Where Internationality Meets Locality: An Analysis of Conflict of Laws in Cross-Border Relations in Nigeria's Eastern Borderlands

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Abstract

The paper examines the legal regime of boundaries in the Nigeria-Cameroon borderlands in an era of unity and integration of peoples and economies and argues that the making of African boundaries by the colonialists has imposed a barrier on African unity. It is indicated that it would be detrimental to Africa's continued existence as a web of fragile and unviable mini-states. It further argues that Africa needs to take a critical look at the policy decisions taken by previous leaders regarding the retention and inviolability of the boundaries imposed on the continent. The paper concludes that not only has the uttipossidetis formula proven to be a failure but a barrier in the prevention and resolution of boundary disputes and border conflicts, it has, in fact, become counter-productive and inimical to the historic course of the African continental unity and integration. Therefore, there is an urgent need for the harmonization of laws at the border region to engender the gains of cross-border cooperation and integration.

Keywords: Locality; Cross-border relations, Integration; Boundaries; Laws; Conflict.

Introduction

For over a century since the delimitation of boundaries by the colonial powers, the native elites, have bluntly refused to dismantle the artificial boundaries bequeathed to them. Although hopes were entertained in some quarters that political independence would allow for the re-adjustment and re-alignment of Africa's fragmented culture areas, this seems largely elusive. As the case between Nigeria and the Republic of Cameroon has shown, the colonialists delimited and Africans are now demarcating territories inhabited by peoples possessing cultural homogeneity as well as linguistic continuity, when what is perhaps needed is more integration and less formality in transborder relations (Oyebode 16).

Be that as it may, out of Africa's 109 international boundaries only very few have not experienced uneasiness and skirmishes on account of their arbitrariness and absurdities. That is because, no attention was paid by the contending European powers to the interest of the African peoples in their quest to draw up rules of engagement for the scramble and partition of Africa (16). To that extent, the aspirations of the vivisected African peoples to re-unite with their kit and kin across international boundaries after the collapse of colonial hegemony has been quite problematic. However, the realization of such hopes depends, paradoxically, on the revision of the legal policy framework and programmes instituted by colonial states formation and nurtured by the post-colonial African states. Granted that a major consequence of European colonization of Africa is the imposition of ill-defined and arbitrarily determined boundaries, it is generally accepted that the expansion of the interests of the colonialists in Africa resulted in "a territorial division with little or no relations to the character and distribution of the populations of the former colonies and protectorates" (Chukwurah 10).

As far back as the age of discovery, the European powers had devised rules of international law aimed at acquisition and loss of

territory, and most notable among which were cession, conquest and occupation. While cession and conquest were deemed perfectly legitimate means of acquisition of inhabited territories, occupation was reserved for uninhabited lands or*territorium nullius* (Oppenheim 554). It is important to note that in the European colonial enterprise, the African continent was never considered inhabited, in spite of the array of kingdoms and empires of which some date back to antiquity. On the contrary however, the Europeans for a variety of reason, felt compelled to proceed by way of treaties of cession and the fanciful instrument of colonial protectorates (Oyebode *Treaty Making…* 6-8). This explains the rationale for the conclusion that the "scramble for Africa was actually scramble for title deeds for which the contending European powers sought the active collaboration of African title holders" (Oyebode *International Law and Politics* 21).

The problems raised by the various treaties presented by the rival colonial powers at the Berlin Conference as evidenced in the process of transfer of titles to them include the important one as to the actual extent of the territories purportedly transferred, not to mention the right of the transferors themselves in relation to the territories concerned (Garvin and Betley 223). Thus, it has been argued that to fault the instruments on the basis of imprecision would have frustrated the goal of the imperialists to draw up the ground rules of acquisition of African territories. Therefore, the Berlin Conference only adopted an easy way out by recognizing the right of the transferees over the said territories so long as they made good their titles through effective occupation (Lindley 44). Accordingly, it became a task for the various colonizing powers to come to agreement among themselves regarding limits of their respective colonial acquisition. This, they did via various methods operating on theories of 'spheres of influence', 'hinterlands', etc (Ajala 44). It was in pursuit of this objective that the colonial powers, in effect, prescribed various boundary regimes on the African continent.

