



AGITATIONS FOR SECESSION: ANTIDOTES AND LESSONS FOR NIGERIA

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Abstract

The agitations for separation or secession among various ethnic and regional groups in Nigeria have reached a crescendo that can no longer be ignored. The crux of such agitations lies deep in the feeling of marginalization and domination of one group by another. This paper sets out to examine the incessant agitation for secessions in Nigeria, identifies the root causes of such agitations; and reviews past separatist agitations or secessions all over the world with a view to identifying the root causes of secession which are either common or unique to secessionist agitations. The paper also, discusses the successes or otherwise of such secessions, steps taken to curb, placate or settle such agitations and asserts that the position canvassed above, namely, domination and marginalization, as root causes of secessionist agitations, is common to most secessions discussed, except for a few that have the exercise of a constitutional right to secession as well as foreign interference as the origin of their agitations. Solutions, being lessons drawn therefrom, are proffered for the Nigerian State. The methodology used, is purely library-based research, drawn from a comparative analysis of case studies, relevant literature by respected jurists and other resources.

Keywords: Secession, Self-Determination, IPOB, Oduduwa, Fulani Herdsmen

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Introduction

Secession is “the creation of a State by the use or threat of force without the consent of the former sovereign.”¹ It is the breaking away of part of a sovereign territory in order to establish another independent sovereign State free from the parent State.² It is also “the creation of a new state by the withdrawal of a territory and its population where that territory was previously part of an existing state.”³ Secessions or agitations for secession have been majorly responsible for many fratricidal conflicts all over the world. Sometimes, the secession or separation may come about in a peaceful way, following negotiated settlements, like the cases of Malaysia and Singapore and Czech and Slovak Republics from the former Czechoslovakia; or Serbia and Montenegro from the former Federal Republic of Yugoslavia (later called the Republic of Serbia and Montenegro). While cases of negotiated settlements are commonly referred to as separation, the forceful or resisted break away by a constituent unit is referred to as secession.

Secession is normally frowned at by sovereign States as the concept is perceived to violate the doctrine of territorial integrity in international law. As one scholar put it, “Just as turkeys do not vote for Christmas, States don’t favour a carve-up except it favours them.”⁴ Although, several international instruments⁵ guarantee the right of all “peoples” to self-determination, of which secession is a part; there is always an added proviso that seeks to trump territorial integrity over self-determination.⁶

In international law, there is no acceptable norm or doctrine prohibiting secession. The International Court of Justice (ICJ) has ruled that the principle of territorial integrity only applies

¹James Crawford, *The Creation of States in International Law*, Oxford, Oxford University Press, 2006, p. 375

² Viva O. Baktus, *Dynamic of Secession: An Analytical Framework*, Cambridge University Press, 1999, p. 3

³ A. Pavkovic, and P. Radan, *Creating New States: Theory and Practice of Secession*, Ashgate Publishing, Ltd., 2007, p. 5

⁴ J. Mayall, “Nationalism, Self Determination and the Doctrine of Territorial Unity”, in M. Weller and B. Metzger eds., *Settling Self-Determination Disputes: Complex Power-Sharing in Theory and Practice*, Martinus Nijhoff Publishers, 2008, p.5 at 6

⁵ Paragraphs 1 and 2, GA Resolution 1514 (XV); Common article 1(1) of International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, GA Res. 2200 (XXI); Paragraph 2(b) of the section on self-determination of the Declaration on Friendly Relations, GA Res. 2526(XXV); Article 20, African Charter on Human and Peoples’ Rights 1981; Paragraph 2.2 of the Vienna Declaration and Programme of Action of June 25, 1993

⁶ Paragraph 6, GA Resolution 1514 (XV); Paragraph 7, GA Res. 2526 (XXV)

to inter-State relationships and not to non-State actors.⁷ So, in deserving cases, the international community has rallied round secessionists and even supervised secessions as in the Kosovo and East Timor cases, although, the latter was more of a decolonization from Indonesia. The recent secessionist agitations in Nigeria form the crux of this paper. We shall now examine the Nigerian situation, past secessions, past efforts at dousing secessionist conflicts, as well as lessons to be learnt by the Nigerian State in dousing the very tense and fragile state of affairs.

