

AGITATIONS OF THE INDIGENOUS PEOPLE OF BIAFRA AND THE RIGHT TO SELF DETERMINATION*

Abstract

This paper principally examined the legality or otherwise of the claim for secession by IPOB in Nigeria and the need to have a proper delineation of the grounds or circumstances in which secession could be attainable under international law. The doctrinal research method was adopted and the data collected were both primary and secondary comprising of both hard copies and online source materials. The rationale for this is because doctrinal approach is more suitable for legal researchers. It was found out that the struggle for a sovereign state of Biafra by IPOB has reached international proportions, but of chaotic proportion. On the face of it, the current agitation by the IPOB appears better organized and purposeful but, the task of secession is not an easy one. It was recommended that the Nigerian government should establish an independent commission of inquiry to conduct a transparent, comprehensive, and impartial investigation into alleged unlawful killings and other human rights abuses of Biafra supporters. It was also recommended that the Nigerian government should set up a high-level Peace and Reconciliation Commission to engage with pro-Biafra groups with a view to devising an effective approach to the resolution of the agitation for Biafra.

Key words: Biafra, Indigenous People of Biafra, self-determination, secession, and fundamental human rights.

INTRODUCTION

Self-determination as a concept under international law is a right granted to peoples or groups to determine their political, economic, social and cultural rights, exercised through various ways within the context of a state entity, with an option of secession in exceptional cases of egregious violations of rights.¹ The original, orthodox position of self-determination was to enable colonial peoples to achieve independence from colonial rules or foreign occupation. However, some writers have stated that the fundamental purpose of self-determination is the democratization of government and that it can be exercised through confederation, asymmetric federalism, unitarism, self-government, association, autonomy, minority rights or other forms of political relations acceptable to the people.²

The struggle for self-determination by the Igbo race can be traced as far back as 1914 when the then British government forcefully merged the Northern and Southern Protectorates of Nigeria. This merger was to facilitate a functional political and economic control over the Nigerian

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¹ AS Hornby (ed), *Oxford Advanced Learner's Dictionary of Current English* (7th edn, OUP 2006) 125.

² SB Lugard, M Zachariah and TM Ngufwan, "Self Determination as a Right of the Marginalized in Nigeria: a Mirage or a Reality" *Journal of International Human Rights Law* [2015] (1) (1) 130.

people.³ The systems of government that existed in the two protectorates differed significantly, more so, the cultures and religions of those regions were extremely dissimilar. The incongruity of the two regions immediately began to manifest in religious clashes, election riots, persecution of Igbo traders in Northern Nigeria among other injustices all culminating in the Nigerian Civil War, alternatively referred to as the Biafran War, which lasted from July 6, 1967 to January 15, 1970.⁴

Today, many years after the civil war has ended, evidence of marginalization of south-eastern Nigeria still exists in the form of bad road networks across the region, the dilapidated River Niger Bridge at Onitsha, Anambra State, outrageous ethnic inequality in the employment of persons to the federal civil service, general exclusion in federal projects among other social, economic and political inequalities. The aforementioned social, economic and political inequalities have resulted in the formation of many indigenous organizations aimed at voicing out the grievances of the Igbo nation. Most notable among these organizations include the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and the Indigenous People of Biafra (IPOB).

The ubiquity of the agitations for self-determination calls for a rethink of the concept in international relations and in state practice beyond the context of decolonization. However, this should also be handled with care because the same 'peoples' who unite today to fight for self-determination would explore other differences among them to warrant another quest for the agitation by a group within the 'peoples'.

LEGALITY OF THE IPOB MOVEMENT

1. Right to Self-determination under the Nigerian Constitution

The Constitution of the Federal Republic of Nigeria 1999 (as amended) did not make provision for the right to self-determination in Nigeria. As a matter of fact, the Preamble to the Constitution⁵ provides thus:

We the people of the Federal Republic of Nigeria: having firmly and solemnly resolved: to live in unity and harmony as one indivisible, indissoluble, sovereign nation under god dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding: and to provide for a constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of freedom, equity and justice, and for the purpose of consolidating the unity of our people: do hereby make, enact and give to ourselves the following constitution.

