

APPRAISAL OF RIGHT TO SELF DETERMINATION UNDER INTERNATIONAL LAW: A CASE FOR INDEPENDENT STATE OF BIAFRA

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Background of the Study

This research aims at appraising the international laws that guarantee rights to self-determination, with a specific focus on Nigeria, where there has been a lingering agitation for “Sovereign State of Biafra.” This research shall x-ray the struggle for independence of some selected countries, expound on the procedures and intricacies of self-determination under International Laws.

Nigeria hosts different agitations, prominent among which is the dissatisfaction with the system, by Southern Nigeria, citing political marginalization and economic deprivation of its people by the Nigerian government. This dissatisfaction dates back to Nigeria’s colonial history and merging of people and culture in Africa by Europe in the pre-World War I and the full-blown colonisation, aided by the 1884 to 1885 Berlin conference that formed the foundation for contemporary states in Africa.¹

The amalgamation of Northern Protectorate and the Southern Protectorate to become ‘Nigeria’ in 1914, by Lord Frederick Lugard, yoked together, the North, predominantly Muslims, and the South, majorly dominated by Christians,² into a common State.

¹ Eric, P. (2016). The Amalgamation of Nigeria: Revisiting 1914 and the Centenary Celebrations. Canadian Social Science, 12(12), 66-68. Available from: <http://www.cscanada.net/index.php/css/article/view/9079> DOI: <http://dx.doi.org/10.3968/9079>, accessed on 27th July 2021.

² M C Isiani, N A Obi-Ani, (2019), Amalgamation of Northern and Southern Protectorates of Nigeria: Blessing or Curse? https://www.researchgate.net/publication/336901133_AMALGAMATION_OF_NORTHERN_AND_SOUTHERN_PROTECTORATES_OF_NIGERIA_BLESSING_OR_CURSE/link/5ec4480392851c11a8777a9c/download, accessed 26th July 2021.

Although this divide predates the present administration of Nigeria, successive government, who are majorly led by personalities from Northern Nigeria has favoured particularly Northerners in the State's policy formulation and implementations, government appointments, allocation of economic resources, and project execution in all aspects of the government, all to the detriment of the aggrieved Southerners. The government also negotiates and grants amnesty to terrorists, criminals, kidnappers and bandits in the Northern part of Nigeria while they order the arrest, prosecution and killing of those agitating for justice, fair share, security, good governance and agitators for rights to self-determination in the Southern part of Nigeria. The high rate of agitations as a result of lack of inclusiveness in governance have left the country in a debilitated state, it has further divided the country more than ever before,³ caused a lot of bickering among the southerners and also has raised a lot of consciousness and agitations for secession and self-determination from other sub-regions of the country *to wit*: the Yoruba (of the South-West), the Igbo (of the South-East) and Niger Delta (of the South-South). This dissatisfaction by Southern Nigeria has consequently fanned the ember of the emergence of different separatist groups, militias and regional autonomy agitators; among which are *Movement for Actualization of the Sovereign State of Biafra (MASSOB)*, by the *Indigenous Peoples of Biafra (IPOB)*; the *Niger Delta Avengers* and *Movement for the Emancipation of Niger Delta*, both from the Niger Delta;⁴ *Movement for the Survival of Ogoni People (MOSOP)*, by the Ogoni people; *Oduduwa Peoples Republic* and *Oduduwa People's Congress (OPC)* by the South-West, etc.

Unfortunately, the present administration of Nigeria has clamped down on all forms of separatist movements as well as arrested their members and leaders; prominent among them is *Mazi Nnamdi Kanu* (leader of the *Indigenous Peoples of Biafra*) and *Sunday Adeyemo* (of *Oduduwa*

³ Z Adangor, (2017), Separatist Agitations and the Search for Political Stability in Nigeria, *Donnish Journal of Law and Conflict Resolution*, Vol 3(1) p. 001, <http://www.donnishjournals.org/djlcrl> ISSN: 2984-8601.

