence, Bilateral Talks to Achieve Border Adjustments and the OAU

Eswatini accession to independence on 6 September 1968 was accompanied by the loss of territories inhabited by ethnic Eswatini citizens to South Africa. King Sobhuza II immediately embarked on negotiating the retrieval of 'his territories' in South Africa by opening bilateral talks on the issue against South Africa's sympathy for the unification of the Eswatini people. He ensured that the retrieval of Eswatini's territories outside its boundaries was entrenched in Eswatini's 1968 independence Constitution (Chapter I (2), S. 15), which created provision for the inclusion of additional territories outside Eswatini. This implied that the colonially inherited boundaries of Eswatini were not definitive and that there were prospects of changing them ultimately. This ambition was contrary to the spirit of the doctrine of *uti possidetis juris* and Sobhuza II intended to exploit the spaces provided by the law to his own advantage. How was Sobhuza II to navigate around *uti possidetis juris* without breaking the law?

The principle of *uti possidetis juris* did not prevent neighbouring states from changing their international boundaries as long as this was undertaken by mutual consent. Eswatini and South Africa were legally in order to adjust their borders through mutual consent. Since international boundaries are the sovereign responsibility of neighbouring states, any adjustment must be agreed by all parties in order to be legally valid (Chukwura 1975: 56; AUBP

2013). South Africa did not oppose the reunification of the Eswatini people inside and outside Eswatini because of its envisaged Eswatini Bantustan.

South Africa was willing to cede territory to Eswatini to facilitate the reunification of ethnic Eswatini people and Sobhuza II boldly requested that the South African government provide Eswatini with all necessary colonial documents, including maps dealing with the various concessions, conventions, treaties and agreements that were relevant to Eswatini to establish its legitimate territorial claims. South Africa consented (NAK, CO 1048/706). The two states engaged in protracted secret bilateral talks over border adjustments, which culminated in agreements over the transfer of South African territory to Eswatini in 1982 (NAK, 1048/706). The negotiations were kept secret because it was feared that a leak could jeopardise the land transfer, owing to its sensitivity among blacks and whites who were suspicious of such clandestine scheming that excluded them. The Nationalist Party intended to take South Africans by surprise by announcing the agreement only at the point of implementation to minimise contestation (MacMillan 1989). The secret agreement stipulated that Eswatini would receive back swathes of South African territories to 'correct a historical error' in which people of the same ethnicity were sundered by colonial frontiers (Griffiths and Funnell 1991; Hall 2005).

The reality was that this deal was to benefit the apartheid regime because the planned Eswatini Bantustan was to strengthen territorial apartheid by adding Eswatini to the list of existing South African Bantustans. A right-wing Afrikaner organisation, the Afrikaner Volksunie, led by Mooman Mentz, expressed total support for the establishment of the Eswatini Bantustan because the resettlement of blacks in this Bantustan would enable the Afrikaner people to constitute the majority population in the Eastern Transvaal Region (SARS/DSG 1983).

The land deal was also a South African subterfuge to ingest Eswatini by flooding and overloading it with more than a million additional South Africans over and above Eswatini's population of just 650,000 people (1980 estimate) to create the new Bantustan. Eswatini perceived the deal as a win because the colonial frontier with South Africa would disappear to enable the reunification of the Eswatini people (Interviews in Eswatini and South Africa, November/December 2019; also see Hall 2005). The point of convergence of the divergent agenda of South Africa and Eswatini was the reunification of the Eswatini people with the removal of international borders.

The bilateral talks between the two governments culminated in an international agreement signed on 28 April 1982 relating to the adjustment of the borders between the two states. In June 1982 the Eswatini monarchy

finalised the agreement with the South African government under which thousands of square kilometres of South African territory would be ceded to Eswatini. The land deal that had hitherto been top secret became public when it was published in the South African government Gazette of 18 June 1982 (see NAK, CO 1048/706).

What was the position of the OAU with reference to the land deal involving the change of colonially inherited borders? King Sobhuza II was fully aware of the OAU principle of the intangibility of frontiers inherited from colonisation (Paragraph 19, 1964 Cairo Declaration). The Eswatini government needed the blessing of the OAU; in July 1982, it despatched a high-power delegation to a summit in Tripoli to gain backing for the deal (Griffiths and Funnell 1991: 61). Given that South Africa was a common enemy of the African continent, President Arap Moi, the outgoing chairman, had no difficulty approving Eswatini's land deal. The OAU support can be explained with two main reasons. First, there was the willingness of both Eswatini and South Africa to adjust their common borders. Second, the OAU felt that border adjustment with South Africa would rescue more black people from the horrors of the apartheid regime.