The Nigerian Crisis

Nigeria has in recent years been bedevilled by ethnic conflicts that have snowballed into secessionist agitations. Prominent among these are the activities of the Indigenous People of Biafra (IPOB), demanding the break-away of the old Eastern Region from the Federal Republic of Nigeria, as they feel short-changed even after the civil war that heralded the first attempt at a Biafran break-away. The Yoruba people of the South West are also not satisfied with the manner the Federal Government has been carrying on, with nepotistic appointments and policies. They, therefore, want to also break away, as the Oduduwa Republic. This same sentiment reverberates among other ethnic or geopolitical groups like the Middle Belt; and the Niger Delta, from where the oil wealth of Nigeria is drilled but which is subjected to gross neglect and deprivation.

The secessionist agitations in Nigeria dates back to the Republican era which culminated in the civil war. It, however, gained prominence at the inception of the Muhammadu Buhari's (an ethnic Fulani) administration in 2015. Although, the All Progressives Congress (APC) came to power on the back of growing insecurity, foisted on the nation by Boko Haram, a terrorist group in the North East of the country, which the party promised to quash upon assumption of power, a new terrorist dimension soon blossomed. Nomadic Fulani herdsmen, believed to be foreigners, started a new wave of violence, killing and sacking entire villages and occupying ancestral lands of Nigerians in the Middle Belt and Southern Nigeria.⁸ The herdsmen are believed to have been secretly

⁷ Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, ICJ Advisory Opinion, 2010, July 22, 2010, paras. 79 and 80

⁸ "Ortom identifies armed herdsmen's country of origin, says presidency happy with security situation", Daily Trust, September 22, 2021, <<https://dailypost.ng/2021/09/22/ortom-identifies-armed-herdsmens-country-of-origin-says-presidency-happy-with-security-situation/>> accessed September 27, 2021

recruited into Nigeria as mercenaries to wage war and cause mayhem in Nigeria in case then incumbent President Goodluck Jonathan won the 2015 election.⁹ But President Jonathan wilfully conceded defeat even before the final election results were announced, thus, rendering the Fulani mercenaries redundant as there was no war to be fought. Although, the above assertion is fraught with uncertainty, certain pronouncements from Government quarters and the unwillingness of the Federal Government to address the insecurity from the killer herdsmen lay credence to same.¹⁰ For instance, a Presidential spokesman was quoted as saying that “it is better to give up your ancestral land and live than to hold unto them and be killed”.¹¹ Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN), a pan-Fulani organization, claimed Fulani owned all land in Nigeria and that no one can chase them from any forest in Nigeria.¹² There was no government response to this provocative utterance.

While the Federal Government is quick to deploy the armed forces to the Southern parts of Nigeria at any whiff of retaliatory attacks against Fulani killer herdsmen, there is no corresponding response by the Government on the herdsmen when they sack entire villages, killing, maiming and raping; even when Miyetti Allah has severally claimed responsibility for such killings. This has foisted on victim ethnic groups a serious sense of insecurity and an existential threat to their races. These victim groups have therefore taken it upon themselves in the face of government inability or unwillingness to protect them, and have sought to secede from Nigeria. The prominent

⁹ “How we brought in Fulani militias from Mali, Sierra Leone, Senegal, others to win 2015 election — Kawu Baraje”, Businessday, August 2, 2022, <<https://businessday.ng/news/article/how-we-brought-in-fulani-militias-from-mali-sierra-leone-senegal-others-to-win-2015-election-kawu-baraje/>> accessed August 16, 2022; See, however, a feeble attempt to deny the above, “I never said we brought in Fulani militias from Mali, Chad, to win 2015 election” – Baraje, Newtimes, August 6, 2022, <<https://www.newstimes.com.ng/i-never-said-we-brought-in-fulani-militias-from-mali-chad-to-win-2015-election-baraje/>> accessed August 27, 2022

¹⁰ “Insecurity: FG warns Nigerians against acquiring arms to defend themselves”, Daily Post, August 25, 2021, available at <https://dailypost.ng/2021/08/25/insecurity-fg-warns-nigerians-against-acquiring-arms-to-defend-themselves/> accessed September 27, 2021; “Boko Haram names Buhari, 5 others as mediators”, Vanguard (Nigeria), November 1, 2012, <<https://www.vanguardngr.com/2012/11/boko-haram-names-buhari-5-others-as-mediators/>> accessed October 1, 2021

¹¹ See “Giving land for ranching better than death – Presidency” Vanguard (Nigeria), July 4, 2018 <<https://www.vanguardngr.com/2018/07/giving-land-ranching-better-death-presidency/>> accessed September 27, 2021

