



THE EFFECT OF INJUSTICE AGAINST EASTERN NIGERIA AND THE DEMAND FOR SELF-DETERMINATION BY INDIGENOUS PEOPLE OF BIAFRA (IPOB)

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Abstract

The contemporary self-determination by the indigenous peoples of Biafra has its root in the Nigerian Civil War which occurred between 1967 and 1970. In any large society with schismatic ethnicities, identity provides lines of argument on who will be included or excluded in the political space. This most times, has resulted in civil wars or contests for self-determination especially among the minorities. The Political exclusion, identity or ethnic crises resulted in the quest for self-determination by the Indigenous peoples of Biafra in Eastern Nigeria. This study investigates the effects of criminal injustice against Eastern Nigeria and the demand for self-determination in Nigeria. A qualitative method of data collection was adopted. 150 respondents were selected through simple non-random level. Two hundred and fifty (250) In-depth Interviews (IDIs) and One hundred and fifty (150) Key Informant Interviews (KIIs) were conducted. The data were analyzed at Univariate level using frequencies, and percentages statistics and the qualitative data were analyzed using thematic and content analysis. The mean age of the respondents was 35.0 ± 10.4 years. 80% of the respondents were indeed shocked by the turn of events, which are totally at variance with Mr. President's earlier stand that he was for nobody but that he was for everybody. The study recommends that the federating units should be incorporated into the present six geo-political zones in Nigeria and Presidential elections should be allocated to these zones in alphabetical sequence.

Keywords: Crime, Justice, Self-determination, Human Rights, IPOB, UN Covenants.

Introduction

According to Donnelly (1990), the emergence of Justice in the society is the prerequisite for Human Rights. Rights are literally what one has simply because he is a human being. Donnelly (1990) argued that human rights set out minimum conditions for a dignified life, a life worthy of a fully human being. They are the entitlements individuals or groups enjoy. The Nigeria 1999 constitution in Article 17(2) (a) and Article 42(1) guaranteed freedom from discrimination and equality before the Law. Article 34(1) of the Fundamental Rights provides right to personal Liberty. Human Rights guarantee different members of the citizenry equal conditions and treatment. These include the Magna Carta of 1215; French Revolution: Liberty, Equality, Fraternity; the Charter of Fundamental Rights of the European Union; the United States Bill of Rights; English Bill of Rights for the Englishmen in 1689; the African Charter on Human and Peoples' Rights, etc. (Vasak, 1977, p.35). Jaffrelot, (2003) & Ikpeze, (2011) refer to policies that take into consideration race, ethnicity and gender in an attempt to promote equal opportunity in all spheres of life such as employment, education, holding public office and decision-making as Affirmative Action. The policy is to counter discrimination against minorities. Affirmative action seeks

to redress past discrimination through active measures to ensure equal opportunities for both women and men. Affirmative action can also be referred to as positive policy. It involves equity for every human being. Affirmative action is a subtle systematic and gradual machinery of achieving both equity and liberation without force. It is predicated on Governments' positive policies and the will to actualize such positive policies.

The United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights state that all peoples have the right of self-determination by virtue of which they “freely determine their political status and freely pursue their economic, social and cultural development”. (Part one, Article one, 1966). Despite international recognition and acceptance of the Rights, which guarantees the fundamental rights of all human beings, in practical fact Indigenous Peoples’ human rights remain without specifically designated safeguards. To this day, Indigenous Peoples continue to face serious threats to basic existence due to systematic government policies. National governments continue to deny Indigenous Peoples the right to live in and manage their traditional lands; often implementing policies to exploit the lands that have sustained them for centuries. In some cases, governments have even enforced policies of forced assimilation in efforts to eradicate Indigenous Peoples, cultures, and traditions. The United Nations Special Rapporteur to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Indigenous communities, peoples and nations defined Indigenous peoples as:

those which having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (Martinez-Cobo, 1984).