In the case of Nigeria and Cameroon, their boundaries were fixed by way of bilateral treaties concluded by Britain and Germany on one hand, and Britain and France, on the other (Prescott 63-68). Thus, the proclamation of the Oil Rivers Protectorate made by Britain, on June 8, 1885 was acknowledged by Germany apparently in exchange for recognition by Britain of German dominance in the adjoining territory (Hertslet 886). Interestingly, the agreedRio del Rey did not actually exist, a fact then unknown to the two European contracting parties (Chukwurah 12). Until a geographical exploration of the area revealed that there was no such river and the so-called Rio del Reywas, in fact, an estuary, for the boundary between British colonial possessions and the German colony of Cameroon remained a matter of speculation (Oyebode 22; Hertslet 910;Browlie 558-559).

Similarly, the Northeastern boundary of Nigeria was determined at the expense of the Lamido of Adamawa by both the British and the Germans. In fact, the indeterminacy of territories purportedly transferred by local rulers to agents of British colonial administration at the outset of the Berlin Conference compelled subsequent delimitations by both the British and the French, the arch-rivals in the area (Hertslet 913; Bonchuk "Pan-Africanism…" 223). The above scenario clearly demonstrates how Africa's colonial boundaries were drawn for the benefit of Europe, with little or no regard for the interests of the African peoples. Indeed, Europe's intrusion into Africa was so unpleasant that virtually every African state find some basis for boundary or territorial claims against any of its neighbours.

Statement of the Problem

African leaders were conscious of the problems posed by their independence with the artificial boundary lines they inherited. This perhaps, inform their affirmation and declaration of adherence to the principle of respect for the sovereignty and territorial integrity of each state by article III paragraph II of the organization of African Unity

Charter 1963. Similarly, the Assemble of Heads of State and Government at the Cairo submit in 1964 solemnly declared that "all member states pledge themselves to respect the boundaries existing on their achievement of national independence" (Bonchuk "Pan-Africanism…" 232).

These boundaries have today become sources of conflicts and wars, particularly where two mutually exclusive principles are at stake, namely historic rights, and its attendant territorial revisionism versus territorial or intangibility of boundaries. It is this conflictual profile of Africa's inherited boundaries that informed A. Gryomko to conclude that "African boundaries have a father whose name is colonialism" (Barkindo30). The then Nigerian Prime Minister and Head of Government, Sir Abubakar Tafawa Balewa was strongly in favour of boundary inheritance when he argued:

> …some of these [boundaries]were created artificially by European powers which even went so far as to split some communities into three parts, each administered by a different colonial power… [we] discourage any attempt to influence such communities by force or through undue pressure to change, since such interference could only result in unrest and harm to the overall plan for the future of this great continent (Bukaranbe85).

Balewa further re-affirmed his stand at the May 1963 submit of independent African States indicating that the African continenthas been broken into different groups by the colonial powers. Similarly, the Ethiopian Prime Minister, AkliluHabte-Woldand the Madagascan President, Philibert Tsiranana's positions reflected Balewa's view and indicated that, "it is in the interest of all Africans now to respect the boundaries drawn on maps, whether they were good or bad by the former colonial powers," and that: "redrawing the boundaries would mean introducing "black imperialism in Africa" it was no longer possible, or desirable to modify the boundaries (86).

The issue of African boundaries became a serious matter during the Accra All-African Peoples Conference in 1958 when the nationalists at that conference denounced the artificial boundaries created by the imperialist which they acknowledge divided African ethnic groups and culture areas, they were divided on the solution to this problem. The Pan-African concept of African unity in spite of the artificial boundaries was articulated by Kwame Nkrumah. It was Nkrumah's idea that continental unity would re-address the issue of artificial boundaries. However, Abukakar and other conservatives perceived the issue in nationalistic terms and stood for boundary status quo. This concept runs contraryto the transnational paradigm thereby locating the boundaries within the confines to boundaries as barriers.

