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Two-Dimensional Strategy and Nigeria's Compliance to ICJ Verdict

****Ibenekwu, Ikpechukwuka E. & *Chigozie I. Okonkwo**

Institute of African Studies,
University of Nigeria, Nsukka, Nigeria

***Corresponding author: chigozie.okonkwo@unn.edu.ng**
****ikpe.ibenekwu@unn.edu.ng**

ABSTRACT
The two-dimensional conflict resolution approach advocates the resort to both legal and politico diplomacy in seeing to the acceptance and implementation of interstate international court rulings. The 20002 International Court Ruling on the Nigeria- Cameroon boundary dispute over the Bakassi peninsula stand out as a good example. Qualitative research method relying majorly on documented data was deployed. The International Court of Justice ruling on the matter could not be implemented fully as Nigeria became hesitant at some point over the ruling as it relates to the Bakassi peninsula, until the convocation of the Green tree summit at New York by the United Nations' Secretary General in 2006. It was this two dimensional approaches of the ICJ legal approach and the politico-diplomacy that culminated in the Green tree Agreement that conclusively brought about full compliance with the ruling and restored peace between Nigeria and Cameroon.
Keywords: two-dimensional, boundary, interstate, implementation, compliance

INTRODUCTION

In the international arena the need for the peaceful settlement of disputes has grown in the last century for a variety of reasons. First, the prohibition of the use of force has, at least formally, eliminated war as a means to solve conflicts. The concomitant obligation to settle international disputes by non-violent means has been enshrined in the United Nations Charter (in Article 2(3)). One of the purposes of the United Nations is to ensure peaceful resolution and settlement of international disputes or situations in conformity with norms of international law and justice, which might lead to a breach of the peace.

In order to achieve the above purpose, it was essential to establish a judicial arm of the organization. The International Court of Justice (ICJ) was established in 1945 as the successor to the Permanent Court of International Justice to facilitate peaceful settlement of disputes. Uroki (2013) states that the court was established to achieve one of the purposes of the United Nations, that is, to adjust or settle international disputes or situations which might lead to a breach of a peace. Like its predecessor, the ICJ has a dual role: to settle in accordance with international law the legal disputes submitted to it by States, and to give advisory opinions on legal questions submitted to it by the UN General Assembly and the Security Council and other duly authorised organs and agencies.

Article 36 para 1 of the ICJ Statute states the jurisdiction of the Court comprises all cases in which the parties refer to it. The court does not decide all the disputes. It deals only with legal disputes, as it was held in the Nicaragua case that the court is only concerned with cases involving a legal dispute in the

sense of dispute capable of being settled by application of principles and rules of international law.8 Therefore, the role of the ICJ would be expanded to cover even the political issues as most of the sources of conflict in the world arise from political issues rather and in any legal dispute political aspects are present.

However, the decisions of the Court do not often lead to the resolution of inter-state despites by eliciting compliance. Indeed, one of the major challenges threatening peaceful resolution of international disputes is failure to comply with the international commitments in general. Partial but highly significant shortcoming is particularly non-compliance and possible unenforceability of judgments of the International Court of Justice as the principal judicial organ of the United Nations. For instance, Amr (2003) observed that the problem of compliance and enforcement of judicial decisions within the institutional system and the peaceful resolution of international disputes is a phenomenon which threatens the integrity, authority and the viability of an international judicial body. The court in order to deal with the conflicts resolutions effectively must have the power to enforce its judgements. However, this is not the case with ICJ, necessitating resort to political organs of the UN for compliance and enforcement. This reinforces the need to carefully examine available techniques for solving or managing conflicts. For instance, the ICJ verdict that on the land and border disputes between Cameroon and Nigeria did not resolve the dispute as Nigeria' publicly denounced the judgment.