¹² See “Fulani own all lands in Nigeria – Miyetti Allah reveals plan against Gov Akeredolu”, Daily Post, January 24, 2021, <<https://dailypost.ng/2021/01/24/fulani-own-all-lands-in-nigeria-miyetti-allah-reveals-plan-against-gov-akeredolu/>> accessed October 1, 2021

secessionist groups, as stated earlier, are the Biafra group of the South East and the Oduduwa nation group of the South West, with the possibility of other dissatisfied groups escalating their agitations if the present situation does not abate. While the Federal Government has dutifully gone abroad to abduct the leader of the Biafra (IPOB) group¹³ and is in the process of doing same to the leader of the Oduduwa group,¹⁴ it has done nothing to stem the killer herders' madness, which it merely waves off as bandits or unknown gunmen. But the fact remains that the bandits and unknown gunmen are actually known as they have held peace talks with several States and collected ransoms for kidnapping, arranged by a well-known Islamic cleric.¹⁵ The Federal Government was quick to secure a court order declaring IPOB a terrorist organization¹⁶ but only did so in respect of the bandits after protracted foot-dragging.¹⁷ It, however, remains to be seen whether the government will act decisively on these groups as it has done on IPOB and other separatist groups.

The herdsmen/bandits menace has also been anchored on a herders/farmers conflict, believed to have resulted from a number of factors like climate change, infrastructural development, and the struggle to appropriate such scarce resources for their respective crops and grazing.¹⁸ This narrative, however, does not sound convincing as Fulani herders, prior to this time had cohabited peacefully with farmers. The violent tendencies came to be after Buhari's victory at the elections

¹³ "Nigerian separatist leader brought back to Nigeria to face trial", CNN, June 29, 2021, <<https://edition.cnn.com/2021/06/29/africa/nnamdi-kanu-arrested-nigeria-intl/index.html>> accessed August 27, 2022

¹⁴ "Sunday Igboho Arrested In Benin Republic", Channels Television, July 20, 2021, <<https://www.channelstv.com/2021/07/20/sunday-igboho-arrested-in-benin-republic/>> accessed August 27, 2022

¹⁵ "Sheikh Ahmad Gumi: The Nigerian cleric who negotiates with bandits", BBC News, May 8, 2021, <<https://www.bbc.com/news/world-africa-57007326>> accessed August 27, 2022

¹⁶ See "Court bans IPOB, declares it terrorist group" The Cable, September 20, 2017, <<https://www.thecable.ng/breaking-court-proscribes-ipob-declares-terrorist-group>> accessed September 27, 2021

¹⁷ Suit No. FHC/ABJ/1370/2021, The Federal Government of Nigeria v Yan Bindiga Group & Anor; see "At last, FG declares bandits as terrorists", The Guardian (Nigeria), January 6, 2022, <<https://guardian.ng/news/at-last-fg-declares-bandits-as-terrorists/>> accessed January 5, 2022; see also, Terrorism (Prevention) Proscription Order Notice, No. 1, 2021

¹⁸ K.E. Ezemenaka and C.E. Ekumaoko, "Contextualising Fulani-Herdsmen Conflict in Nigeria", CEJISS 12(2) (2018) 30, 39 <https://www.researchgate.net/publication/327061399_Contextualising_Fulani-Herdsmen_conflict_in_Nigeria> accessed February 8, 2022; Guslah Gursory, "Farmers-Herdsmen Conflict in Nigeria: An Analysis of the Root Causes and Effects of the Conflict", Peace and Conflict Studies, MA 2019, Marburg, Germany, 16, <https://www.researchgate.net/publication/347948827_Farmers_Herdsmen_Conflict_in_Nigeria> accessed February 8, 2022; I.M. Abass, "No Retreat No Surrender: Conflict for Survival Between Fulani Pastoralists and Farmers in Northern Nigeria", ESJ 8(1) (2012) 331, <<https://eujournal.org/index.php/esj/article/view/4618>> accessed February 16, 2022

because, the mercenaries were not settled by those who brought them; and they then resorted to crime and criminality for survival.¹⁹ This, much, has even been attested to by government functionaries.²⁰ What has been a conundrum, therefore, is, if the Federal Government can deploy the armed forces against Biafra agitators, who were not violent until recently, should it not be more brutal with foreigners unleashing terrorism on its citizens? The Buhari-led government is therefore, perceived to be selectively protective of the herdsmen. Security agencies have been fingered in procuring arms for the herders to protect themselves²¹ while Buhari is unable to dissociate himself from his cultural ties with the Fulani in discharging his responsibilities as Nigerian president.²²