In other word, the *utiposeditis juris*concept as it relates to African boundaries is derived from Roman Law and applied in international law, is more fully expressed in *utipossediatus* meaning"as you possess, so may you process" (Boggs 79). By adopting the above principle, African Heads of States and Governments reaffirmed the artificial boundaries or boundary status quo. It was the adoption of boundary status quo with its inconsistencies and ambiguities that froze African boundaries and provided them with a legal framework for boundary functioning and maintenance. These ambiguities and inconsistencies, Raimoldo Strasaido explains,

> Border divided and unite, bind the interior and link the interior; they are barriers and junctions, wall and doors, organs of defend and attack. Boundaries can be managed to maximize either of these functions. They can be maintained as bulwarks against neighbours or made into areas of peaceful exchange (337).

Harvey Star and Benjamin Most further under scored the binary view of borders that shared borders are like a coin with one side issuing with "risk" and the other with "opportunities" in cross-border interaction (40). But it has also been argued that interaction between adjacent states is a

continuum with conflicts at one end and cooperation at the other (Gross 44). In the scheme of William Zartman:

> Any African state can have problems if it wants. The newness of African states and frequent irrelevance of their geographical frames to their economic, social and political lives make the continent more potentially susceptible to territorial disputes than any other (150).

Within this framework too, Lord Curzon argued, that boundaries are like "razor edges on which hang suspended the modern issues of war of peace, life or death to nations" (12). Therefore, the policy options available to African states are very clear, and indicative of the fact that African states policy option tend to gravitate towards conflicts and wars, and this clearly blurs the boundaries as sockets for harmonious cross-border interactions.

In spite of the above, borderlands are well known for the peculiar problems they pose for nation-states jurisdictional control. Arising directly from their distinct nature and character as bifurcated constituencies, borderlands are ill-adapted to the application of nationally determined laws. In Africa, where the history of international boundaries is none other than the originally super-imposed European colonial boundaries as indicated above, there are two immediate dimensions of conflict of legal traditions: (a) that between the pre-colonial system and the new order imposed by colonialism; and (b) that between the distinct metropolitan traditions where, as in Nigeria's eastern borderlands and elsewhere, different European powers exercised control on different sides of colonial borders (Asiwaju *Boundaries and African Integration* 196).

In the post-colonial state systems in Africa, the borderlands, especially those in most British controlled territories were faced with the challenge of convergence and divergence between the demands of legislations by different levels of government on one hand. On the other hand, the general considerations of border specific regulations and procedures that govern the movement of persons, goods and services

across the border have remained at loggerheads. In spite of efforts at border co-operation and integration in border regions, the imposition of divergent legal systems based on the British Common Law and the French Civil Law in the Nigerian-Cameroon borderlands inhibits harmonious cross-border relations in the border region.

Arising from the above, emphasis is placed on the role of the border not only as a pole of attraction for those seeking asylum from one or the other side of the opposing colonial regulatory systems, but also, as a major challenge to nationally oriented law enforcement agencies and procedures operating in the inherently internationalized localities along and across the border. However, the distance of the borderlands from the colonial (now national) seats of government (Lagos now Abuja in the case British Nigeria) and (Yaoundé in the case of Cameroon), gave its residents the advantage of relative autonomy, and helped to convert conflicting national laws and procedures into locally workable processes. An advantage is taken of the Nigeria - Cameroon border region as an Anglo-French configuration to attempt a generalization for wider area of Africa where most inter-colonial (now international) boundaries were lines of demarcation between divergent European metropolitan systems based on distinct political, legal and cultural tradition have become a challenge to regional integration effort due to legal divergences in post-colonial Africa.