According to United Nations Basic Facts (2000), there has been increase in the cases of Indigenous peoples who are considered one of the world’s most disadvantaged groups. Indigenous peoples are also called “First peoples”, Aborigines and Autochthons. There are at least 5,000 indigenous groups, made up of 3000 million people, living in over 70 countries on five continents. The bone of contention in the life of Indigenous peoples is that they are excluded from the decision-making processes, marginalized, exploited, and forced assimilated. They are subjugated to repression when they speak out in the defense of their rights. Despite such extensive diversity in Indigenous communities throughout the world, all Indigenous Peoples have one thing in common - they all share a history of injustice. Indigenous Peoples have been killed, tortured and enslaved. In many cases, they have been the victims of genocide. They have been denied the right to participate in governing processes of the current state systems and the fundamental right of self-determination. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted at UN Headquarters in New York City on 13 September 2007. This is a significant tool towards eliminating human rights violations against the planet's 3000 million indigenous people and assisting them in combating discrimination and marginalization.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) codifies "Indigenous historical grievances, contemporary challenges and socio-economic, political and cultural aspirations". It is a "culmination of generations-long efforts by Indigenous organizations to get international attention, to secure recognition for their aspirations, and to generate support for their political agendas. The Declaration sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues. It also "emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations". It "prohibits discrimination against indigenous peoples", and it "promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development". The goal of the Declaration is to encourage countries to work alongside indigenous peoples to solve global issues, like development, multicultural democracy and decentralization. According to Article 31, there is a major emphasis that the indigenous peoples will be able to protect their cultural heritage and other aspects of their culture and tradition, which is extremely important in preserving their heritage (Wikipedia.org).

Below are the Objectives of the Declarations by the United Nations in New York: Concerns about references to self-determination and their potential to be misconstrued, Ignorance of contemporary realities concerning land and resources, "They seem, to many readers, to require the recognition of Indigenous rights to lands which are now lawfully owned by

other citizens, both Indigenous and non-Indigenous, and therefore to have some quite significant potential to impact on the rights of third parties. "Concerns over the extension of Indigenous intellectual property rights under the declaration as unnecessary under current international law. The potential abuse of the right under the Declaration for indigenous peoples to unqualified consent on matters affecting them, "which implies to some readers that they may then be able to exercise a right of veto over all matters of state, which would include national laws and other administrative measures."

The exclusivity of indigenous rights over intellectual, real and cultural property, that "does not acknowledge the rights of third parties – in particular, their rights to access Indigenous land and heritage and cultural objects where appropriate under national law." Concerns that the Declaration places indigenous customary law in a superior position to national law. The UN Declaration on the Rights of Indigenous Peoples (2007), by the General Assembly, was Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter, Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such, Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind, Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests. Articles 2, 3, 4, 5, and 6 of the Declarations gave impetus to the Indigenous peoples of Biafra (IPOB), The Movement for the Actualization Sovereign State of Biafra (MASSOB) and Biafra Independent Movement (BIM) the boost for demand to Self-determination. They are:

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Historicizing Self-Determination in Nigeria

In 1967, Chukwuemeka Odumegwu Ojukwu declared the people's republic of Biafra. The Nigerian military consequently entered the region and block food supplies to the population. As a result, more than one million people died due to starvation. According to the Authority Daily, more than 45years ago, the Igbos are yet to be integrated into the Nigerian political landscape. The agitation for self-determination in Igbo land become resounding because of the absence of a sense of belonging in the nation state of Nigeria due to denial of significant Federal presence of essential social infrastructure in the area. The most glaring example of the pre-and post-war injustice is the issue of state creation where the Igbo of South-East was marginalized to no end. Initially, they were lumped into one single state called East Central State by Gowon's anti-Biafra state creation. Today, other geo-political zones had six states apiece and one zone, the North-West,

had seven states but South-East has only five states. The imbalance in the state creation led ostensibly to imbalance in ward and local government creations in South-East. At present, we practice centripetal federalism in nature and practice. Yet the Igbos are the victim of the centripetal system.