³ O Obi-Njoku and HC Ugwu, *Rights of Igbo to Self Determination and a Call for the Restructuring of the Current Nigerian Political System* (Legalnaija.com, 2017) 2 <<https://www.legalnaija.com/2017/06/rights-of-igbo-race-to-self.html?m=1>> accessed on 1ST March, 2021.

⁴ Ibid.

⁵ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

It is worthy of note that though the above is fallacious and ironical, it simply re-echoes a collective agreement by the Nigerian People. For this principle of indivisibility and indissolubility to be undermined by any part of Nigeria, it will require the people of Nigeria coming together to agree that a part of the nation has a right to what that part considers as self-determination. The Constitution is the organic law governing the rights, duties, obligations, and privileges of the people of Nigeria and its supremacy must at all times be fundamentally observed. For any group of persons to seek to divide the Nation under any guise would amount to a brazen attack on the Constitution which is tantamount to the declaration of war.

It is also absurd knowing that in the actual sense no people came together to make the Constitution. The constitution was birthed by an outgoing military regime⁶ as the Nigerian Constitution does not provide for the right to self-determination for any part of the country to secede. The Constitution even lacks legitimacy. The attendant results of this restrictive assemblage of the Constitution is leading to great uproar, disenchantment and civil unrest and disobedience in the eastern part of the Nigerian State due to the acute and gross marginalization on the Igbo as a result of a “forced captured” belongingness to the Nigeria entity.

2. Right to Self-determination under the African Charter

The African Charter on Human and People's Rights⁷ also contains an article that addresses the right to self-determination. Its effect is not plausible. A close look at Article 20 reveals that the struggle for the right to self-determination is still centred on people under colonial rule. It provides as follows:

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the States Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

This situation like the Nigerian Constitution does not make any difference as it is akin to the sides of same coin. Even though Biafra may not be able to found a claim for a successful right to self-determination under the Charter as the Nigerian State was freed from colonial domination more than 60 years ago.⁸ But this can be achieved through the means of the conduct of a referendum by Biafra within its territory asking for its pre-colonial sovereignty which was

⁶ The military regime of General Abdusallam Abubakar in 1999 conducted elections and handed over in that same year to the democratic government of Chief Olusegun Obasanjo, a former military Head of State from 1976 to 1979.

⁷ African Charter on Human and People's Rights, adopted 27 June 1981, entered into force 21 October 1986.

⁸ The Nigerian State attained independence from Britain on October 1 1960.

forcefully captured. A paradigm shift on the part of the United Nations from its present stand is needed to achieve this.

3. Right to Self-determination under the United Nations Charter

The ratification of the United Nations Charter in 1945 at the end of World War II placed the right of self-determination into the framework of international law and diplomatic relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace.⁹ Article 5 of the Charter states that:

Immediate steps shall be taken in Trust and Non-Self-Governing Territories, or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

The implication of the above stated provision is that in declaring political autonomy from Nigeria in order to enforce the right to self-determination of Biafra, there must be a challenge to the traditional anti-secessionist United Nations stand. The present United Nations practice dictates that only colonies, those Third World nations under European domination can exercise the right to self-determination.¹⁰

Given the fact that it may be difficult to argue that Biafra meets the threshold of a colonial people or an oppressed people under the present template under municipal and international law or that they have been denied meaningful access to government to pursue their political, cultural and social development, any quest they may have for the right to self-determination under the United Nations Charter should be sought under the holding of a referendum as Biafra may not fight another war having fought one almost five decades ago. The way out is for the United Nations to be proactive by ordering the conduct of a referendum as the case we have at hand i.e. the current Biafra struggle where there exists gross marginalization in varying degrees.

FUNDAMENTAL PRINCIPLES AND POLICY OF BIAFRA

The Preamble of the Fundamental Principles and Policy of Biafra states that the State of Biafra shall be a union of voluntary nations with the same irreducible value-system, culture and historical ties. To join the union of Biafra, each proposed constituent nation or sub-nation listed below must vote in a referendum, where they will unambiguously assert their will to be part of the union of the State of Biafra. There shall be no, inducement, coercion, force, pressure or arm-twisting. The rebirth of the State of Biafra shall be a coalition of willing nations under the

⁹ United Nations Charter.