British and French Legal Systems in the Nigeria-Cameroon Cross-Border Relations

Against the general background of law as a function of power relationship in both political and economic considerations, the Latin-based Civil Law and Anglo-Saxon Common Law differ fundamentally. Civil Law is derived primarily, if not solely, from statutes and doctrine, prior to court decisions being an exception to this general rule, only in situations where they point to 'jurisdiction constantes' (Asiwaju 198).This view locates law within a socio-economic matrix and proves especially valid when applied to territorial acquisition. In fact, until recently, the history of

international law was generally assumed to be congruent with that of Western historical tradition (Brierly 12). This has been argued to be true, in particular, with regard to territorial acquisition, where the simple syllogism was that since it was Europe that discovered other lands, the law needed to regulate the administration of those discovered territories was to be provided by Europe (Oyebode*International Law and Politics* 31).

Furthermore, law as contained in the constitutions of nation-states is an important and indispensable instrument that ensures the smooth running of the machinery of the state. This is particularly so in border regions where citizens intermingle, trade and live with little or no apprehension for the erected barriers, e.g. United States-Mexico-Canada, Nigeria-Benin, Nigeria-Cameroon, and Nigeria-Niger, etc (Asiwaju *Boundaries and African Integration…* 192-194). Variations in the laws of these states can become barriers in business transactions, civil matters and control of criminals, cross-border trade, smuggling of contraband goods, etc. The law in this context is conceived in two perspectives: the municipal law of the state and international law. The municipal laws are national laws regulating domestic affairs of the nation. They are not enforceable beyond the borders or shore of the political entity or national boundaries, so may not be applicable to international issues (Asiwaju 196).

International laws are laws among nation-states that regulates the relationships between and among them. International laws therefore complement the municipal laws in the global politico-legal arena. International laws are in form of treaties, conventions, accords and agreements consented to, signed and domiciled by nation-states thereby binding on them (Bonchuk 300). In borderlands studies both the international and municipal laws are relevant due to the challenges posed by the transnational character of border regions. One of such laws that usually affect borderlands and interest to cross-border relations is land law. Land law affects border areas because a piece of land may be divided by border demarcation. The land may contain natural resources (surface or underground), struggle over ownership may result into conflict, and

this creates legal difficulty in the administration of the border region in question and conflict resolution (300).

Conflict of laws in border areas 'where internationality meets with locality', arises because of differences in the laws that operates in each segment of the same border area. Therefore, there is the need to identify existing land laws that operate in the border regions and find ways of reconciling the various statutes to ensure harmonious relationship among the border communities thereby enhancing integration (301). There may also be the need to advocate for the harmonization or enactment of special laws for such border regions where such conflict could degenerate into serious crisis.

In other word, the conflicting laws could be fused together such that the two or more laws operating in the borders could be harmonized. The dominant law or the most popular law in the borderland may be adopted as long as the borderlanders agree to accept the law. Where the fusion of the existing law may create more problems and there is no clear dominant law that suits the peculiarity of the areas, the people's customary laws could be established for the purpose of administering the border areas (303). In Europe, for instance, such laws exist where the border areas are granted permission to enact certain laws that operate only in the borderlands without infringing on the sovereignty of their core state. The European Outline Convention on the Administration of Territories approved by the council of Europe is the best example.

Furthermore, in their respective illuminating analysis of borderlands legal regimes, Anthony Asiwaju (in Nigeria-Benin) and Michael Bonchuk (Nigeria-Cameroon) agrees with P. A. Luspha's study of the United States-Mexico borderlands all reveal that borders are creators and facilitators of crimes and criminality. For instance, Luspha's argument points to the border underworld as a unique and different criminal environment found not only in the United States-Mexico borderlands. Its uniqueness lies in the environment and context in which it is found (Luspha76).For Bonchuk, the involvement of [il]legitimate businesses in

cross-border economy naturally involves the community with the connivance of corrupt government officials and criminals. These factors taken together evolves a cross-border culture that has a close connection, historically and economically with its underworld. Here local enforcement often operates in a world of permissiveness and toleration of community elites engaged in cross-border smuggling and contrabands (Bonchuk 302).