Once the land deal was published on 18 June 1982 in the South African Government Gazette, a furore of opposition started from several quarters, ending up in the courts, which ruled against it (SARS/DSG 1982). South African domestic opposition to the land deal killed it and the opportunity to achieve the reunification of the Eswatini people evaporated. This was a fatal blow to King Sobhuza II who had struggled over the years to achieve the reunification of his people. He died on 21 August 1982, after having enjoyed the longest verifiable reign of any monarch in recorded history, reigning for 82 years and 254 days (Matsebula 1983).

The Eswatini royals paid homage to Sobhuza II's lifelong border adjustment endeavour by committing themselves to complete his unfinished business. This commitment translated into the Sobhuza Testament, which was a solemn undertaking to execute the reunification of the Eswatini people under one kingdom as a way of honouring the monarch and appeasing Eswatini's ancestors. The Eswatini royal house was therefore determined to relentlessly pursue border adjustment with South Africa for the wellbeing and continuity of the monarchy (FGD: Eswatini and South Africa, November/December 2019). This explains why the Eswatini monarchy has persisted in its irredentist claims to date. But its renewed determination to pursue the Sobhuza Testament clashed with South Africa's disinterest in the border adjustment talks owing to domestic developments related to the demise of apartheid and the start of black majority rule.

The Advent of the Black Majority Government and the Rejection of Border Changes with Eswatini on Legal Grounds

The advent of a post-apartheid black majority government in South Africa, headed by Nelson Mandela in 1994, raised hopes in Eswatini political circles that a black government would be more sympathetic to its border adjustment projects. But they were wrong. The post-apartheid government was not ready to cede any inch of South African territory to Eswatini, on the grounds that the claim was unconstitutional and against international conventions (Hall 2005). With the inauguration of the first black majority government under Nelson Mandela in 1994, King Mswati III appointed his brother, Prince Khuzulwandle, as chairman of the Government's Border Adjustment Committee to engage the new South African government in border adjustment talks. The South African government consistently snubbed Eswatini's overtures, which agitated Khuzulwandle, who openly expressed disappointment with South African President Thabo Mbeki in 2002 (Hall 2005). Thus, during the era of black majority rule under Mandela and Mbeki, no government-to-government talks were held with Eswatini on the border adjustment issue (NAK, CO 1048/705, Swaziland).

The South African government finally consented to hold a meeting with Eswatini after persistent requests from the Eswatini Border Restoration Committee, renamed the Border Determination Special Committee. A special meeting was held on 7 November 2005 at Ezulwini, Eswatini. The head of the Eswatini delegation, Prince Khuzulwandle, stated that colonially inherited boundaries had dissected the Eswatini people 'illegally'. The leader of the South African delegation, Dr Mathews, retorted that the whole continent was a casualty of European partitions and South Africa would cease to exist as a country if all colonially inherited boundaries were adjusted to satisfy its neighbours. He said South Africa and Eswatini should be mindful of the fact that they were once conquered and the European conquerors signed treaties and conventions that were binding on them, according to the 1964 Cairo Declaration. He indicated that the main goal of the South African delegation was to encourage co-operation within the existing Southern African Development Community (SADC) framework and to look for means of removing barriers between neighbouring states (NAK, CO 1048/705 Minutes, 2005). This is not what the Eswatini delegation wanted to hear.

Eswatini's Contemplation of the Road to the ICJ, like Cameroon

Cameroon's victory over Nigeria at The Hague in 2002 changed the dynamics of the border dispute between Eswatini and South Africa. Eswatini officialdom felt that if Cameroon, which had no historical claim over the Bakassi Peninsula, could defeat Nigeria with logical arguments at The Hague and take over Bakassi, Eswatini was in a better position to win a case against South Africa because it had all the historical evidence including maps, treaties and conventions to prove that the Kingdom of Eswatini was illegally partitioned by the nineteenth-century colonialists (Interviews in Eswatini and South Africa, November/December 2019; NAK, DO 1057/159, Boundaries of Swaziland).

Eswatini believed it had a solid case based on the historical consolidation argument, according to which modern African boundaries should respect the boundaries established before colonialism (see Sama and Johnson-Ross 2005). According to this logic, the boundaries of modern Eswatini should correspond to the nineteenth-century Eswatini state that was consolidated through the handiwork of the Dlamini dynasty. This reality was validated by the South Africa-Eswatini bilateral talks that led to the 1982 land deal that was aborted by the courts. The road to The Hague was considered a viable option.