¹⁰ --, *Self-Determination* (Law Cornell. Edu, 2017) < https://www.law.cornell.edu/wex/self-determination_international_law> accessed on 1st March, 2021.

protection of the Most High Supreme Creator of the Universe Almighty God Chukwu Okike Abiama, in whose grace and protection we place our trust.¹¹

The idea of national autonomy is based on the principle of equality of all constituent Biafra nations. They shall constitute the primary area of Legislation, Governance, Management and Control of Natural Resources and issues relating to Self Determination. They include: Anioma-Igbo, Annang, Efik, Ibibio, Idoma/Igede, Igala, Ala-Igbo, Ikwere-Igbo, Itsekiri, Isoko, Izon, Ogoni, and Uhrobo.

The Purpose of Biafra Autonomous Nations are:

1. To reaffirm our faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,
2. To promote social progress and better standards of life in larger freedom,
3. To maintain national peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and national law, adjustment or settlement of national disputes or situations which might lead to a breach of the peace;
4. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
5. To achieve national co-operation in solving national problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.¹²

The State of Biafra government structure comprises of the executive (Biafra Parliament, Prime Minister and President), the legislative (Biafra Parliament, National Legislature and Chamber of Deputies), and the judiciary (Constitutional Court, Appellate Court, Court of Justice and Common Law Court). These Separation of Powers helps to make sure people are safe. The executive branch carries out the laws but cannot make laws to make themselves powerful. Also, the judiciary is responsible for making sure that criminals are punished so that members of the government or legislature cannot ignore the law as the judiciary can check on them.¹³

¹¹ IPOB, *Biafra Fundamental Principles and Policy* (IPOB.Org, 2015) <<http://www.ipob.org/2017/02/biafra-fundamental-principles-and-policy.html?m=1>> accessed on 1st March, 2021.

¹² IPOB, *Biafra Fundamental Principles and Policy* (IPOB.Org, 2015) <<http://www.ipob.org/2017/02/biafra-fundamental-principles-and-policy.html?m=1>> accessed on 1st March, 2021.

¹³ Ibid.

RATIONALE FOR THE SEPARATIST MOVEMENT OF BIAFRA

1. Ethnic Dissection and Competition

Scholars of Nigerian politics have tended to focus on ethnicity and inter-ethnic competition for federal power to explain why agitation for Biafra tends to recur. This perspective is best represented by Jibrin Ibrahim's argument that the current agitation for Biafra is led by the Igbo masses who feel disappointed by the failure of their elite to capture federal power. According to him, the current agitation for Biafra "represents a complete fracture between the Igbo elite and their masses" due to the inability of the former to capture the Nigerian presidency, and suggests that "the fact of the matter is that the Igbo elite has a strong empirical basis to read Nigerian political history as one of failure and frustration for them...With this failure of the elite, the Igbo lumpen have seized the initiative of following the path of disintegration".¹⁴ Both Victor Adetula and Olly Owen present similar accounts of the recurrence of Biafra separatism, although they see the elite rather than the masses as the main drivers of the agitation.¹⁵

2. Economic Marginalization

In Nigeria's national politics today, issues bordering on economic participation always take the centre stage. Discourse on national issues are not without reference to words like, 'fiscal federalism', 'derivation formula', revenue sharing, etc. because of the centralized nature of revenue generation and distribution among the three tiers of government. The constituent tiers of government rely heavily on revenue from the central government to meet their budgetary expenses, including even salaries of workers.¹⁶ This has been a subject of objection by the oil producing states because about 80% of the revenue is from oil.