In October 10, 2002, the ICJ ruled that sovereignty over the Bakassi Peninsula belong to Cameroon. The dispute which led to the ruling was engendered by the long unclearly defined land and maritime boundary stretching several hundred kilometers. Its origin can be traced to the pre-colonial period when the European countries met in 1884 at Berlin and partitioned the Continent of Africa, thus laying the foundation for the many contentious boundaries in the continent (Njoku, 2012, p.194). Nigeria was hesitant in accepting and complying with the decision of the Court because, of the inherent resources of the peninsula and the demographic of the peninsula which was predominantly populated by Nigerian citizens. Thus, the ruling of the ICJ neither resolved the dispute nor restore normalcy in the relations between the two countries. This development alarmed the international community over the likelihood of Nigeria abandoning the ICJ judgment and both countries relapsing into a new conflict situation, thus necessitating concerted diplomatic initiatives and pressure to secure Nigeria's compliance.

This paper, therefore examined two-dimensional strategy and Nigeria's compliance to ICJ verdict on the ownership of sovereignty over Bakassi Peninsula. Employing two-dimensional theory, it contends that judicial decisions often, do not induce compliance and resolution of inter-state boundary without complementary political and diplomatic initiatives. Specifically, it accesses diplomatic and political factors that influenced Nigeria's acceptance and compliance of the ICJ decisions in Cameroon-Nigeria land and maritime boundary disputes.

The Concept of Compliance

Compliance connotes many things, but to be meaningful it should consist of acceptance of the judgment as final *and* reasonable performance in good faith of any binding obligation. *Good faith*, in turn, has been defined by the ICJ in one context as a duty 'to give effect to the Judgment of the Court, which undoubtedly precludes superficial implementation or attempts at circumvention. Article 94(1) of the UN Charter places the obligation of member states straightforwardly: each member of the United Nations undertakes to comply with the decisions of the International Court in any case to which it is a party. The provision appears in the UN Charter, and not the Statute of the ICJ, apparently to highlight the difference between the adjudicative and post-adjudicative phases in international relations. According to Rosenne (n.d), non-compliance may give rise to new political tensions, and the efficacy of the post-adjudicative phase is not determined by another judicial examination, but rather by immediate political action. This notion gives credence to the desirability of the two-dimensional approach in disputes resolution involving judicial-legal decisions and political-diplomatic considerations.

Under the framework of the Charter, therefore, responsibility for ensuring compliance is not within the ICJ's mandate, but rather, with the principal political organ for maintaining peace and security – the

Security Council. Article 94(2) thus provides: if any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the ICJ, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

This clearly manifests the strong link between the ICJ and the Security Council as institutions with related but decidedly different competencies in the settlement of international disputes – the ICJ is tasked with allocating rights and responsibilities and assessing competing legal claims among states party, and the Security Council is tasked, upon judgment, to give effect to that decision, should the debtor state refuse to comply. It clearly emphasises the importance of dual (two-dimension) approach to dispute resolution.

Theoretical Framework

The study is anchored on the assumption of two-dimensional theory of arbitration. The framework attempts to cover the inadequacy of interstate arbitration, which essentially dwells on judicial and legalistic method for resolution of maritime and boundary conflict. Bercovitch, Kremenyuk, and Zartman (2009, p.1) emphasizing the validity of two-dimensional theory in the resolution of interstate dispute argue that conflict resolution is a vibrant, interdisciplinary field where theory and practice pace-real world events. The authors stated that the phenomenon of conflict and its analysis using two-dimensional arbitration theory is to bring conflict under control, bring their insights and concepts to bear on actual conflicts. It embodies theoretical strands of law and politics. Law, in the sense that, law plays a significant role of defining the issues of disputes in territorial conflicts; while politics is the diplomatic outlook, which goes beyond strict legal provisions to non-legal considerations which are effective in the implementation of judicial pronouncements (Calpham 2012; Bowett 1989).

As a hybrid mechanism, the first dimensions is the legalistic approach, which allows state parties to submit legal questions to the adjudicatory tribunal grounded in law; guarantees procedural safe guards such as the arbitrators' consideration of all arguments raised by the parties and their provision of reasons for their decisions; allows the tribunal to apply law, including equitable principles, in its decision making and accords the arbitral award of its legally binding nature. The arbitrators' function is akin to that of judges, who are ''formalistic'', approach the interpretation and application of the law that is rigid, literal and legalistic (Posner,1985)