Implications of British and French Legal Systems in Nigeria-Cameroon Borderlands

In the analysis of the Nigeria-Cameroon borderlands legal historiography, two important points briefly emerged (1) the Nigeria-Cameroon international boundary was purely a colonial creation, and (2) in the pre-colonial period, ethnic and political boundaries defined the interlocking social systems within which African community life was organized (Asiwaju 201).The 1,700 kilometre Nigeria-Cameroon international boundary originates from the tripartite point on the Lake Chad Basin between 6^0 to 24^0 N and 8^0 to 24^0 E and stretched southwards to the Bight of Biafra in the Atlantic Ocean with a typical coast to the interior alignment that runs through changing climatic and vegetational zones from the south to the north (Giwa 13). The boundary is broken into four sectors. The first is between the tri-point with Lake Chad and the KosereGesumi uplands; the second is between the Konbom Mountain and the Gamana River; the third lies between the Gamana River and the Cross River; and the fourth stretches from the Cross River estuary into the Atlantic Ocean (Ede 7). Most significantly, the borderline divided not only the culture areas of the Kanuri and such closely related peoples as the Hausa/Fulani and the Mandara to the north but also the territories of specific sub-groups such as the Boki, Ejagham, Efik/Ibibio and Efut that often corresponded to distinct pre-colonial ethnicities to the south (Bonchuk "The ICJ…" 7; Ede 12; Mohammed 164).

According to M. O. Bonchuk, along and astride the northern segments of Nigeria's boundaries with Chad and Cameroon, traditional

boundaries straddle the entire border region and provides a migratory corridor through which influences, ideas and cultures were repeatedly received and transmitted between the Hausa, Fulani and Fulfulbe. To that extent, the inhabitants of the area from the Lake Chad to the banks of the Benue were once under the hegemonic influence of the Sultanate of Borno ("International Boundaries of Nigeria…" 85). Hence, the Sayfawa rulers of Borno established the foundation of the Borno and Islamic sovereignty over the chieftaincies now found in Cameroon. Thus, strong Islamic fraternity, culture and political hegemony had welded the people across the Mandara areas to one another long before the imposition of the colonial boundary in 1913 (Barkindo 29).

Similarly, along and across the boundary in the Cross River region and Southwest Cameroon in the southern sector, the Ejagham, Boki and Becheve-Akwaya are the dominant groups divided and placed in the Cross River region of Nigeria and Southwest Cameroon by the 1913 Anglo-German boundary agreement. These communities still occupy contiguous cultural coherent areas with their kith and kin on both sides of the boundary. They share the same kinship system, political and magico-religious institutions, divination and cultural characteristic such as the Cross River monoliths that spread from the upper Cross River to Southwest Cameroon, ancient trade routes and seabed to Cameroon and Equatorial Guinea (Bonchuk "International Boundaries of Nigeria…" 88).

Thus, these extended communities have remained centres of close transactions, interjections and constant interchange arising from movements and diffusion of cultures and practices which act as a paradigm to the various inhabitants of these border regions (Bonchuk "Language and Culture…" 63). These pre-colonial historical realities of cross-border relations have endured and still oblige loyalty among these extended communities along and astride the super-imposed boundary. To these divided peoples, kinship ties, closely knit socio-cultural value system and traditional modes of interaction bequeathed to them by their ancestors are seen as superior to the artificial boundary which in all

ramification is intended to keep them perpetually bifurcated (Bonchuk 87).

The inhabitants of this whole area spoke dialects of more or less the same language, and they practiced the same economy, based on peasant agriculture and trade. The traditional ruling elites traced their origins to the Cameroonian mountain though without a common culture hero. The autonomous chiefdoms centred on ancestral villages, and developed identical social and political institutions and shared same cultural ethos. More directly relevant to this study is the Ejagham and Boki sub-groups that was split by the Anglo-French colonial border between Nigeria and Cameroon, were indisputably one with the rest of the culture area on issues of customary law.