The Igbo land is crude oil rich but there is no single refinery built by the federal government of Nigeria in that area. There is no concerted reconstruction process in the region 45 years after the civil war. A reporter pointed out that the present Government adds salts in the wounds of the people by alienating the Igbos from the strategic military appointments into the constitutional body known as the National Defence Council. NicCheeseman, professor of African politics at the University of Oxford, noticed the present protests are a result of similar factors that led to Original Biafran Uprising, in particular, a sense of political disenfranchisement among the Igbo people. Some of the Wounds of the Civil war have not healed and the Igbo people have lost patience in the slave ideologies that the Nigerian state has foisted on them, he concluded. Donnelly noted that peoples can be denied self-determination by fellow nationals as well as by foreigners. Examples of the peoples according to Donnelly are the Igbos in Nigeria and the Somalis in the Horn of Africa (Donnelly, 1990, p.46).

The Authority Newspaper observed that grievance situations made the youths moved into serious protests in the Nigerian streets demanding for self-government under International Laws especially when the alleged Leader of the Indigenous peoples of Biafra (IPOB) and Director of Radio Biafra in Europe, Mr. Nnamdi Kanu was arrested in his hotel room in Lagos (The Authority, 11 December, 2015, p.52). Conversely, the youths within a group organized themselves to perform the role of liberating vanguard. The Movement for Actualization of the Sovereign State of Biafra (MASSOB) and the Biafra Independent Movement (BIM) were in this category. Put differently, the driving forces for the formation of these movements are marginalization. The protesters do not want the Igbo race to be part of Nigeria where marginalization, injustice, inequality and violence remain entrenched in the national life. Intense elite struggles for power are a striking feature of Nigerian politics. The key element of the struggle has been the tension between elites from the largely Moslem North and the Christian South. Before the 1914 amalgamation and the introduction of federalism in 1954, each of the ethnic-nationalities lived independently. Each of them enjoyed autonomy which explains insignificant social strife when compared to experiences after the amalgamation. In expression of the volume of problems bedeviling Nigeria state, Awolowo (1947) described Nigeria as a mere geographical expression and Ahmadu (1962) and Onu (2008) affirmed that the amalgamation is the mistake of 1914.

In order to avoid conflict and to ensure equal representation of states in federal institutions, two office distribution arrangements – the principles of federal character and zoning emerged as modalities for resolving elite conflicts over distribution of offices. These office sharing arrangements express the tendency of the Nigerian elite since the 1970s to manage ethnic diversity and promote a Nigerian state project by avoiding divisive politics and emphasizing ‘unity in diversity’. As controversial as the federal character principle may look, it is enshrined in the constitution and any lopsided appointment by any government is illegal and unconstitutional, at least until this section is amended. The principle of federal character highlights the need to consider ethno-regional diversity in the composition of public offices (Orji, 2008). Several other sections of the 1999 Constitution laid down the *modus operandi* of the principle of federal character.

The following are some of the highlights: The president of the Federal Republic shall appoint at least one minister from among the indigenes of each state of the federation (Section 135(3)). The president shall reflect the federal character of Nigeria in the appointment of persons to such offices as those of the secretary of the federal government, head of civil service of the federation, ambassadors, high commissioners, permanent secretaries or other chief executives of federal ministries or departments, and any office on the personal staff of the president (Section 157). The members of the executive committee or other governing body of the political party shall be deemed to reflect the federal character of Nigeria only if the members belong to different States not being less than two-thirds of all the States of the Federation (Section 203(b)).