The second principle of interstate arbitration is the politico-diplomatic dimension, which allows state parties to submit politically sensitive questions to the arbitral tribunal and to advance extra-legal arguments based on political, historical, economic, or customary considerations, and allows the tribunal to decide such questions *ex quo et bono,* (according to what is equitable and good) or in accordance with what is fair, just, reasonable, or effective in the circumstances of the case (The Carter Centre, 2010). In this view, the arbitrators act as diplomats of sorts, who look beyond the law to consider both extra-legal factors and the realities on the ground in order to devise a compromise and avoid a"winner-takes-all" outcome thus creating a window through which the ego of disputing states can be massaged and ensure the compliance to the legal outcome. This role of the "arbitrator as diplomat" is intended to circumvent the judicial preoccupation with legal rules and principles where these are in applicable to the dispute or incapable of providing a comprehensive, practical, and just resolution.

Law frequently plays a significant role in defining the issues in dispute in territorial conflicts and provides a framework for negotiation or conciliation, and in the majority of interstate territorial disputes the parties seek to justify their position, or at least some aspect of it, on the basis of legal rights or legal principles designed to regulate territorial sovereignty.

It is the combination of these two dimensions that produces the traditional *suigeneris* hybrid nature of interstate arbitration and that has largely been disregarded in its modern "judicialized" form. The contemporary practice of interstate arbitration instead focuses almost exclusively on the "legal dimension" of the arbitral process, with state parties submitting only legal issues to arbitration and arbitrators exercising their role as "judges" narrowly by applying strict legal principles to resolve such issues. The ICJ adjudication over boundary disputes normally relies on a number of factors, but three

primary legal factors are used to establishing sovereignty over territory: treaties, recognized historical boundaries *(utipossidetis juris)*, and evidence of effective control *(effectivités).*

Political-Diplomatic Influence and Nigeria's Compliance to ICJ Decisions on Bakassi Peninsula

Other factors, besides the judicial-legal determination and considerations account for states' decision to comply with ICJ verdicts. These include external political influence, internal need for a definitive solution, the substance of the said judgment, and internal political dynamics of a state. External political influence, such as pressure from the international community, involvement in international organizations, and reputation costs associated with defiant behavior, fosters compliance with ICJ judgments. A second indicator of compliance is the presence of a genuine need for a definitive solution. Whether such a need exists depends primarily on the parties' interests and their relationship with each other. The last two indicators of compliance discussed, and the factors that incite the most problems for implementation, are the substance of the judgment issued and internal political influence. Ambiguity in a judgment acts as a barrier to implementation, but as a result of inability rather than of bad faith. A judgment that is in direct conflict with the self-interest of one or more parties may also be met with resistance, but states tend to comply nonetheless out of deference to the international regime. An exception to this trend may arise where a judgment requires a state to take action that is contrary to domestic policy. The extent to which such internal pressure will impede compliance and implementation depends on the merits of the judgment issued. Ambiguity in a judgment acts as a barrier to implementation, but as a result of inability rather than of bad faith. A judgment that is in direct conflict with the self-interest of one or more parties may also be met with resistance, but states tend to comply nonetheless out of deference to the international regime. An exception to this trend may arise where a judgment requires a state to take action that is contrary to domestic policy. The extent to which such internal pressure will impede compliance and implementation depends on the merits of the judgment issued.

Pressure from the international community is a significant factor in ensuring compliance with ICJ decisions. International pressure, especially in the modern era of cases, plays a momentous role in the tendency of states to seek resolution of disputes in the ICJ and in ensuring compliance once judgments are issued. Pressure from the international community is such that, even in instances where a party fails to submit fully to the emergence of the international community as a prominent and reputable body in the modern era of the ICJ has acted as a penal force, furnishing consequences for states that fail to comply with the Court's orders.

Pressure to comply can be general or specific. A state's desire for membership of the international community generates pressure to act compliant. In some cases, especially those where noncompliance is suggested or anticipated, the pressure on the state to comply is more specific. For example, following Nigeria's disapproval of the ICJ ruling in the land and maritime dispute between itself and Cameroon, the United States, France, and the United Kingdom subjected Nigeria to substantial diplomatic pressure to ensure compliance with the decision. In addition, a review of ICJ records demonstrates that the international system's influence in causing states to rely on the Court's procedures as a valid means of settling disputes. Such an act affirms the influence that the international community and the presence of international agreements can have on settling disputes between states.