Others trace the problem to relative deprivation of minority ethnic groups by dominant ethnic groups in power.²³ The lop-sided appointments of the Federal Government for instance, in which over ninety percent of major appointments in public positions, including in the security forces are from the Fulani ethnic group is a ready case in hand – protestations over which have been ignored by the Buhari government and its collaborators. There have been repeated calls for a restructuring of the federation along zonal lines so that States can have their own police force that does not need to take orders from the Federal Government before defending their people, a demand the Federal Government is yet to show any political will to address. In a situation where the Federal Government seems to trump one ethnic group over and above other ethnic groups, many States have therefore asked their people to arm and defend themselves since the Federal Government,

¹⁹ “Some bandits are foreigners – Afaka student gives reason behind abduction”, Daily Post, May 8, 2021, <<https://dailypost.ng/2021/05/08/some-bandits-are-foreigners-afaka-student-gives-reason-behind-abduction/>> accessed August 27, 2022

²⁰ “Nigeria: Bandits Terrorising Our People Are Foreigners - Niger Governor”, Daily Trust, June 21, 2021, <<https://dailytrust.com/bandits-foreigners-hired-to-terrorize-nigeria-niger-gov/>> accessed August 27, 2022; “Most bandits come from outside Nigeria, says IGP”, The Cable, August 20, 2020, <<https://www.thecable.ng/igp-banditry-is-a-big-issue-most-bandits-come-from-outside-nigeria>> accessed August 27, 2022

²¹ Ezemenaka and Ekumaoko, op. cit., 45-46; Gursory, op. cit., 6,9, and 13

²² Ezemenaka, Ibid, 43

²³ K.E. Ezemenaka and J. Prouza, “Biafra Resurgence: State Failure, Insecurity and Separatist Agitations in Nigeria” CEJISS 3 (2016) 88, 94 et seq. <https://www.researchgate.net/publication/316559638_Biafra_resurgence_State_failure_insecurity_and_separatist_agitations_in_Nigeria> accessed February 8, 2022; S. Lawal, W.K. Joshua et al, “Climate Change and Security Nexus: A Survey to Assess the Drivers of Conflict between Farmers and Herders in Southern Taraba-Nigeria, JRHSS 9(4) 2021, 43, 46 <<http://www.questjournals.org/jrhss/papers/vol9-issue4/3/F09044351.pdf>> accessed February 8, 2022

which is in control of the armed forces has turned its back on them.²⁴ Thus, there have sprung up several arms-bearing vigilante groups among different ethnic groups for self-defence, further escalating the crisis.²⁵

The popular sentiment in Nigeria now is for the country to break up along regional lines. This prompted the former Libyan President to suggest that Nigeria should be split into Muslim North and Christian South independent Republics.²⁶ While breaking up along religious lines may not be very helpful as it was shown the Bangladeshi secession from Pakistan, as it is now, Nigeria sits on a smoking keg of gun powder. If the Federal Government does not change its attitude of favouritism, nepotism and marginalisation,²⁷ it will be a matter of when and not if Nigeria will explode.

Review of Past Secessions

In the cold war era, secessionist conflicts were minimal. The few cases of secession during the cold war were those of the Katanga of Belgian Congo, Biafra of Nigeria; and East Bengal of Pakistan, which was the only successful one in that era. After the cold war, there were the cases of the USSR, the SFRY, Czechoslovakia and the internationally brokered or supervised secession of Kosovo. There were other cases involving independence struggles like those of Algeria, Guinea-Bissau, the Federation of Mali and Singapore, which were either cases of decolonization as it

²⁴ “Terrorism: Buy guns, defend yourselves, Zamfara govt tells residents”, Premium Times, June 26, 2022, <<https://www.premiumtimesng.com/news/headlines/539237-terrorism-buy-guns-defend-yourselfes-zamfara-govt-tells-residents.html>> accessed August 27, 2022; “Take up arms, defend yourselves against bandits – Gov Masari”, The Sun, August 18, 2021, <<https://www.sunnewsonline.com/take-up-arms-defend-yourselfes-against-bandits-gov-masari/>> accessed September 27, 2021; “Insecurity: Villagers stockpile arms for self-defence”, Daily Trust, August 24, 2021, <<https://dailytrust.com/insecurity-villagers-stockpile-arms-for-self-defence/>> accessed September 27, 2021