South African Eswatini chiefs threw their weight behind the Eswatini monarchy in its quest for union across the colonial divide. In October 2000, a delegation from the South African Eswatini royal family and twenty-seven South African Eswatini chiefs addressed a petition to South African President, Thabo Mbeki, and to South Africa's Parliament, informing them of the historical, ethnic and cultural considerations that justified the incorporation of their territories into the Kingdom of Eswatini. They requested that the South African president urgently expedite negotiations with Eswatini so as to determine the true borders between the two countries (NAK, CO 2048/700). They sent a similar petition to King Mswati III of the Kingdom of Eswatini, expressing their deep concern at attempts made by the South African government to deny them the right to be reunited with their families in Eswatini. They pleaded with Mswati III to consider approaching the ICJ at The Hague to assist in bringing about the reunification of the whole Eswatini nation within its properly determined historical borders. The Eswatini chiefs indicated their availability to serve as witnesses for the Eswatini government at The Hague if the need arose (NAK, CO 2048/701, Petition Swazi Royals 2002). The South African Eswatini traditional authorities desired the rebirth of the precolonial Eswatini nation. Such a sentiment of unity was never expressed by the Bakassi people of Nigeria towards the Cameroon Republic.

The open support for Eswatini unity shown by the South African Eswatini chiefs convinced King Mswati III that he had a winnable case at the ICJ. To support them, the Eswatini government roped in international consultants for advice. In a confidential fax memorandum addressed to Prince Khuzulwandle on 5 September 2002, for the attention of King Mswati III, Dr Henry, a consultant on Eswatini's border adjustment programme with South Africa, advised that Eswatini should take its cue from Cameroon and present its case to the ICJ (NAK, CO 1070/231, Confidential Fax). Prince Khuzulwandle brandished the 2002 ICJ ruling in favour of Cameroon in their border dispute with Nigeria as a model to be followed in order to find a definitive solution to the border dispute with South Africa. He went on a media offensive to threaten South Africa that the ICJ was now an option under consideration if South Africa refused to negotiate (NAK, CO 1048/706, Kingdom of Swaziland).

But was Khuzulwandle right in his appreciation of the Bakassi verdict and its appropriateness for the Eswatini-South African border dispute? The two were not the same. Cameroon was awarded Bakassi on the principle of the intangibility of frontiers inherited from colonisation and this principle would not have favoured Eswatini. The *uti possidetis juris* principle eloquently captured by Lalonde (2001) implied that, by becoming independent, Eswatini acquired sovereignty with the territorial base and boundaries left to it by the colonial powers as part of the ordinary operation of the state succession machinery. The application of *uti possidetis juris* excluded any retroactive historical claims that Eswatini was making.

The applicability of the principle of *uti possidetis juris* to the Cameroon-Nigeria border dispute involved invoking the 1913 Anglo-German treaty that placed Bakassi under the jurisdiction of colonial British Cameroon. Similarly, the international treaties that defined Eswatini's boundaries in the 1880s, 1890s and 1900s had force of law and were considered the basis of the Eswatini-South Africa borders. Eswatini could not unilaterally attempt to adjust its borders because that would have constituted a violation of the *uti possidetis juris* principle. But the perspective of the Eswatini royal house was that the Sobhuza Testament could not be circumvented; it had to be pursued.

Although periodic press propaganda for the return of Eswatini's 'stolen territories' created unnecessary tension with South Africa, war was not a possibility between the two states, unlike the Cameroon-Nigeria border disputes, which often led to armed confrontations. Apart from Eswatini's miniscule size, the state is largely dependent on South Africa for most of its exports and imports. It also relies on South Africa for the supply of

electric power and a chain of supermarkets, banks and hotels. Eswatini's currency, the Lilangeni (pl: Emalangeni), is pegged to the South African Rand, effectively relinquishing Eswatini's monetary policy to South Africa. The government is dependent on customs duties from the Southern African Customs Union (SACU) for almost half of its revenue. Eswatini's sugar and softdrink concentrates, which are its largest foreign exchange earners, are sold to the South African market (Potholm 2020; Sacolo, Mohamed and Dlamini 2018; Dlamini, T. S. et al. 2018).

The Eswatini and South Africa boundary separated people who constitute a homogeneous ethnic group. The frontiers between the two countries are rather zones of intensive interaction. The relationship between the Eswatini people in Eswatini and those in South Africa is based on what Stoddard (2002: 45) describes in his study on borders as 'the doctrine of mutual necessity and symbiotic reciprocity, which promotes cooperation and integration'. This functionality of the Eswatini-South Africa border minimises the disruptive impact of the border through a network of transnational linkages, which the borderland people exploit to their economic advantage. The functionality of the frontiers creates an atmosphere of inter-state normalcy despite the wrangling from above.

Conclusion

The Cameroon-Nigeria and Eswatini-South Africa border disputes are the longest in postcolonial Africa, with roots that can be traced to the partition era. The Anglo-German 1913 treaties demarcating British Nigeria and German Cameroon actually placed Bakassi under the jurisdiction of German Cameroon. But this was never implemented and Bakassi remained intact under colonial and postcolonial Nigeria, a fact that cannot be ignored. The luck of the Bakassi people for escaping from European arbitrary partition needed to be celebrated because they succeeded in staying intact with their kith and kin in Nigerian territory. The same imperialists engaged in the nineteenth-century partition of Africa returned in full force in 2002 to complete their unfinished business by extracting Bakassi from Nigeria under the pretext of the doctrine of *uti possidetis juris* and handing it over to Cameroon like a commodity. The voice of the Bakassi people should have counted in any decision concerning their future if genuine peace was being sought but they were ignored. Would the ICJ have handed Bakassi over to Cameroon if Nigerian President Obasanjo had originated from Bakassi?