Article 94 (1) of the United Nations Charter states member states' obligations to comply with ICJ decisions. It expressly provided that each member of the United Nations undertakes to comply with the decisions of the ICJ in any case to which it is a party. The importance of ensuring active involvement in international organizations as a means for ensuring compliance with ICJ verdicts is perhaps best illustrated with the land and maritime dispute between Nigeria and Cameroon. In the case, Nigeria eventually agreed to abide by the Court's ruling to award the disputed territory to Cameroon, despite initially rejecting it, largely due to the active efforts of the UN. Following Nigeria's open disapproval of the ruling, the international community exerted substantial pressure on Nigeria to comply, with the British High Commission in Nigeria stating that: "ICJ judgments are binding and not subject to appeal. Nigeria has an obligation under the UN charter to comply with the judgement". Through intensive mediation

efforts, the UN played a pivotal role in easing of tensions and renewing cordiality between Nigeria and Cameroon. At the request of both states, the UN set up a commission to consider the implications of the verdict, protect the rights of the people in the affected areas, and propose a workable solution. In some cases, the presence of international organizations allows for the resolution of a dispute without a judgment.

Reputation costs also inform a states' decision to act in compliance to ICJ verdicts in a manner similar to international community pressure and the presence of international organizations. When states resolve contentious issues with the assistance of international institutions, they are more likely to comply with agreements and orders due to considerations for their reputation in future bargaining situations. Active involvement with international organizations increases the prospects for compliance by raising reputation costs for reneging, and pressure from the international community threatens reputational injury to states that circumvent ICJ judgments.

Another factor influencing states' compliance with ICJ decisions is parties' subjective need to attain a definite solution. The elements between states that most readily create a need to solve a dispute are shared interests in resolution, close relations and military conflicts. States are more likely to seek resolution through the ICJ and abide by the Court's judgments if they have a shared policy interest in resolving the dispute or engage in close political or economic relations, or if there are existing or anticipated military conflicts. Judgments under such circumstances have not been met with defiance in the modern era.

In each of the internationally adjudicated disputes in recent decades which a judgment has been reached, the parties have had some shared interest in settlement. The parties' shared interest often goes beyond a mere mutual interest in resolution. Rather, there exists some mutually collective concern that would benefit from, be addressed by, or be improved upon by dispute settlement. A judgment therefore accommodates both parties with respect to that mutual interest, even if the decision is more favorable to one party than the other. Where a close relationship exists, whether based on economics, cultural ties, history, or amiability, states are more likely to submit themselves to the ICJ and observe any judgment it devises.

Fears of noncompliance often arise in disputes where military clashes are present. In spite of what seems to be substantial grounds for concern, such fears are unfounded. Instead, armed clashes tend to induce the submission of international disputes to the arbitration of the ICJ, and furthermore, the judgments rendered often foster cooperation and friendship between previously feuding states. This was seen in the dispute between Nigeria and Cameroon.

Another factor affecting compliance, and one of the most significant in achieving it, is the substance of the judgment itself. Elements of the judgment that most readily effect compliance are the determinacy of the decision, the presence of compromise and cooperation, and whether the decision is in conflict with the self-interest of one or more of the parties. In recent times, ambiguous judgements or those in discord with a state's self-interest cultivate the most problems for implementation, but states comply with such decisions nonetheless. On the other hand, judgments that entail compromise or allow for cooperative efforts are generally implemented with ease.

As expected, another challenge to compliance occurs when a judgment is in direct conflict with the self-interest of one or more of the parties involved. Although unfavorable decisions may spur noncompliance initially, the modern era of cases has shown significant state deference to the role of the ICJ as an arbitrator in the settlement of international disputes. The following cases support the premise that states will comply with judgments even when they are contrary to their national interests.