²⁵ See for instance, Amotekun in the South West; Eastern Security Network (ESN), in the South East; “Ortom inaugurates Benue Community Volunteer Guards, to apply for AK47, AK49 rifle licenses for operatives, Vanguard (Nigeria), August 4, 2022, <<https://www.vanguardngr.com/2022/08/ortom-inaugurates-benue-community-volunteer-guards-to-apply-for-ak47-ak49-rifle-licenses-for-operatives/>> accessed August 27, 2022; and Gursory, op. cit., 13

²⁶ “Nigeria recalls Libya ambassador in Gaddafi row”, BBC News, March 18, 2010, <<http://news.bbc.co.uk/2/hi/africa/8575383.stm>> accessed March 19, 2010; See “Ghadaffi is a mad man, says Mark”, Vanguard (Nigeria), March 17, 2010, <<http://www.vanguardngr.com/2010/03/17/ghadaffi-is-a-mad-man-says-mark>> accessed March 19, 2010

²⁷ See “Tambuwal lists 24 reasons for insecurity in Nigeria, proffers solutions”, The Eagle Online, August 24, 2021, <<https://theeagleonline.com.ng/tambuwal-lists-24-reasons-for-insecurity-in-nigeria-proffers-solutions/>> accessed September 27, 2021



affects the first two, that are normally supported by the international community; or consensus, in the latter two. An attempt by the white minority government of Southern Rhodesia to secede from colonial Britain was thwarted by the United Nations in 1965. The United Nations actually called on member nations not to recognise the entity as it was an attempt to further a racist agenda.²⁸

Comparative Analysis of Past Secessions

From the case studies above, it becomes pertinent to do a bit of comparative analysis with a view to ascertaining what is common or distinct or unique to the cases discussed. The Kantagese secession bid, as was mentioned earlier, had foreign interference as the root cause. Belgium, Congo's colonial masters, had a hand in fuelling the Katanga Province to secede from Congo. The response of the United Nations was that the secession was illegal and contrary to the fundamental law.²⁹ A peacekeeping troop was sent by the UN with a firm instruction to preserve the territorial integrity of the new nation. In all this, the UN did not refer to any rule of international law that forbade secession.

While foreign interference could be blamed for the secession bid in the Congo, internal oppressive and dominative policies were responsible for the first attempt by Biafra to secede from Nigeria on May 30, 1967. The former Eastern Region, which purportedly broke away from Nigeria, accused the Federal Government of Nigeria of excessive domination and underdevelopment of the Region. This was followed by a pogrom carried out against the Ibo ethnic group by the Hausa-Fulani dominated Northern Region, which the Federal Government, also dominated by the same Hausa-Fulani, failed or neglected to address. An agreement brokered in Aburi,³⁰ Ghana, in an attempt to resolve the conflict was ignored and breached by the Federal Government. The secession was

²⁸ See Security Council Res 216, November 12, 1965, para 2, <<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/222/87/IMG/NR022287.pdf?OpenElement>> accessed April 20, 2010. See also UNSC Res 217, November 20, 1965, para 3, which condemned the usurpation of power by a racist settler minority and regarded the declaration of independence as having no legal validity.

²⁹ UN Security Council Resolution 169(1961), November 24, 1961, paras. 1, 3 and 8, <<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/171/76/IMG/NR017176.pdf?OpenElement>> accessed April 20, 2010

³⁰ Aburi Accord 1967, <<https://oblongmedia.net/2017/03/27/full-text-of-the-aburi-accord/>> accessed September 23, 2022; see also F.A. Baptiste, "Constitutional Conflict in Nigeria: Aburi and After", *The World Today*, Vol. 23 No. 7 (July 1967) 301-308, <<https://www.jstor.org/stable/40394000>> accessed September 23, 2022



resisted by the government of Nigeria, leading to a bloody civil war. The international community took sides with the Federal Government of Nigeria, maintaining the principle of territorial integrity.³¹ Although, five States³² recognized Biafra as a sovereign and independent State, there was no diplomatic relations, until Biafra's surrender in January 1970.

The secession of Bangladesh from Pakistan, a year after the botched Biafran secession was in all fours with root causes of the latter. Pakistan was part of British Raj India but was carved out in 1947 at independence. The basis for this state of affairs was contained in the Lahore Resolution of 1940³³ which was purely on religious grounds. The unitary State of Pakistan, consisting of two territorial units, West and East Pakistan (East Bengal), were separated by 1200 miles of Indian Territory.³⁴ East Bengal seceded from Pakistan following intentional underdevelopment and discrimination against the people of East Bengal. When the Awami League of East Bengal won elections in December 1970 on the basis of a six-point programme channelled after the Lahore Resolution, the central government in West Pakistan prevented the Awami League from assuming power. The Awami League then declared independence from Pakistan on March 26, 1971. India eventually intervened after a pre-emptive strike by Pakistani forces on Indian airfields. The Pakistani forces in East Bengal surrendered to Indian forces on December 17, 1971, thus making the secession of East Bengal, a *fait accompli*. Many States³⁵ rapidly recognized Bangladesh as an independent State in spite of the alleged illegality of Indian intervention, a vote on which was frustrated at the Security Council by veto from the USSR.³⁶ Bangladesh was finally recognized