⁴*Ibid*, pp.001-002

Peoples Republic), who are championing the sovereign states of Biafra and the Oduduwa Republic, respectively. While Nnamdi Kanu was illegally extradited to Nigeria from Kenya for treason and other allied offences without compliance with international protocols or recourse to extradition proceedings, Sunday Adeyemo is currently being tried in the Benin Republic with the intention of the Nigerian government to extradite him to Nigeria for trial.

The Nigeria President, Muhammadu Buhari, in 2017, told British Broadcasting Corporation (BBC) that ‘Nigeria's unity is settled and not negotiable.’⁵ It is most unfortunate that such statement undermines the fundamental right of Nigerians for self-determination.

Research Questions

Following the above speech by Mr President, which he has severally reiterated in different fora,⁶ I have conducted in-depth scholarly research into the subject matter of the rights of self-determination, using Nigeria as my case study. Thus, I have developed the following questions, in order to satisfactorily negate or appraise the assertion of the President that Nigeria's unity is settled and not negotiable;

- (a) Is Nigeria’s amalgamation meant to have a perpetual effect?
- (b) Does Nigeria’s diverse interests, considering its heterogeneity and religious disparities, unfair resource allocations disappear to create a “one Nigeria”? In other words, is there a “one Nigeria”?
- (c) Should Nigerians continue to live together as an entity, especially amidst the scourge of the Boko-Haram terrorist group, the spate of micro-nationalisms, threats of disintegration, corruption and politics of resource control?

⁵<https://www.bbc.com/news/av/world-africa-41004640>, accessed 27th July 2021.

⁶<https://guardian.ng/politics/nigerias-unity-not-negotiable-buhari-insists/> Accessed 26th July 2021.

(f) Are there provisions for rights of self-determination under international laws?

(g) What is the position and role of the United Nations, International Court of Justice and other international bodies in the protection and enforcement of these rights?

Aim and Objectives of the Study

This research aims to appraise the international laws guaranteeing the rights of self-determination, with specific reference to the agitation for a Sovereign State of Biafra. The researcher will comprehensively appraise international instruments like the Magna Carta (1215), The English Petition of Rights (1627), the United Nations Charter (1945), Universal Declaration on Human Rights (1948), International Covenant on Civil and Political Rights (ICCPR) (1966), International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), amongst other (optional) protocols, treaties, and conventions providing for these rights. The research will also look into institutions like the United Nations and the International Court of Justice and their roles in the enforcement of these rights.

Research Methodology

The researcher will adopt both doctrinal and empirical research methodology in carrying out his research. This will be done using primary sources like statute books and law reports; and secondary sources like journal articles, law textbooks by renowned authors, etc. The researcher will also conduct fieldwork in the concerned areas in the Southern part of Nigeria where qualitative interview vide sample questioning centering amongst others, on their choices for self-determination, will be administered on different ethnographies (particularly to the market traders, religious places, some selected villages, students, and the members of the academic communities etc). The researcher has the hope of concluding this research within three years.

Limitations of the Study

Some of the problems and challenges the researcher will encounter include the dearth of local literature and decided cases and the fact that the few texts that exist are scarcely available in public libraries. The author therefore will place reliance on foreign and school library materials, and international instruments. The physical limitations, which will confront the researcher in the course of the research, will be largely the lack of funding to conduct the research and studies, including conducting field research in some relevant places in Nigeria. The researcher is therefore anticipatory that this vital research will receive a scholarship.

Significance of the Study

This research is significant as it explores avenues to broaden the accessibility of the knowledge relating to the rights of self-determination and how those rights can be exercised under international law rather than the aggrieved people resorting to self-help, civil unrest, boycotts, and massive destruction of lives and property. The suggestions and recommendations in this study shall also serve as resource material to the concerned people within the Southern part of Nigeria who are agitating for an independent state of Biafra and other people in Nigeria and all over the world who feel disassociated in their states, to resort to the international principles in expressing their rights. The study will also be of great benefit to researchers, law academics, law students and the United Nations.

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