The first point to note about customary law is that, unlike later British and French impositions, it developed with the society itself; it blended and harmonized with the other so much that the history of law is the history of society as well, and produced by non-literate culture which was and has remained unwritten (Asiwaju *Boundaries and African Integration* 212). Indeed, local law was latent in the hearts of the community's ruling elites and was given expression only when called for. Nevertheless, law was as much a 'functional element' or a means of practical action as in pre-literate societies was dictated by the people's customs and tradition (Adewoye 3). The purpose of customary law has been aptly stated as "peace-keeping and maintenance of the social equilibrium. Reconciliation of parties to a dispute was the ultimate objective of the judicial process" (3). In contrast to the essentially adversarial or winner-takes-all perspective of the French inquisitorial or the British accusatorial systems, which were eventually imposed on the people, the primary goal of law in pre-colonial Boki and Ejagham societies was to assuage injured feelings, restore peace and to reach compromise acceptable to both parties (Bonchuk"International Boundaries and Divided Peoples…"145).

Pre-colonial Ejagham society for instance, was a corporate entity and law was viewed in holistic terms. The principle of separation of powers, central to the modern British and French laws and government, was not a novelty in Ejaghamland. The *Ntufam*(Chief) and *Atufam*(Councils of Elders) constituted the highest authority and combined the legislative, executive and judicial functions (NtaNdifonAbim, interviewed on 10/12/16). Since the emphasis is on the community as a corporate entity, the administration of law was directed as much to the offender's lineage as to the offender himself. The extended family took collective responsibility for the conduct of their members as the obligation of restitution for example, often involved the entire lineage of the individual offender. More so, indigenous traditions greatly influenced Ejagham legal theory and practice. Faith in departed ancestors as guardians and supervisors of the affairs of society helped ensure fairness on the part of ruling elites (NtuiNdifoninterviewed on 10/12/16).

Legal conflict with local custom in the Nigeria – Cameroon borderlands began to develop when the area was partitioned by first Britain and Germany, and later Britain and France. In the era of the informal empire, the colonial governments of Lagos and Yaoundé recognized and enforced a border between their respective spheres of influence (Lee and Schultz 13). The Anglo-German Agreement of 10th August 1913 formally defined the boundary between Nigeria and Cameroon from the coast to Yola in the north. In spite of the plebiscite of 1961and over 15 successive Anglo-French agreements and protocols signed between 1971 and 1975, all attempts to survey and demarcate the boundary, to date, the boundary has remained insoluble (Ate 142-143).

The Nigeria-Cameroon boundary has remained physically invisible for almost its entire course, owing to the absence of satisfactory demarcation and the blurring effects of local geography and ethnography. For this reason, it has been sometimes argued that an international boundary does not exist in certain areas. This is so because no sooner does one crosses from Nigeria into Cameroon or vice versa than one encounters

an unmistakably different official culture, which makes it quite clear that a border has been crossed. Signposts, uniforms, language, and orthography are all very different (Asiwaju *Artificial Boundaries…* 213). These symbols make apparent the reality of an international boundary, as a line of demarcation between sovereign jurisdictions, is less a function of its visibility on the ground than the effectiveness of the administration on either side.

Both the British and French colonial administrations lost no time in ensuring the functional reality of their boundaries. Their initial understanding was not to make a barrier of the Nigeria- Cameroon boundary as the 1913 agreement guaranteed freedom of trade for all European nationals and freedom of movement for African peoples (Ate 294). However, subsequent agreements which became the product of traditional Anglo-French rivalry, imposed protective tariffs and quickly a mercantile border maintenance culture developed. The rapid creation of rival customs and immigration services and the establishment of control posts along and astride the border contradicted the earlier guarantees of freedom of movement for portioned peoples of the border region (Udochu 67; Ajayi 121). It is no longer disputed that the Hausa/Fulani, Boki and Ejagham on either sides of the colonial boundary experienced very different systems of colonial control but in spite of the similarity in their overall objectives, British and French colonialism differed substantially in method, content and impact.