Since the early 1970s, the main focus of political agitation in the South-South has been revenue allocation. Individuals, associations and governments of the oil producing states have been campaigning for a greater share of the country's oil wealth. Derivation (allocating revenue in a way that returns a high proportion of revenue to the region or state where it is derived) was a major principle of both vertical and horizontal revenue allocation in Nigeria before the 1970s... This was the period when solid minerals (mainly tin and coal) and export crops were the leading sources of revenue. About 50% of federally collected revenue was shared on the basis of derivation.¹⁷

3. State Society Relations

The persistence of Biafra separatist agitation also links it to the nature of state-society relations in Nigeria. Studies by Ukoha Ukiwo and Godwin Onuoha represent this perspective. Ukiwo

¹⁴ J Ibrahim, "Resolving the Igbo Question," *Premium Times* (30 November 2015) <<http://blogs.premiumtimesng.com/?p=169859>> accessed on 1st March, 2021.

¹⁵ V Adetula, "Ethnic Agitation in Nigeria," *NAI Newsletter* (30 November, 2015) <<http://www.nai.uu.se/news/articles/2015/11/30/140122/index.xml>> accessed on 1st March, 2021.

¹⁶ C Okocha and O Ezigbo, 'Governors Meet Wednesday, Seek Bailout to Pay Salaries' *This day* (Lagos, 17 June 2015) <<http://www.thisdaylive.com/articles/governors-meet-wednesday-seek-bailout-to-pay-salaries/212244/>> accessed 1st March, 2021.

¹⁷ EO Okeke, 'The South-South and the National Conference of 2014' *International Journal of Arts and Humanities* [2015] (4) (1) 98 at 99.

attributes the re-emergence of Biafra separatist movement to state violence – defined as “any act by the state or its agents that causes physical or mental injury against the person or property of its law-abiding citizen or group of citizens.”¹⁸ According to him, the absence of state violence in the immediate post-civil war era and its rise following the violent military coup of 1976 explain the decline and resurgence of Biafra agitation in the post-war period.

Onuoha, on the other hand, attributes the re-emergence of Biafra separatism to the opening up of Nigeria’s political space following the country’s transition to democracy in 1999. He posits that since 1999, Nigeria’s political space has been diversified following the entrance of new non-state actors, such as ethno-nationalist movements, into that space. According to him, the post-1999 political space is characterized by “confrontation between state-led nationalism and state-seeking nationalism [led by non-state actors].”¹⁹

In the contest, the state-seeking nationalists appear to be losing out to the hegemonic state led nationalist project, prompting a change of strategy by ethno-nationalist groups and intensification of the demands for alternative spaces and parallel structures of power. The result of these developments is increase in separatist agitation.

4. Political Marginalization

As things stand presently, there are some segments of the country that still feel that the political power structure of the nation is lopsided and therefore favours others against themselves. But whether this is the case and meets the threshold of exclusion and oppression to qualify for self-determination remains to be seen, as the ensuing portion of this work amply demonstrates. The intriguing nature of power 'rotation' in Nigeria has basically quieted some interest groups and their demand for secession. The entire southern part of the country on return to democracy in 1999 insisted that the North had had more than a fair share of political power and it was time it moved to one of the regions in the southern part of the country. The most vocal region at the time for 'power shift', the South West, got the position of the President. Similarly, the South-South region's agitation was rewarded with the position of a Vice President in 2007 and later the position of the President. Furthermore, the 'core North' regained power at the centre in 2015 after losing out due to the untimely death of President Umaru Yar'Adua, who was from that part of the country.

5. Expiration of Nigeria’s Amalgamation Proclamation and Restoration of the Sovereign State of Biafra

In 1914, the British Government under the recommendation of Frederick Lugard amalgamated the southern and northern regions of areas bordering with Cameroon, Chad, Niger, and Benin republic, and proclaimed the amalgamated geo-space as a country with the name Nigeria. This amalgamation was executed without the consent of the indigenous people that constitute these

¹⁸ U Ukiwo, “Violence, Identity Mobilization and the Reimagining of Biafra,” *Africa Development*, [2009] (9) (30) 12.