It has been noted that the Bakassi Peninsula dispute between Cameroon and Nigeria. The Lake Chad basin contains significant resources, and the Bakassi Peninsula has been an even greater source of tension because of its vast oil resources. In its judgment, the Court awarded Cameroon the Lake Chad boundary, 30 villages, and the Bakassi Peninsula. The order was incontestably in conflict with Nigeria's self-interest principles, and, not surprisingly, Nigeria issued an official statement following the decision rejecting parts of the judgment as unacceptable. Both parties acknowledged the substantial economic benefits available to the prevailing party, and the intensity of those benefits required considerably more assistance for

compliance. Although coming to an agreement was more onerous, a comprehensive resolution of the dispute that relied on the Court's demarcation was nonetheless reached through extensive negotiations by a Nigeria-Cameroon Mixed Commission established through the United Nations. In the forward-looking spirit of good will, eventual compliance was achieved and the Bakassi Peninsula was peaceably transferred to Cameroon despite Nigeria's clear self-interest in retaining the land's resources. To this end, UN Secretary-General, Ban Ki-moon commended on the date of transfer that the case has proven the viability of peaceful and legal settlement of border disputes when it when done with the fill support of the international community and in the spirit of mutual respect, good neighbourliness and cooperation. The tendency of compliance in instances where judgments favour one state's interests over another's, however is not left to good manners alone. Decisions that represent a compromise between the wants of both states are more eagerly and easily complied with.

Internal pressure for a country to defy a judgment is present in disputes where a judgement conflicts with some aspects of the state's political regime. Whether such internal pressure will arise and impede successful implementation depends on the merits of the decision. In response to the ICJ's verdict in the land and maritime boundary dispute between Cameroon and Nigeria, Nigeria pled its constitutional principles of federalism as a reason for noncompliance with parts of the judgement that it found unacceptable, namely, the Court's award of the Bakassi Peninsula to Cameroon. Nigeria argued that its Constitution specified the area as territory of the nation of Nigeria and, as such, the federal government could not give up Bakassi until the requisite national and state assemblies amended the Constitution. This assertion was deemed moot based on the advanced agreement made by both countries to respect any decision ordained by the ICJ.

Principles of sovereignty do not always result in compliance problems. As seen in the dispute between Cameroon and Nigeria, although political regime and autonomy have been asserted as excuses for noncompliance with judgments in the territorial or interpretive contexts, such claims are generally moot, so long as the state submitted itself to the Court's jurisdiction.

Actors and Organs Involved in Two-Dimensional Settlement of Inter-state Disputes

Several actors and organs within the UN system have been involved in the enforcement and settlement of international disputes decided by the ICJ. Although Chapters VI and VII of the Charter focuses on the role of the Security Council, the Council is by no means the sole agent in the peaceful settlements of disputes. In fact, the principal responsibility lies first with the parties to the conflict, who may settle the dispute themselves or refer it to any of the mandated international institutions. The secondary responsibility falls on the Security Council to call upon the parties to settle their disputes, including by those means set out in Chapter VI. Thereafter, the General Assembly may, under Articles 11 and 12, bring issues to the attention of the Security Council. Article 99 then empowers the Secretary-General to act to secure the peaceful settlement of disputes.

Article 2 (3) creates an obligation 'primarily incumbent' on all UN member states that applies to all disputes, 'whether they are connected with the UN Charter or rooted in other subject-matters. Since this principle has become an established part of customary law, states have the right to bring any dispute to the attention of the ICJ, General Assembly or the Security Council, at any time.

As such, the principle of peaceful means is not optional, and states have a legal obligation to endeavor to settle their disputes through pacific means. However, while the principle obliges states to pursue peaceful outcomes in good faith, it does not oblige them to arrive at a particular result. Thus, a violation of the principle occurs when a state is proved to have worked against a peaceful outcome—not if states do not agree a resolution.

If it took more than eight years for the ICJ to pass judgement on the land and maritime boundary dispute involving Nigeria and Cameroon, it required more political and diplomatic commitment to implement the judgement as the pronouncement of the verdict was one thing and its implementation another. Indeed, several actors and organs of the United Nations played active roles in securing Nigeria's compliance with ICJ decisions in her land and maritime boundary disputes with Cameroon. These include the UN Security Council, the Office of the Secretary-General, Nigeria-Cameroon Mixed Commission, participation of the

governments of Germany, United Kingdom, France, US, Switzerland, Equatorial Guinea, among others. The participation of these actors and agents culminated in the Paris Tripartite Meeting of September 2002. The meeting was attended by Presidents Paul Biya of Cameroon and Olusegun Obasanjo of Nigeria met in the Parisian outskirts of Saint Cloud at the invitation of the UN Secretary General, Kofi Annan. The meeting took place in the presence of French President, Jacques Chirac. The two Presidents agreed to resect whatever verdict the ICJ would pass. They also opted for confidence building measures and initiatives that favour the demilitarization of the disputed areas with the possibility of involving international observers to follow the withdrawal of all troops. With these engagements and commitments, Nigeria and Cameroon had the moral obligation to obey the Court's judgement.