The apex Igbo organization in Diaspora, the Igbo World Assembly, IWA, faulted the recent appointment by the current administration. The President of the IWA, Dr. Nwachukwu Anakwenze said that such appointment contravene the Federal Character as enshrined in Section 14 of the Constitution of Federal Republic of Nigeria in his keynote address at the just concluded World Igbo Congress (WIC) 2015 Convention held in Los Angeles, California, the United States of America. He argued that the change promised should be a positive change not change driven by a pattern of bigotry, religious or ethnic chauvinism. The diaspora group, among other things further demanded that the National Confab decisions must be honoured and implemented, construction of the Federal roads in the South-East and South-South zones to be completed, construction of the Airports and Seaports in the South-East and South-South zones to be completed, among others. He added

that records have showed that only 25 per cent of the president's appointments were from the south while an overwhelming 75 per cent are the north. To him, the president has violated the constitution- "Third Schedule of the 1999 Constitution" which states that the government must ensure "*the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government.*" He concluded that President Mohammed Buhari has no reason as the elected president of Nigeria to disregard the oath he swore to uphold the constitution of Nigeria (Vanguard, 23 November, 2015.p.54).

Therefore, the justification for self-determination by the Igbos is in consonance with Self-determination recognized as a right of all peoples in the United Nations Charter, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, known collectively as the International Bill of Human Rights. The political origins of the modern concept of self-determination can be traced back to the Declaration of Independence of the United States of America of 4 July 1776, which proclaimed that governments derived 'their just powers from the consent of the governed' and that 'whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it. Both the UN and the majority of authors maintain that the principle of self-determination is part of modern international law.

There are indeed good reasons for recognizing its legal character, as after its mere inclusion in the UN Charter the principle has been confirmed, developed, and given more tangible form by consistent State practice and was embodied among 'the basic principles of international law' in the Friendly Relations Declaration. The principle of self-determination is binding upon the parties, whether they have adopted it as the basis or as a criterion for the settlement of a particular issue or dispute. Self-determination includes the right of a people of an existing State to choose freely their own political system and to pursue their own economic, social, and cultural development. As such it does not, in light of the current state of international law, impose on all States the duty to introduce or maintain a democratic form of government, but essentially refers to the principle of sovereign equality of States and the prohibition of intervention which are already part of international law.

Methodology

The study is an exploratory survey by design. It employed qualitative methods of data collection. The study was carried out among residents of South East and South-South Geographical Zones of Nigeria. The study adopted non-probability sampling design, meaning that, the sampling techniques were based on non-random selections. For the non-random sampling, purposive sampling technique was adopted to select Indigenous peoples of Biafra (IPOB),The Movement for Actualization of the Sovereign State of Biafra (MASSOB), and the Biafra Independent Movement (BIM),Ezes and Leaders of Thought who participated in both In-depth Interviews (IDIs) and Key Informant Interviews (KIIs). This is considered appropriate because the study sought to ensure variation related to educational background, gender, cultural background and age in order to unfold hidden knowledge of the study matter from different categories of people with different perspectives. Using Statistical Package for Social Sciences (SPSS), descriptive statistics such as frequencies and percentages were employed to analyze background information of respondents consisting of univariate variables. Qualitatively, data collected through IDIs and KIIs were transcribed and analyzed by both content and thematic analyses. Ethical principles guiding social sciences research such as informed consent, non-maleficance to participants, anonymity and confidentiality were adhered in the course of the study.

Socio-Demographic Characteristics of Respondents

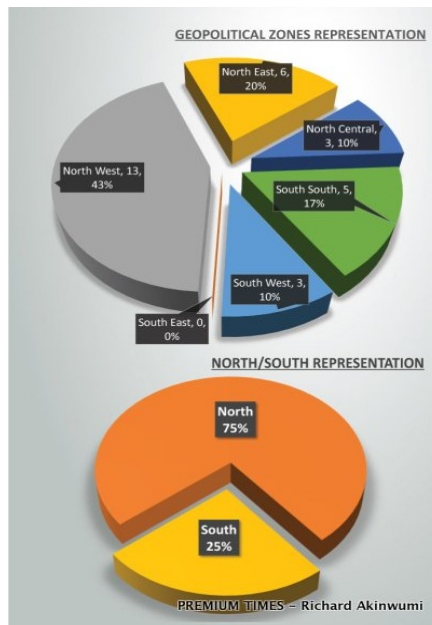
The socio-demographic characteristics of the respondents show that respondents' ages ranged from 18 to 70 years with a mean age of 35.0±10.4 years. Majority of the respondents were age below 40 (65.2%). The 65.2% of the respondents being below age 40 is attributed to able bodied persons (Youths). Majority of the respondents (78.1%) were male. This is also attributed to the physical strength of male gender. More than half of the respondents (59.4%) had above secondary education compare to 15% of them who had obtained secondary education. This implies that the study had more of educated respondents. More than half of the respondents (52.5%) were currently married, while 42.4% were single.