¹⁹ G Onuoha, “Contesting the Space: The ‘New Biafra’ and Ethno-Territorial Separatism in South-Eastern Nigeria,” *Nationalism and Ethnic Politics* [2011] (17) (4) 403.

regions. According to the proclamation documents, the amalgamation was conditioned to have a lifespan of 100 years (expiring on December 31, 2013) after which any of the amalgamating regions or peoples would have the right to opt out. For the past 100 years, the indigenous people of Biafra who are part of the constituents of Nigeria have suffered untold hardship, threats to their culture, tradition and their way of life combined with political and economic emasculation, and annihilation of her citizens by the Hausa/Fulani-Yoruba dominated Nigerian government. The Indigenous People of Biafra, resolved not to extend the amalgamation and thereby stated that Nigeria ceases as a legal corporate entity which represents the Indigenous People of Biafra in any capacity from the 1st of January 2014.²⁰

6. Insecurity and State Failure

When a particular ethnic group feels that they do not have a stake in the future of an existing political unit they may tend to agitate for their own political unit. This is especially so where the political entity has failed socially, economically and politically. To illustrate state failure by focusing on Nigeria, the government seems to be helpless to prevent or adequately respond to the frequent killing and destruction of lives and properties in Nigeria. This leads to questions on the ability of Nigeria's national security to function proactively. The inability of the Nigerian government to resolve the agitations in "South South", "South East", the herdsmen and farmers' conflicts and Boko Haram in the North East, kidnappings and abductions, among others, serve as good examples through which to examine the inefficiency and lack of trust which are the tenets of state failure.²¹

THE IMPROBABLE HURDLES AGAINST IPOB

It has been acknowledged that, perhaps, nothing is impossible in time and space. However, from the available evidence herein discussed, it seems unlikely that, the IPOB quest for a separate nation-state and sovereignty is unlikely to succeed. For example, in *Re-Secession of Quebec*,²² the Supreme Court of Canada held that the Canadian Constitution does not give Quebec the right to secede and become an autonomous nation-state. It went further to emphasize that the principles of self-determination under international law has not made provisions for secession as a right. The court thus, held that there were no conflicts between the Canadian Constitution and international law. There were no evidence to support the claims that Quebec as unique peoples are victimized and oppressed by the government of Canada.

It is likely that, the Indigenous Peoples of Biafra (IPOB) may likely face the same outcome as that of Quebec in the event that they litigate on the basis of exercising their rights to secede from Nigeria. The core-Igbo states are currently well represented in all corridors of the federal

²⁰ Executive Council of Indigenous People of Biafra, *Expiration of Nigeria's Amalgamation Proclamation and Restoration of the Sovereign State of Biafra* (Det Udenrigspolitiske Nævn, 2013) 1.

²¹ EO Ekpenyong, 'The social and Political Roots of Conflict in Nigeria: The Role of the Church' *American Journal of Social Issues & Humanities*, [2011] (1) (2).

²² In the matter of a Reference by the Governor-in-Council concerning certain questions relating to the secession of Quebec from Canada, as set out in Order in Council PC 1996-1947 (sic), dated the 30th day of September, 1996. Indexed as: Reference re Secession of Quebec. 1998 Can Sup Ct Lexis 39 (hereinafter *In Re Secession of Quebec*).

government, for example, Imo State has 5,825 personnel²³ in the federal civil service which is the state with the highest number of persons in the federal civil service. Igbos are also well represented in the Judicial Service of the federal government and in all other relevant agencies. It is therefore, unlikely for the IPOB to substantiate the allegation of oppression which is a key variable for secession to gain international backings. The five core-IPOB states receive annual remittance and project allocations from the federation account in proportion to the principles of need and, the principle of equality of states. Also, there is no restriction on IPOB citizens from contesting into any of the elective offices in the federal setup.

It is doubtful that, the IPOB grounding of their struggle on the provision of the UN Declaration on Indigenous Peoples' Rights, will ever yield any success because, the UN instrument requires voluntary compliance and not legally binding. The UN Declaration does not provide the mechanism for its enforcement. In this discourse, we have explained that several international legal instruments including the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), generally referred to as the International Bill of Human Rights identifies the peoples' right to self-determination. It is important to note that, the ICCPR provides for judicial enforcement which can only be brought to bear by initiating a communication form of petitions in accordance with the Optional Protocol. In *Lubicon Lake Band v Canada* the Committee held that an individual cannot initiate a communication for violation of the common Article 1 of the ICCPR and ICESCR. The committee also held that the First Optional Protocol made the provision for procedure in respect of petitions for the violations of individual rights as contained in Part II of the Covenant in Articles 6 to 27 only. Thus, if a group wish to enforce their collective rights to self-determination, they can do so, only through their countries' communication procedures.