The Bakassi people had never been Cameroonians and Cameroon had never been present in Bakassi until the ICJ ruling. Cameroon would not have dared to engage Nigerian in military confrontation over Bakassi without

the assurances of French military support. France and the multinationals were interested in the area's oil resources. Several interviewees observed that the multinationals preferred Bakassi to be under Cameroon because they believed it to be more easily controlled than Nigeria, which suffers perennial militant insurgencies over a fair share of the oil revenue. The doctrine *of uti possidetis juris* implemented by the ICJ did not serve the interests of the Nigerian Bakassi people who had never yearned at any point in their postcolonial history to become Cameroonians. They were treated as people without any rights.

The application of the doctrine of *uti possidetis juris* failed to bring about the anticipated peace because the Bakassi people reverted to multiform bloody resistance against their forceful incorporation into Cameroon, which intermittently brought tension between Cameroon and Nigeria.

Eswatini and South Africa never went to war over their border dispute, but Eswatini remained bitter because it had suffered severely from the nineteenth- and twentieth-century colonial balkanisation that reduced it to a minuscule state. Eswatini became unrepentantly irredentist after independence and made South Africa, where the bulk of the partitioned Eswatini people live, its prime target. Unlike the Bakassi people, who had never been part of and did not desire to join Cameroon, the Eswatini people of South Africa and the kingdom of Eswatini were one ethnicity paying allegiance to the same Eswatini king. Apartheid South Africa admitted that there was historical injustice in partitioning the Eswatini ethnic group and responded to King Sobhuza II's irredentist agitations by considering territorial adjustments. By so doing, the principle of *uti possidetis juris* was not violated because there was a mutual agreement between the two parties to adjust their borders. South African courts frustrated this reunification move in 1982. King Sobhuza II died on 21 August 1982 without realising the reunification of his people.

The post-apartheid South African government did a volte-face and rejected the idea of revisiting its colonially inherited borders with Eswatini by invoking the doctrine of *uti possidetis juris* and its national Constitution. Nonetheless, Eswatini irredentism found new energy in the Sobhuza Testament, which was the resolution of the royal house to complete the unfinished business of reunifying the partitioned Eswatini people.

Inspired by Cameroon's victory at The Hague over Nigeria, King Mswati III, with the support of the Eswatini chiefs of South Africa, contemplated embarking on the road to the ICJ. Eswatini believed that it had a better case than Cameroon, which was awarded territory it had never owned. Eswatini's intimate entanglement with South Africa, on which it depends

wholly for its economic survival, overshadowed its ICJ ambition. The display of Eswatini's irredentism, couched in the Sobhuza Testament, was a manifestation of traditional allegiance to ancestral injunction, which was considered more important that the doctrine of *uti possidetis juris*.

It is recommended that the application of the *uti possidetis juris* doctrine take into consideration the sociological reality of present-day Africa and should not be blindly applied without equity. Brazil, for instance, generally rejected the application of *uti possidetis de jure* in favour of *uti possidetis de facto,* an alternative doctrine that determines ownership of territory based on physical occupation rather than on colonial title (Lalonde 2001). Nigeria, unlike Brazil, surrendered to an obnoxious imperial international law. Undoing all colonial boundaries and creating a united Africa as envisioned by Nkrumah is ideal. There is a need for scholarship to explore how to dismantle colonially inherited boundaries in Africa to achieve greater continental unity.

Acknowledgements

We wish to acknowledge the financial and intellectual support we received from CODESRIA to undertake this research. The cost of data collection and methodological workshops was borne entirely by CODESRIA under the MRI programme.

Notes

1. *Uti possidetis juris* has been applied to emergent European states in Eastern Europe in the post-Cold War era (see Foucher 2020; Sainz-Borgo 2020).
2. The Eswatini people in Mozambique are not part of this study because the Portuguese colonial regime disconnected all ties with the Kingdom of Eswatini and the pan-Eswatini movement never included Mozambique.
3. Border disputes are a sensitive issue and those who take anti-government stances are often subject to harassment.
4. This study is restricted to the border clashes between Cameroon and Nigeria over the Bakassi Peninsula in the south. There have been other border conflicts outside Bakassi which are out of the scope of this study.
5. For the Cameroon-Nigeria border dispute see, for instance, Thiam and Rochon 2020: 163–180; Okoli and Ngwu 2019. For the Eswatini-South Africa border dispute see, for instance, Griffiths and Funnell 1991; Whitney 1983; Esterhuysen 1982.
6. Even books written by prominent Nigerians like Akpan, the war-time Biafran military officer, and President Obasanjo, contained maps obtained from the archives and Nigerian government sources that showed that Bakassi fell within Cameroon territory (see Akpan 1972, Obasanjo 1980).