³¹See statement of Emperor Haile Selassie of Ethiopia, "The national unity and territorial integrity of member states is not negotiable. It must be fully respected and preserved. It is our firm belief that the national unity of individual African States is an essential ingredient for the realization of the larger and greater objective of African Unity.", Report on the OAU Consultative Mission to Nigeria, p. 9, quoted in D.A. Ijalaye, "Was Biafara at Any Time a State in International Law?", 65 AJIL (1971) 551 at 556; see statement of UN Secretary General, U Thant, "the United Nations has never accepted and does not accept... the principle of secession of a part of its member states", UN Monthly Chronicle 7 (1970), p. 36, cited in C. Tomuschat, 'Secession and Self-Determination', in M.G. Kohen, (ed.) *Secession: International Perspectives*, Cambridge University Press, 2006, p. 29, fn 25

³² Tanzania, Gabon, Ivory Coast, Zambia and Haiti

³³ The Lahore Declaration, 24 March 1940, para 3, <https://documen.site/download/lahore-resolution-1940_pdf> accessed August 30, 2022

³⁴ David Raic, *Statehood and the Law of Self-Determination*, The Hague, Kluwer Law International, 2002, p. 335

³⁵ Between January and May 1972, 70 States had recognized Bangladesh. Raic, *ibid*, at p. 339

³⁶ Hurst Hannum, "Rethinking Self-Determination", 34 Va. J. Int'l L (1993) 1 at 49-50



and admitted into the membership of the United Nations on September 17, 1974, after Pakistan was persuaded to recognize it.

Another secession or group of secessions that is worthy of discussion here is the multiple secessions, or as some may choose to call it the disintegration of the former Union of Socialist Soviet Republics (USSR). The disintegration bordered on the desire of constituent units to exercise a constitutional right to secede. The USSR was a victim of the fall of communism at the end of the cold war. It disintegrated into 12 new States that had previously constituted it, in December 1991, signalling the end of the cold war. This was preceded by the Baltic States of Estonia, Latvia and Lithuania unilaterally declaring independence from the USSR. After a futile war of unity, the USSR recognized the break-away States, which it had forcibly annexed in 1940 and they were admitted into the membership of the United Nations.³⁷ The Security Council described the independence of the Baltic States as a return to “their rightful place in the community of nations”.³⁸ After the World War I, Lenin had cajoled the constituent nations into remaining in the USSR with the promise of the right to secede if need be but with no real intention of allowing secession.³⁹ This was later entrenched in the 1977 Soviet Constitution.⁴⁰ On December 8, 1991, in Minsk, Belarus, three republics, Russia, Belarus and Ukraine, proclaimed the end of the Soviet Union; establishing in its place, a rather loose Commonwealth of Independent States and invited other former Soviet republics to join the Commonwealth. Eight more republics⁴¹ joined later, at Alma Ata, Kazakhstan, on December 21, 1991, bringing the membership to eleven. The Soviet Parliament voted on December 25, 1991, to dissolve the Union effective from December 31, 1991.

³⁷ For a fuller detail of the Russian and other cold war disintegrations, see D.I. Efevwerhan and Rusniah Ahmad “Secession: New Trends and Practice after the Cold War”, *Soochow Law Journal*, Vol. VII, No. 2, July 2010, p. 1

³⁸ UNSC Res 709, 710 and 711, September 12, 1991, para 6 of the President’s speech <<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/596/47/IMG/NR059647.pdf?OpenElement>> accessed April 21, 2010

³⁹ Lenin was often quoted as saying, the “right of divorce is not an invitation to all wives to leave their husbands.” Quoted in S. Blay, “Self-Determination: A Reassessment in the Post-Communist Era”, 22 *Denv. J. Int’l L. & Pol’y* (1994) 275 at 285

⁴⁰ See for instance, Art. 72, Constitution of the USSR 1977, <<http://www.friends-partners.org/oldfriends/constitution/const-ussr1977.html>> accessed April 26, 2010, which provides, “Each Union Republic shall retain the right freely to secede from the USSR.”