There was also the Geneva I Tripartite Meeting of Biya, Annan and Objasanjo. The meeting came out with what was termed the "Joint Geneva Communique" in which the two Presidents renewed their commitment to renounce the use of force in their bilateral engagements and to look for peaceful means to solve frontier differences. They also defined proper measures to reinforce confidence building and requested the UN Secretary General to put in place a Mixed Bilateral Commission presided over by his personal representative and charged with reflecting on ways of implementing the ICJ verdict. At the end of the meeting, the Nigerian President declared to the press that Nigeria has never accepted nor rejected the ICJ judgement. This wavering attitude of Obasanjo was conditioned by Nigeria's internal politics at the time and which was having impact on her foreign policy as far as the Cameroon-Nigeria border dispute was concerned.

The Nigeria-Cameroon Mixed ad hoc Commission also played critical roles in resolving the conflicts. The Commission was entrusted the task of considering all the implications of the decision of the ICJ including the need to protect the rights of the affected populations in both countries, the putting in place of the modalities for the establishment of sovereignty on disputed areas in conformity with the Court's verdict, the demarcation of the Land and Maritime Boundary between the two countries and to promote confidence building measures between the two countries. It was also intended to be an implementation organ in charge of implementing the decisions and directives emanating from the tripartite summits of the Heads of State of Nigeria and Cameroon with the UN Secretary General. Geneve II Tripartite Meeting of January 2004 equally renewed the leaders' commitments to ensuring the effective implementation of the ICJ verdict and reiterated the need to avoid any actions or declarations which could jeopardize the process. They also committed themselves to guarantee the security and welfare of the population affected by the Court's decision in areas under their respective sovereignty. They equally agreed to strengthen confidence building measures in myriad spheres.

The political and diplomatic initiatives resulted in measures to process to establish sovereignty in dispute areas in conformity with the ICJ rulings; the demarcation of land and maritime boundaries between the states; the process of the retrocession and transfer of sovereignty in the land boundary areas, placement of beacons as well as the withdrawal of Nigerian administration, armed forces and police in the Bakassi peninsula, in addition to lowering of the Nigerian flag which marked the complete implementation of the decision of the ICJ and Nigeria's compliance with the verdict.

Diplomatic Mechanism for Enforcement of ICJ Decisions

Negotiation

The tool of negotiation enjoys a special place among the pacific measures listed in Article 33 (1)—not least because negotiations are a universally accepted method of enforcing ICJ decisions and acceptable resolution of international disputes. One important feature is flexibility: negotiations can be applied to conflicts of a political, legal, or technical nature. Moreover, since only the concerned states are involved, negotiation empowers the parties themselves to steer the process and shape its outcome to deliver a mutually accepted settlement at the end of ICJ ruling. A key disadvantage of negotiation is its inherent basis in compromise between the parties, a drawback that often leads to the imposition of a solution by the stronger over the weaker party.

Inquiry or Fact-Finding

Two parties to a dispute may initiate a commission of inquiry or fact-finding to establish the basic information about the case, to see if the claimed infraction was indeed committed, to ascertain what obligations or treaties may have been violated, and to suggest remedies or actions to be undertaken by the parties. These findings and recommendations are not legally binding, and the parties ultimately decide what action to take. A commission of inquiry may usefully be employed in parallel with other methods of dispute resolution—for instance, negotiation, mediation, or conciliation—as factual clarity is an important factor in in complying with the Court's decisions.