7. Both Cameroon and Nigeria were embroiled in the problem of nation-building and had no interest in engaging in border disputes. Political crisis in Nigeria degenerated into a protracted three-year civil war (1967–1970), while Ahidjo's Cameroon was confronted with internal insurgencies and the lingering threat of Anglophone Cameroon separatism.
8. See petitions from Eswatini chiefs in South Africa in: NAK, CO 2048/706; Petition by Swazi Chiefs of South Africa.
9. France, a member of NATO, moved in military advisers and equipment to support Cameroon (Amin 2020).
10. Burkina Faso and the Republic of Mali were engaged in a border dispute in the 1970s and appealed to the ICJ for adjudication. On 16 September 1983, Burkina Faso and the Republic of Mali concluded a Special Agreement, by which they agreed to submit to the ICJ a dispute relating to the delimitation of a part of their common frontier. The ICJ settled the frontier dispute in its judgment of 16 April 2013 to the satisfaction of both parties based on the doctrine of *uti possidetis juris* (Foucher 2019; Naldi 1987).
11. Under Section 151 of the Schedule of South Africa Act (Constitution) of 1909, the transfer of the High Commission Territories, namely Basutoland (now Lesotho), Bechuanaland (now Botswana) and Swaziland (now Eswatini) to South Africa was envisaged but deferred indefinitely (see Spence 1964). These territories were excluded from the Union because the British government was worried about discriminatory clauses in the new Constitution against the black indigenous populations. The British calculation was that the political situation would improve in the future, with the abatement of racism, for the incorporation of the High Commission Territories in the Union to take place.
12. The Transkei was the first of four Bantustan territories to be declared independent by South Africa in 1976 and it remained an internationally unrecognised territory (Swan 1981).
13. The dress code of the Eswatini monarch is unique. King Sobhuza II regularly appeared in public in traditional Eswatini leopard-skin loincloth and a feathery multi-coloured cap.

References

Aboyade, A. S., 2020, States' Attitude to International Boundaries and Africa's Challenging Integration: CUES from Pre-1945 Europe, *Journal of International Studies*, Vol. 14, pp. 1–21.

African Union Border Programme (AUBP), 2013, *Creation and Operation of Boundary Commissions in Africa*, Addis Ababa: Commission of the AU.

Ahmed, D. M., 2015, *Boundaries and Secession in Africa and International Law: Challenging Uti Possidetis*, Cambridge, UK: Cambridge University Press.

Akpan, N. U., 1972, *The Struggle for Secession, 1966-1970: A Personal Account of the Nigerian Civil War*, London, UK: Taylor & Francis.

Allen, F., 2020, Violence, Politics, and Food Insecurity in Nigeria, in Amadi, L. and Allen, F., eds, *Global Food Politics and Approaches to Sustainable Consumption: Emerging Research and Opportunities*, Hershey, PA: IGI Global, pp. 78–100.

Amin, J. A., 2020, Cameroon's Relations toward Nigeria: A Foreign Policy of Pragmatism, *Journal of Modern African Studies*, Vol. 58, No.1.

Anene, J. C., 1970, *The International Boundaries Of Nigeria, 1885–1960: The Framework Of An Emergent African Nation,* London, UK: Longmans.

Baye, F., 2010, Implications of the Bakassi conflict resolution for Cameroon, *African Journal on Conflict Resolution*, Vol. 10, No.1.

Chukwura, A. O., 1975, The Organization of African Unity and African territorial and boundary problems 1963–1973, *Nigerian Journal of International Studies*, Vol. 1, No. 1, pp. 56–81.

Concepts, Vol. 2, El Paso, TX: The Promontory.

Dakas, D. C., 2018, Interrogating Colonialism: Bakassi, the Colonial Question and the Imperative of Exorcising the Ghost of Eurocentric International Law, in Eboe-Osuji, C. and Emeseh, E., eds, *Nigerian Yearbook of International Law 2017*, Cham: Springer, pp. 113–141.

Dlamini, T. S., Mlipha, S., Mohammed, M. and Sacolo, T., 2018, Path To Economic Recovery And Sustainable Growth In The Kingdom Of Eswatini, *African Review of Economics and Finance*, Vol. 10, No. 2, pp. 3–9.

Domson-Lindsay, A., 2014, South African–Swaziland relations: A Constructivist Reading, *South African Journal of International Affairs*, Vol. 21, No. 3, pp. 391–411.