Table 1: Analysis of Data Addressing the Research Objectives

VARIABLES	IPOB	MASSOB	BIM	EZE S	LEADERS OF THOUGHT	FREQUENC Y	PERCENTAG E
Self-determination	50	50	50	20	20	190	47.5
Political Inclusion	10	15	15	16	17	73	18.25
Ethnic Chauvinism	7	17	17	14	14	69	17.25
Non-Implementation of 2014 National Confab	4	14	14	18	18	68	17
TOTAL	71	96	96	68	69	400	100

Source: Field Survey, 2017

Table 1 above shows that majority of the respondents believed that self-determination is the only key to solve political conflict in Nigeria which has its root from the Civil war. It ranked 47.5% of the total respondents of 400. About 18.25% of the respondents argued that despite that the Eastern part of the country was politically excluded from the core administration of the present Government, they vehemently maintain to have confidence in the movement for self-determination. About 17.25% of the respondents accept the true that ethnic chauvinism is one of the causes for self-determination in the Eastern Nigeria while 17% considered the non-implementation of the 2014 National conference. In all, majority of the respondents have faith in Self-determination as the only way to progress and development as the present structure breeds high cost of governance, tribalism and religious bigotry. Table 2-Shows political exclusion of Eastern Nigeria



Findings

The Director of IPOB, during the interview opined that in all these political exercises, the Igbos were absent or at best spectators. He argued that Nigeria is created and not born. 'As a created Family between Husband and Wife, they ought to part their ways peacefully when it seems that the Union is no longer viable' he concluded. 80% of the respondents were

indeed shocked by the turn of events, which are totally at variance with Mr. President's earlier stand that he was for nobody but that he was for everybody. A leader of thought in the South- South Geo-political zone confirmed that he developed 'cultural shock' when the Federal appointments were made. He said, "We are at a loss where this statement fits in, considering all the actions he has taken so far, which are all against the interest of Ndigbo. "Where is the justice; where is the equity; where is the one Nigeria? How long Ndigbo shall be pushed to the wall? He mourned.

Conclusion

It is true that Nigeria is made up of diverse ethnic groups, making it a fact that the Nigerian nation is a colonial creation. Thus, Awolowo remarked that Nigeria is but a geographical expression (Awolowo, 1968) but as argued by (Arikpo, cited in Otite, 1976), nations are made and not born. A weak federation should be adopted where there will be proper division of powers, making the component units to be strong so that they will not depend on the centre for funding. And According to (Smith, 2005) the division of powers between regional and national governments has been seen as an additional safeguard of the rights of the people and against governments misusing their powers. And to (Ayaoku, 2014) true federalism is the only way to progress and development as the present structure breeds high cost of governance, tribalism and religious bigotry. With this, the federating units will be strong where politics will be more manageable and provide the opportunity for hegemony to grow from the component units and coalesce at the centre, to form a ruling class and build a strong and viable state. In addition, the centre will be more peaceful because it will be devoid of the 'do or die' struggle that characterizes Nigerian politics, making political competition (politics) a zero-sum game. These federating units should be incorporated into the present six geo-political zones in Nigeria and Presidential elections should be allocated to these zones in alphabetical sequence

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