NEGATIVE IMPACT OF THE RECURRING AGITATION FOR BIAFRA

How then has the increasing tendency towards radical-separatism in the South East zone impacted on the region and the Nigerian society, in general? There are several fundamental consequences of recurring Biafran agitation for the region and the nation.

1. Disruption of Economic Activities

Due to the frequent demonstrations by pro-Biafra activists and the clashes between them and the security agencies, economic activities are often disrupted in locations where these protests occur. The tendency for pro-Biafra protests to disrupt economic activities is understandable considering that most of the protests occurred in the major commercial areas of the South East. The media analysis of pro-Biafra protests indicates that 16 incidents involving pro Biafra separatists were reported in two national dailies (The Sun Newspaper and the Vanguard Newspaper) between 28 March 2014 and 14 June 2016. Of these, eight incidents occurred in Onitsha, while five took place in Aba; other cities in the South East and South South such as Asaba, Port Harcourt, Abakaliki, Enugu, Ikom and Yenagoa, recorded one to three incidents.²⁴

²³ 2015 Nominal Roll of the Bureau of Public Service Reforms, Abuja.

²⁴ Compilation of Incidents involving pro-Biafra Separatists.

2. Discouragement of Investments in the South East

Related to the problem of disruption of economic activities is the issue of discouragement of investments in the South East. Since the last two decades, the South East has been struggling with a declining economy. While poverty rate in all regions of Nigeria has increased in the past two decades, the degree at which the number of poor in the South East spiralled is indicative of the plunge in the region's economic prosperity. The decline in the economic fortune of the South East reflect on the number of publicly quoted companies in the region, which is the least in Nigeria.²⁵

With the absence of formal enterprises, the South East's economy is essentially informal, employing less number of graduates than other regions. The informal nature of the South East economy has a link with the Biafra war. The war forced many formal businesses out of the zone and following the indigenization of many of these businesses and the transfer of their ownership to individuals from other parts of Nigeria, not many companies considered it expedient to return to the South East.²⁶ The economic depression of the late 1970s and 1980s stifled the remaining formal businesses and frustrated attempts by Igbo entrepreneurs to sustain formal businesses in the area. With increasing hostilities between Biafra separatists and Nigerian authorities, the investment climate in the South East could be made more unfriendly, discouraging potential investors from directing their resources to the area.

3. Security Challenges

There is a strong potential for the increasing separatist agitation in the South East to further complicate the security situation in the region by providing a basis for potential criminals to become part of the protesters, and switch easily from being Biafra protesters to armed bandits. Anecdotal evidence points to this possibility as some pro-Biafra protesters have been identified as former members of the Bakassi Boys and other armed groups who are bussed from one location to the other to lead the protests. Without any stable means of livelihood, these protesters could constitute serious threats to security in the region.

At the national level, recurring agitation for Biafra can intensify existing security challenges. Nigeria ranks, on several global indices, as one of the countries that are most severely affected by violence and insecurity in the world.²⁷ Security challenges in Nigeria manifest in multi-faceted ways, but the most disturbing form of insecurity is intercommunal, political and sectarian violence. As discussed earlier, the Igbo community, mainly in Northern Nigeria, is usually the victims of these recurrent attacks,²⁸ and this has created a deep sense of disaffection

²⁵ One example of companies that never resumed business in Eastern Nigeria after the civil war is Chief Adeola Odotola's tyre-retreading plant at Onitsha; see Tom Forrest, *Makers and the Making of Nigerian Private Enterprise* (Spectrum, 1995) 62.

²⁶ AOAV (Action on Armed Violence), "The Violent Road: Nigeria's South East," (12 December 2013) <aoav.org.uk/2013/the-violent-road-nigeria-south-east/> accessed on 1st March, 2021.

²⁷ AOAV (Action on Armed Violence), "The Violent Road."