Donaldson, J. W., 2009, Tangible Reality? Challenging The Rigidity Of The 1964 Cairo Declaration, Paper delivered at ABORNE Conference, Johannesburg, South Africa, 9–12 September 2009.

Duan, N., Bhaumik, D. K., Palinkas, L. A., and Hoagwood, K., 2015, Optimal Design And Purposeful Sampling: Complementary Methodologies For Implementation Research, *Administration and Policy in Mental Health and Mental Health Services Research*, Vol. 42, No. 5, pp. 524–532.

Egede, E., 2008, Bakassi: The Green Tree Agreement (GTA) and Section 12 of the Nigerian1999 Constitution, *Selected Works*, Cardiff University School of European Studies.

Ekaney, N., 2017, The ICJ decision on the Cameroon–Nigeria Bakassi dispute and issues arising: A Cameroonian perspective, in Egede, E. and Igiehon, M., eds, *The Bakassi Dispute and the International Court of Justice*: *Continuing Challenges*, London, UK: Routledge, pp. 58–79.

Esterhuysen, P., 1982, Current Affairs: Greater Swaziland?, *Africa Insight*, Vol. 12, No. 3, pp. 181–188.

Falode, A. J., 2005, Irredentism And Inter-State Conflicts In Africa In The 20th Century, *Nigerian Forum,* Vol. 26, No. 5–6, pp. 186–194.

Fortes, M., and Evans-Pritchard, E. E., eds, [1940] 2015, *African Political Systems*, London, UK: Routledge.

Foucher, M., 2020, African Borders: Putting Paid to a Myth, *Journal of Borderlands Studies*, Vol. 35, No. 2, pp. 287–306.

Funteh, M. B., 2019, Security Crises in Cameroon Coastal Towns: Bakassi Freedom Fighters' Reaction to International Decision over the Bakassi Peninsula, in Ngwa, C. A. and Funteh, M. B., eds, *Crossing the Line in Africa: Reconsidering and Unlimiting the Limits of Borders within a Contemporary Value*, Cameroon: Langaa RPCIG, p. 325.

Gillis, D. H., 1999, The Kingdom Of Swaziland: Studies In Political History, *Contributions in Comparative Colonial Studies*, No. 37, Westport, CT and London, UK: Greenwood Press.

Griffiths, I., and Funnell, D. C., 1991, The Abortive Swazi Land Deal, *African Affairs,* Vol. 90, No. 361, pp. 51–64.

Hensel, P. R., Allison, M. E., and Khanani, A., 2004, The colonial legacy and border stability: Uti possidetis and territorial claims in the Americas, Paper presented at the International Studies Association meeting, Montreal, 2004.

Herbst, J., 1989, The Creation And Maintenance Of National Boundaries In Africa, *International Organization*, Vol. 43, No. 4, pp. 673–692.

International Court of Justice (ICJ), 1986, Frontier Dispute (Burk. Faso v. Mali), 1986 I.C.J. 3 (Order of Jan. 10). Available online at http://www.worldcourts.com/icj/eng/decisions/1986.01.10_frontier_dispute.htm.

International Court of Justice (ICJ), 2002, *Case Concerning The Land And Maritime Boundary Between Cameroon And Nigeria,* The Hague: International Court of Justice, General List No. 94.

Issaka, M., and Ngandu, K. Y., 2008, *Pacific Settlement of Border Disputes: Lessons from the Bakassi Affair and the Greentree Agreement*, New York: International Peace Institute.

Joseph, A. E. and Nwapi, R. O., 2019, Bakassi Peninsula Debacle: A Critical Analysis Of The ICJ Verdict On The Issue, And Why Nigeria Lost Bakassi Peninsula To Cameroon, *International Journal of Innovative Science, Engineering & Technology*, Vol. 6, No. 11, pp. 1–16.

Keke, R. C., 2020, Southern Cameroons/Ambazonia Conflict: A Political Economy, *Theory & Event*, Vol. 23, No. 2, pp. 329–351.

Konings, P., 2011, Settling Border Conflicts In Africa Peacefully: Lessons Learned From The Bakassi Dispute Between Cameroon And Nigeria, in Abbink, J. and De Bruijn, M., eds, *Land, Law and Politics in Africa,* Leiden: Brill, pp. 191–210.

Lalonde, S., 2001, Uti Possidetis: Its Colonial Past Revisited, *Belgian Review of International Law*, Vol. 34, No. 1, pp. 23–90.

Lang, P., 1990, Swaziland's International Relations and Foreign Policy: A Study of a Small African State in International Relations, *The Journal of Modern African Studies*, Vol. 33, No. 1, pp. 163–164.

LeFebvre, R. K., 2014, Interests and Identities in Peace Negotiations: Nigeria, Cameroon, and the Bakassi Peninsula, *African Social Science Review*, Vol. 6, No. 16, pp. 83–94.