⁴¹ Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Tajikistan, and Uzbekistan. Georgia joined later in December 1993.



President Mikhail Gorbachev also resigned on that day. All the former Soviet republics were admitted into the membership of the United Nations.

A situation similar to the Biafra and Bangladesh cases played out in the disintegration of the former Socialist Federal Republic of Yugoslavia (SFRY). The SFRY was a federation comprising Croatia, Slovenia, Bosnia-Herzegovina, Montenegro, Macedonia, and Serbia. It also included the two autonomous regions of Kosovo and Vojvodina. The dominant nationalities were the Serbs, Slovans, and Croatians. Ethnic or nationalistic antagonism among these groups dates back to post-World War I era. But the drum for secessionist agitations and the eventual collapse of the former Yugoslavia was first sounded, when the Republics of Croatia and Slovenia seceded unilaterally and simultaneously from the former Federation on June 25, 1991. The resultant armed conflict in Croatia was bloody, leading to a freeze or moratorium on the independence of the two republics in the Brioni Accord of July 7, 1991, brokered by the European Community. The Brioni Accord was broken, leaving in its trail, over 10,000 Croat deaths and over 600,000 Croat refugees as at November 1991; within a space of 5 months.⁴² The European Community (EC) moved swiftly to adopt two declarations, the *Declaration on Yugoslavia* and the *Declaration on the Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union*.⁴³ These two Declarations prepared the way for the eventual disintegration of the former Socialist Federal Republic of Yugoslavia (SFRY) by virtue of the Badinter Commission's fatal Opinions No. 1 and 8, which found that the SFRY was in the process of dissolution;⁴⁴ and that the process of dissolution was complete and that the SFRY no longer existed⁴⁵ respectively. The resultant independent States were also admitted into the membership of the United Nations without secession or territorial integrity being a considered issue.

⁴² D. Raic, op. cit., pp. 352-353

⁴³ EC Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union and EC Declaration on Yugoslavia, December 16, 1991, (1991) 62 BYIL, 559, reproduced in D.J. Harris, *Cases and Materials on International Law*, 6th (ed.), London, Sweet and Maxwell, 2004, pp. 147-149

⁴⁴ Opinion No. 1, Arbitration Commission, EC Conference on Yugoslavia, November 29, 1991, 92 ILR 162, para 3, reproduced in D.J. Harris, op. cit., pp. 122-124

⁴⁵ Opinion No. 8, Arbitration Commission, EC Conference on Yugoslavia, July 4, 1992, 92 ILR 199, para 4, reproduced in D.J. Harris, op. cit., pp. 124-125



It is pertinent to note that the unilateral Baltic States' break away from the Soviet Union and the Minsk and Alma Ata Declarations quickened the collapse of the Soviet Union. The subsequent Parliamentary resolution to dissolve the Union was foisted on a helpless and powerless central government that now existed without members. In international law, the action of the EC in the two fatal Declarations on December 16, 1991, tantamount to an intervention in the internal affairs of a sovereign State⁴⁶ but it would at this juncture, be ripe to note that the action of the EC in Yugoslavia was an act in self-preservation. Previous secessions especially in African and Asian States were not treated in this way. Perhaps, such have been far away from Europe and it was convenient for European nations to call for respect for territorial integrity, while such nations burned in the orgy of violence. The Yugoslav crises, happening in the very periphery of superpowers like France, Britain and the Soviet Union, made European powers to look beyond international norms to desperately solve a desperate problem.⁴⁷

Perhaps, the most peaceful and consensual break up in the history of secession conflicts occurred in what has become popularly known as the "velvet divorce" in the former Czechoslovakia on January 1, 1993. The country split into two newly independent Czech and Slovak Republics.⁴⁸ Czechoslovakia's Ministry of Foreign Affairs informed the United Nations that, the Czech and Slovak Federal Republic [CSFR] as well as the CSFR membership of the United Nations will cease to exist on December 31, 1992 and that both successor States are determined to apply for the UN membership in the very first days of 1993.⁴⁹ The General Assembly, acting on the

⁴⁶ J. Crawford, *op. cit.*; S. Blay, *op. cit.*, p. 294; A. Tancredi, "A Normative 'Due Process' in the Creation of States Through Secession", in M.G. Kohen, (ed.) *op. cit.*, p. 171, at 190