²⁸ The recent attacks by suspected Fulani-Herdsman on some Igbo communities, with Nimbo community in Enugu State being the most notable case, have introduced a new pattern in which the Igbo were attacked within the Igbo area.

among the Igbo which can be exploited by the Biafra separatists. As inter-communal violence involving the Igbo continue to recur, Biafra separatists could utilize such attacks as basis to mobilize support, intensify their struggles, and attempt to launch reprisal attacks. Considering that the Nigerian security forces has proved incapable of preventing inter-communal violence, forcing state governments to explore alternative security measures, the intervention of the Biafra separatists is reasonably likely.

4. Rise in Radical Separatist Groups

The intensification of the activities of radical-separatist groups such as MASSOB and IPOB has a cultural dimension which involves an increasing break down of existing forms of inter-generational relationship. Since the 1970s, the “Igbo cause” has been championed by elite-led organizations formed by the “older generation,” seeking mainstream-inclusivism. However, with the rise of radical-separatist groups since 1999, existing forms of cultural and inter-generational relations are being redefined. Mainstream organizations, such as Ohaneze-Ndi-Igbo and Aka Ikenga, have declined as, if not ceased to be, the dominant voice that speaks for the entire group.

This development feeds into the broader Nigerian context where youth-based groups, youth revolt and agitations currently play a critical role in Nigeria’s political process, with far-reaching implications for exercise of power and authority, social cohesion, and peace building.²⁹ One immediate consequence of this development might be further fragmentation of the Igbo society, which could make consensus building on several issues extremely difficult to achieve.

RECOMMENDATIONS

This study maintains that mitigating the negative consequences of the recurring agitation for Biafra requires well thought conflict resolution strategy. However, the current government’s strategy for dealing with the Biafra separatist movement which focuses mainly on police action has not been very useful in addressing the problem. Against this backdrop, this study proposes the following measures to address the agitation:

1. The Nigerian government should establish an independent commission of inquiry to conduct a transparent, comprehensive, and impartial investigation into alleged unlawful killings and other human rights abuses of Biafra supporters.
2. The Nigerian government should conduct quick, open and fair trial of Biafra agitators in detention.
3. The Nigerian government should set up a high-level Peace and Reconciliation Commission to engage with pro-Biafra groups with a view to devising an effective approach to the resolution of the agitation for Biafra.
4. To support the process of reconciliation, the Nigerian government should tone down its threats of use of force against pro-Biafra protesters, apply force with utmost restraint

²⁹ C Obi, *Generational Dimensions to Struggles for Resource Control in the Niger Delta: Prospects for the Nation-State Project in Nigeria*,(CODESRIA,2006).

and only in extreme situations, and prosecute violent protesters according to the due process of law.

5. The governments and leaders of the five South East states should establish an economic revitalization scheme that would complement the interventions by the federal government and other stakeholders.
6. Igbo leaders who support separation should tone down their rhetoric.

CONCLUSION

Self-determination has become a mainstay of nationalist political claim, but it holds a limited utility as a legal right and it is always at war with the principles of sovereignty and territorial integrity that form the nucleus of the international system of states.³⁰ Despite the celebration of this 'right' for enhancing independence and self-government to oppressed groups, yet it remains a highly contentious norm of international law.³¹

The failed attempt of the Igbos in Nigeria to secede and form the Republic of Biafra and the Katanga people of Democratic Republic of Congo (DRC) are other intriguing instances of failed attempts to secede in pursuit of the right to self-determination with colossal human and material cost on both sides of the divide. These examples are an indication that the invocation of the right, where it has an element of secession, is not granted for the asking, whether under municipal law or international law. However, where the decision to self-determine with a view to secession is a product of domestic agreement as in the case of Scotland/United Kingdom and by extension Sudan/South Sudan, or where it is allowed by the municipal law, especially the constitution, it sets the ground for seamless disengagement of the new state.

³⁰ CK 'Connolly, Independence in Europe: Secession, Sovereignty and the European Union' *Duke Journal of Comparative & International Law* [2013] (24) (51) 53.

³¹ D Sheldon, 'Self-Determination in Regional Human Rights Law: From Kosovo to Cameroon' *The American Journal of International Law* [2011] (105) (1) 60.