Limpopo Transfrontier Conservation Area, South Africa, in Nelson, F., ed., *Community Rights, Conservation & Contested Land: The Politics of Natural Resource Governance in Africa*, London, UK: Routledge, pp. 147-173.

Luker, D., 2008, On the Borders of Justice: An Examination and Possible Solution to the Doctrine of Uti Possidetis, in Miller, R. A. and Bratspies, R. M., eds, *Progress in International Law*, Leiden and Boston, MA: Martinus Nijhoff Publishers, pp. 151–170.

Lukong, H. V., 2011, *The Cameroon-Nigeria Border Dispute. Management and Resolution, 1981–2011*, Cameroon: Langaa RPCIG.

MacMillan, H., 1989, A Nation Divided? The Swazi in Swaziland and the Transvaal, in Vail, L., ed., *The Creation of Tribalism in Southern Africa,* Berkeley, CA: University of California Press, pp. 289–323.

Matsebula, J. S. M., 1983, A *Tribute to the Late His Majesty King Sobhuza II*, Mbabane: Webster's.

Mbuh, J. M., 2004, *International Law and Conflict: Resolving Border and Sovereignty Disputes in Africa*, iUniverse.

Michalopoulos, S., and Papaioannou, E., 2016, The Long-Run Effects of The Scramble For Africa, *American Economic Review*, Vol. 106, No. 7, pp. 1802–48.

Naldi, G. J., 1987, The Case Concerning the Frontier Dispute (Burkina Faso/ Republic Of Mali): Uti Possidetis In An African Perspective, *International & Comparative Law Quarterly*, Vol. 36, No. 4, pp. 893–903.

Ngalim, A. N., 2016, African Boundary Conflicts and International Mediation: The Absence of Inclusivity in Mediating the Bakassi Peninsula Conflict, *African Peace-building Network*, Social Science Research Council, Vol. 9, pp. 1–25.

Ngniman, Z., 1996, *Nigeria-Cameroun: La Guerre Permanente*, Yaoundé: Éd. Clé.

Obasanjo, O., 1981, *My Command: An Account of The Nigerian Civil War, 1967–1970*, Vol. 249, Heinemann African Writers Series, London, UK: Heinemann.

Ojo, B., 2017, Resolution of international disputes through preventive diplomacy by the United Nations: Case study of the Cameroon v. Nigeria case, in Egede, E. and Igiehon, M., eds, *The Bakassi Dispute and the International Court of Justice*, London, UK: Routledge, pp. 44–57.

Okoli, A. C., and Ngwu, E. C., 2019, Borderlines, Natural Resources and Conflicts, *Central European Journal of International & Security Studies*, Vol. 13, No. 2, pp. 91–110.

Oluda, O., 2011, The Nigerian-Camerounian Border Conflict (The Bakassi Peninsula Conundrum), *Oluda*, 4 April. Available online at https://oludaseyi.blogspot.com/2011/04/nigerian-camerounian-border-conflict.html.

Oluwaniyi, O. O., 2010, Oil And Youth Militancy In Nigeria's Niger Delta Region, *Journal of Asian and African Studies*, Vol. 45, No. 3, pp. 309–325.

Pérouse de Montclos, M. A., 2012, Maritime Piracy In Nigeria: Old Wine In New Bottles?, *Studies in Conflict & Terrorism*, Vol. 35, No. 7–8, pp. 531–541.

Potholm, C. P., 1975, The Effects on South Africa of Change in Contiguous Territories, in Thomson, L. and Butler, J., eds, *Change in Contemporary South Africa*, Berkeley, CA: University of California Press, pp. 329–348.

Rosen, A. A., 2006, Economic and Cooperative Post-Colonial Borders: How Two Interpretations Of Borders By The ICJ May Undermine The Relationship Between Uti Possidetis Juris And Democracy, *Penn State International Law Review*, Vol. 25, No. 1, p. 207.

Sacolo, T., Mohammed, M., and Dlamini, T., 2018, Evolution of Trade In Eswatini From 1968 To 2015: A Developmental Perspective, *African Review of Economics and Finance*, Vol. 10, No. 2, pp. 151–168.

Sainz-Borgo, J. C., 2020, Latin America and the International Court of Justice, in Rojas-Aravena, F., ed., *The Difficult Task of Peace: Crisis, Fragility and Conflict in an Uncertain World*, Cham: Palgrave Macmillan, pp. 87–108.

Sama, M. C., and Johnson-Ross, D., 2005, Reclaiming the Bakassi Kingdom: The Anglophone Cameroon–Nigeria Border, *Afrika Zamani,* Nos. 13–14, 2005–2006, pp. 103–122.

Shawt, M. N., 1997, The Heritage of States: The Principle of Uti Possidetis Juris Today, *The British Year Book Of International Law*, Vol. 67, No. 1, p. 75.