Mediation and Good Offices

Mediation refers to the offer by a third party of its good offices to the parties to a dispute in the interest of seeking a resolution and preventing an escalation of the conflict. The third party mediator may be an individual, a state or group of states, or an international or regional organization. The function of the mediator is to encourage the parties to undertake act by the decision of the ICJ or resume negotiations to find a compromise upon which implementation of the judgement would proceed. The mediator may also proffer proposals to help the parties identify a mutually acceptable outcome. These good offices may be offered by the mediator, or solicited by one or both conflicting parties. A fundamental prerequisite is that all parties accept the mediator.

Conciliation

Conciliation combines fact-finding and mediation. A conciliation commission functions not only to engage in enquiry—to set out clearly the facts of the case—but also to act as a mediator, to propose solutions mutually acceptable to the disputing parties. Such commissions may be permanent, or temporarily established by parties to a particular dispute. The commission's proposals are not binding, but each party has the option of declaring unilaterally that it will adopt the recommendations.

Regional Agencies or Arrangements

Article 33 leaves scope for the referral of a dispute to 'regional agencies or arrangements,' which refers to both regional treaties and regional organizations. Chapter VIII is devoted to 'regional arrangements,' and their role in dispute settlement is addressed specifically in Article 52. The UN's dispute settlement manual describes the resolution mechanisms and procedures of the Arab League, the Organization of American States, the Organization of African Unity (now reconstituted as the African Union), the Council of Europe, the Conference on Security and Co-operation in Europe (now the Organization for Security and Co-operation in Europe, or OSCE), the European Communities (now the European Union), and the Economic Community of West African States (ECOWAS). Also mentioned are the European and American human rights systems, as well as the African Charter on Human and Peoples' Rights. If an agreement is unsuccessfully brokered by the regional body, the dispute may be referred to the Security Council.

'Other Peaceful Means'

Notwithstanding the extensive menu of measures listed in Article 33, the last item—'other peaceful means'—effectively lifts any bar on options for action by the parties to a dispute. The UN's dispute settlement manual describes three categories of measures:

*the first category includes entirely original measures, such as consultations and conferences, or the referral of a dispute to a political organ or non-judicial organ of an international organization;

*the second category features those cases in which states have adapted the methods named in Article 33, including, for example, when parties agree in advance that the report of a conciliation commission will be binding rather than non-binding; and

* the third category contains instances in which a single organ employs two or more of the listed measures, such as when a treaty may provide for the progressive application of a range of methods.

CONCLUSION

The study demonstrated that judicial decisions of the International Court of Justice not usually induce compliance from states which regard such decisions as antagonistic to their national interests and

sovereignty. In the Court's decision relating to the land and maritime boundary between Nigeria and Cameroon, Nigeria denounced the judgement and publicly declared its intention not to comply with it. However, fearing escalation of the dispute, the concerted efforts of organs of UN and the international community influenced Nigeria into accepting and implementing the verdict. Thus, in addition to judicial decisions, political influences will compel an initially defiant state to comply with ICJ verdicts as Nigeria's case affirm. Pressure from the international community and the presence of international organizations increase reputation costs for defiant states and thus produce compliance, even where a judgement is in direct conflict with a state's interest and where relations between parties are hostile. As demonstrated this study, even in those sovereignty disputes where a state was openly critical or publicly disavowed a judgment, subsequent political and diplomatic commitments forced compliance.

Pressure from the international community raises the risk of consequential penalties, both regionally and internationally, for disobedient states, and leaves parties with few alternatives but to comply. The substantial reputational risks associated with noncompliance force dissatisfied parties to accept judgments, often turning to international organizations as a means for negotiating measures to be taken to satisfy the Court's judgment and achieving as much protection as can be expected for all parties to the dispute. Pressure from the international community coupled with active efforts by international organizations thus acts as an enforcement mechanism for international judgments by raising the reputation costs of defiance and offering protection and mediation for disputing parties.

These diplomatic and political influences legitimize international decrees and the power of the International Court of Justice. Each time a judgment is issued, whether it is met with compliance or initial noncompliance, the presence of diplomatic and political influences work to further inaugurate and stabilize the international system. As decisions continue to be implemented, whether independently or in response to external pressure, the international law regime gains authority. Continuing this trend at national, community and individual level will further establish the rule of law, sustain national peace and order, and promote the legitimacy of the judiciary as a guarantor of peace.

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