In the light of the above, Lord Hailey resounded that "colonial policy projected into overseas areas certain domestic characteristics and philosophies of life" (542). In a similar manner William B. Cohen argued that both Britain and France "attempted to establish in their overseas territories an administrative pattern similar to that existing in their homelands" (446). Members of both colonial services were products of their respective metropolitan cultures. Training programmes at Oxford and Cambridge for the British and the *EcoleColoniale*in Paris for the French might teach the value of allowing for local conditions when administering

in the colonies, but once in Africa, both British and French officials tended to fall back on the institutions and practices that they knew best (Asiwaju *African Boundaries and Integration 214*). As it manifested in the Nigeria-Cameroon borderlands, it led to a fundamental divergence in legal systems and government. On both sides of the divide, law was the handmaiden of colonialism. However, the character and role of the law differed substantially (Stoddard 312).

It is important to indicate that both systems abrogated the sovereignty of the indigenous political authority, which undermined the political and legal autonomy of the local rulers. Inter and intra-colonial boundaries divided the territories and jurisdictions of the Boki and Ejagham chiefdomsthat led to the gradual replacement of the local legal system by the adversarial tradition of both the British Common Law and the French Civil Law. In other word, in nearly all African colonies, both British and French colonial policy had two-track legal systems (Asiwaju 216-217). Europeans and *évolués* were subject to the laws of the mother country, while the "natives" were subject to local customary law, though this law was usually interpreted and enforced by the colonial administration. Charles Fombad argues that this system generally led administrators to see the general population as passive subjects rather than active citizens, a view that persisted into the post-colonial era. Fombad's argument certainly hold for the Cameroonian case where the local customary law was bitterly unpopular, and the harsh punishments the French Civil Law allowed were often used by the colonial administration as a tool of political intimidation (210).

In order to deal with this problem, collaboration between border impacted states in the borderlands is important. This could involve research into community policing, law enforcement and criminal law of states. For instance, Nigeria's Common Law tradition and Cameroon's Civil Law need to be harmonized for effective policing of borders. Borderlands localities or communities in close proximity to international boundaries pose special challenges to cross-border relation for certain

reasons. The conflicting legal regimes and restrictions at the border post inhibit cross-border co-operation. Hence, the border regions have been converted to the following:

- Borderlands as legal limits of sovereign jurisdiction – place restrictions on the police or related security agencies who cannot cross to the other side of the international boundary to enforce laws.
- Borderlands as asylum – they serve as asylum for criminals,delinquents and corrupt nationals who seek escape from one side to the other side of the international boundary as their relationships penetrate kinship relations beyond the structure of ordinary relations across the border, which emphasize primordial solidarities like kinship and religious ties in the culturally coherent areas of the borderlands.
- Borderlands as inherently bifurcated constituencies - being culturally coherent areas, it isdifficult to distinguish one who is a Nigerian from a Cameroonian. For example, the Boki and Ejagham who inhabit contiguous areas in the borderlands. Within this borderlands, there is cultural interjection and interpenetration, local communities operate on the basis of primordial solidarity and not on organized solidarity. Kinship ties endure more than the artificialboundaries which in any case does not divide them but are imperialists. Therefore, there is a need for transborder collaboration of regulatory enforcement agencies as opposed to national policy systems to be as a way out of the dilemma. In other word, conflict of laws calls for harmonization:

(a) Between indigenous customary laws;

(b) Inherited metropolitan laws operating on both sides of the border. For example, Nigeria is operating the Anglo-Saxon Common Law which presupposes that one is not guilty until proven otherwise.

It is important to state at this juncture that the states conjured into existence by European colonial enterprise loomed large in the

consciousness of the African people. This is because all discussions regarding frontier communities proceed on the assumption that the legal basis of their existence is located in the states across the international boundaries they straddle. This become more poignant when considered that the frontier represents the meeting point of multiple jurisdictions, however, vague that might sound. Although it has been argued that Africans should not stick doggedly to legal particularisms on matters affecting their common boundaries, the truth of the matter is that Africa's new political leadership seems to have adopted an attitude of 'better to let the sleeping dog lie than awaking it.'