Southern African Institute of Race Relations Research Report (SAIRR), 1982, The Handing Over of KaNgwane and Ingwavuma to Swaziland, RR. 44/82.

Southern African Research Service/Development Studies Group (SARS/DSG), 1982, *The Land Dispute: Incorporating Swaziland?*, SARS/DDSG Publication No. 7, Johannesburg.

Spence, J. E., 1964, British Policy Towards the High Commission Territories, *The Journal of Modern African Studies*, Vol. 2, No. 2, pp. 221–246.

Stoddard, E. R., 2002, *US-Mexico Borderlands Studies: Multidisciplinary Perspectives and Concepts*, Vol. 2 of *Borderlands Trilogy*, El Paso, TX: The Promontory.

Surplus People Project, 1983, *Forced Removals in South Africa: The Surplus People Project Report, Vol. 5*., Cape Town: Surplus People Project, pp. 78–88.

Swan, G. S., 1981, Self-Determination Pretoria Style: The Case of the Transkei, *Whittier Law Review*, Vol. 3, p. 475.

Thiam, T., and Rochon, G., 2020, *Sustainability, Emerging Technologies, and Pan-Africanism*, Cham: Palgrave Macmillan, pp. 163-180.

Udogu, E. I., 2008, Historicizing and Contextualizing The Discourse On African International Law And A Concise Overview Of The Pacific Settlement Of The Cameroon-Nigeria Bakassi Peninsula Dispute, *African and Asian Studies*, Vol. 7, No. 1, pp. 77–99.

Ulaya, A. C., 2015, The Doctrine of UTI Possidetis and its Application in Resolution of International Boundary Disputes in Africa, Masters of Law (LL.M) thesis, Mzumbe University.

Vandome, C., Vines, A., and Weimer, M., 2013, *Swaziland: Southern Africa's Forgotten Crisis*. London: Chatham House.

Walford, G., 2005, Research Ethical Guidelines and Anonymity. *International Journal of Research & Method In Education*, Vol. 28, No. 1, pp. 83–93.

Whande, W., 2010, Windows of opportunity or exclusion? Local communities in the Great Limpopo Transfrontier Conservation Area, South Africa, in Nelson, F., ed., *Community Rights, Conservation and Contested Land*, Oxford and New York: Taylor & Francis.

Whitney, R. A., 1983, New Apartheid: International Law and the Transfer of South African Territory to the Kingdom of Swaziland, *Boston University International Law Journal*, Vol. 2, p. 417.

Archival Sources

National Archives Kew (NAK), United Kingdom

NAK, CO 1046/703, Kopley, Gregory R., 1998, Swaziland's Border Restoration May Hold Vital Model for Africa, Strategy 98, [G.R. Kopley President, The International Strategic Alliance Association], 1998.

NAK, CO 1048/705, Swaziland: transfer of land to Swazi nation, 1964-1983 Minutes of Meeting between the Border Determination Special Committee and the South African International Boundaries Committee Held at Ezulwini, Swaziland on 7 November 2005.

NAK, CO 1048/707 (a), Kingdom of Swaziland, The Border Adjustment Talks 1964–1983.

NAK, CO 1070/231, Confidential Fax Memorandum from Dr C. Michael Henry to Prince Khuzulwandle, dated 2 September, 2002, 2000–2003.

NAK, CO 2048/700, Petition to the Honourable President Thabo Mbeki by Swazi Traditional Rulers, 1 December 2000.

NAK, CO 2048/701, Petition of the Swazi Royal Families and Swazi Chiefs/Nation Residing on Traditional Swazi Areas to the Honourable Members of Parliament of the Republic of South Africa, 23 July 2002.

NAK, CO 2048/706, Petition by Swazi Chiefs of South Africa and their followers for the Unification of Swazis of South Africa and those of the Kingdom of Swaziland (Secretary: David Lukhule), 27 May 1983.

NAK, DO 1019/147, Boundaries between Union of South Africa and High Commission Territories, 1964–1965.

NAK, DO 1057/59, Boundaries of Swaziland, 1960-1961: Minutes of Meeting between the Swaziland Border Adjustment Committee…and the South African Minister of Foreign Affairs, Monday, 2 August 1993.

NAK, DO 1057/159, Boundaries of Swaziland, 1960-1961, Khuzulwandle, Dlamini (Prince), (1994), Swaziland: The Case of a Country without Borders, Border Restoration Committee.

Eswatini National Archives (ENA)

The Constitution of Swaziland Statutory Instruments 1968, No. 1377, Africa, The Swaziland Independence Order, 1968, Made 25 August 1968, Laid before Parliament 30 August 1968; Coming into operation: Immediately before 6 September 1968.

Swazi Government Gazette, Vol. XLVII (no. 50), June 12, 2009, 100, The establishment of the Border Determination Special Committee Notice 2009: 56.