Nevertheless, it is only recently that the examples of new grounds being broken especially in Europe with regard to the regulation of transborder relations have begun to make an impact. None the less, it is important to note that such developments emerged out of the interplay of the political wills of sovereign states. Despite the dreams of a new world of non-state political entities entertained by the protagonists of cosmopolitanism or world government, the stark reality is that we still live in a world of nation-states, each jealously guarding its sovereignty.

As already indicated earlier, the concept of frontier preceded that of boundary in the African consciousness, the movement of peoples, goods and services across communities had gone on in Africa for millennia before the arrival of the Europeans. However, it is a notorious fact that the majority of Africa's boundaries are permeable and undemarcated. For instance, the ease with which the Boki and Ejaghamcriss-crossed the boundaries separating the various clans demonstrate the futility of attempting to police the border areas effectively. In fact, inhabitants of the borderlands show a preference for some measures of dual nationality rather than allegiance or strong attachment to either of the core states separated by the boundary. In view of this, perhaps the time is ripe for distinct transnational local government to be established in the Nigeria-Cameroon borderlands so as to make the boundary lines of mutual contact rather than of exclusion. Indeed, on the strength of free movement

across the Nigeria-Cameroon international boundary, the Southwest region of Cameroon was badly hit economically when in September, 2016, the Cameroonian government closed it borders with Nigeria citing insurgents and irredentists support for the inhabitants of the region from their kit and kin from Nigeria in an attempt to secede from Cameroon. Till date, the border town of Ikom is flooded with Cameroonian refugees.

In other word, moves towards economic integration in Africa have paradoxically been spearheaded by the nation-states themselves as exemplified in the formation of the Economic Community of West African States (ECOWAS) and the Southern African Development Coordinating Community (SADCC). But, more importantly, the governments of African states have continued to rely on treaty-making and inter-governmental channels for the resolution of problems arising out of their transborder relations. As members of the international community, they have thought it fit to operate in consonance with the principle of good neighbourliness and pacific settlement of disputes which form part of the foundation of contemporary international law.

Conclusion

The study examined the evolution of African boundaries and the adoption of the concept of *utipossedetis juris* or boundary status quo, it was argued that boundary maintenance is a negation of the desired goal of economic cooperation and integration and Pan African ideal of closer political contacts and eventual political unity of the continent, since boundary maintenance sharpens the boundaries. It also discussed the genesis of divergent legal systems and the working of both civil and common law in Nigeria and Cameroon and the conflict they generate at the border regardless of the fact that borderlands are neglected areas that are not impacted by the policies of their core states. It was indicated that national boundaries in Africa are artificially constructed as ethnic groups were mindlessly divided and placed into two or more inter-colonial jurisdictions without regard to ethno-religious or cultural affinity. Hence,

on both sides of the international boundary are people with a sense of common ancestry but who cannot relate freely because of the barrier function of the divergent legal systems conflicting at the border.

Therefore, the prospects for transborder co-operation based on the shared customary law of identical ethnic communities residing on either side of the international boundary are particularly bright on the border region and in Africa where the concept of the nation-state is relatively new and where transborder ethnic, cultural and socio-economic affinities remain very powerful. One specific reform that merits consideration is the possibility of permitting border communities to serve as mediators of relations between geographically contiguous nation-states. Putting this reforms into practice, however, would require radical structural adjustment of the laws imposed under colonialism, for these were originally created to serve inter-colonial boundaries as barriers to, not as bridges for the free flow of people, ideas and services. Nevertheless, along the borders which divide Anglophone from Francophone West African countries, the existence of a shared corpus of customary laws linking peoples across international boundaries is particularly valuable, given the operation at the national level of inherently irreconcilable legal systems based on English Common Law on the one side and French Civil Law on the other.

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