⁴⁷ P. Pazartzis, "Secession and International Law: The European Dimension", in M.G. Kohen, (ed.) *op. cit.*, p. 355 at 372, where the author observed that the justification for the EC intervention in Yugoslavia was not self-determination but on the basis of dissolution, as found by the Badinter Commission in its Opinion No. 1 – thus not creating a precedent in favour of the right of secession

⁴⁸ Mary Battiata, "Czechs, Slovaks Set 'Velvet Divorce'", *Washington Post*, August 28, 1992, at A25, <<https://www.washingtonpost.com/archive/politics/1992/08/28/czech-slovaks-set-velvet-divorce/9be67faa-f120-40f8-861e-6f62e9382fb4/>> accessed October 11, 2021

⁴⁹ Department of State Cable No. Prague 10971 (Dec. 17, 1992) (captioned "Text of Czechoslovak Diplomatic Note on UN Membership for Czech and Slovak Republics"), cited in Michael P. Scharf, "The Dissolution of States and Membership in the United Nations", 28 *Cornell Int'l L.J.* 29 (1995) 33 at 65

recommendation of the Security Council,⁵⁰ approved the admission of the Slovak Republic and the Czech Republic as new members of the United Nations⁵¹

If the velvet divorce in former Czechoslovakia was peaceful, then, the most sensational and internationally-involved secession of modern times was the Kosovo secession. This secession also changed the international attitude towards secessions generally. Kosovo was a province of Serbia after Montenegro, acting under a constitutional provision, exercised her right to secede from the Republic of Serbia and Montenegro. Following repressive acts of the Serbian Government on Kosovo Albanians, the UN Security Council adopted Resolution 1244 (1999), in which the administration of Kosovo was taken over from Serbia and handed over to the United Nations Mission in Kosovo (UNMIK). The Ahtisaari Commission, which was set up to determine the final status of Kosovo, after several failed attempts to broker an amicable solution to the crisis, then recommended a supervised independence for Kosovo.⁵² Armed with such recommendation, 109 of the 120 members of the Kosovo Assembly declared independence of Kosovo from Serbia on February 17, 2008, undertaking to comply with the Ahtisaari Proposals and Resolution 1244.⁵³ Serbia successfully moved the UN General Assembly to refer the matter to the International Court of Justice (ICJ) for its advisory opinion. The ICJ in its Advisory Opinion on July 22, 2010, held that the Kosovo secession neither violated any general rule of international law nor the *lex specialis* (Res. 1244 (1999)); nor the Constitutional Framework of Kosovo. Although, Kosovo has not been admitted into the UN, as of September 4, 2020, 97 of the 193 UN member States have recognized Kosovo.⁵⁴

From the discussion above, we have seen that entities like Biafra, Bangladesh, component entities in the Former Yugoslavia and Kosovo seceded on the ground of marginalization and domination

⁵⁰ See S.C. Res. 800, U.N. SCOR, 47th Sess., 3157th mtg., U.N. Doc. S/RES/800 (1993) (recommending admission of the Slovak Republic); S.C. Res. 801, U.N. SCOR, 47th Sess., 3158th mtg., U.N. Doc. S/RES/801 (1993) (recommending admission of the Czech Republic)

⁵¹ G.A. Res. 47/221, U.N. GAOR, 47th Sess., Supp. No. 49, at 5, U.N. Doc. A/47/49 (1993) (admitting the Slovak Republic); G.A. Res. 47/222, U.N. GAOR, 47th Sess., Supp. No. 49, at 5-6, U.N. Doc. A/47/49 (1993) (admitting the Czech Republic)

⁵² Special Envoy's Report appended to letter dated March 26, 2007 from the Secretary-General addressed to the President of the Security Council, UN Doc. S/2007/168, paras. 3 and 5, <<http://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/272/23/pdf/N0727223.pdf?OpenElement>> accessed October 19, 2010

⁵³ M. Weller, *Escaping the Self Determination Trap*, Leiden/Boston, Martinus Nijhoff, 2008, pp. 140-141

⁵⁴ See list <https://en.wikipedia.org/wiki/International_recognition_of_Kosovo> accessed August 31, 2022

by the central government or some ethnic group. The USSR disintegrated as a consequence of the fall of communism and the constitutional right to secede, while Katanga seemed to have been fuelled by external powers in Belgium. We must not, finally, forget to mention the most sensational, international involvement in the secession in Kosovo, which has become known as an “internationally supervised or assisted secession”, owing from the brutal suppression of Kosovar Albanians by the Serb majority government in Serbia. In other words, where there is suppression in the intensity of war crimes or crimes against humanity, the responsibility to protect suffering groups may justify international intervention by way of supervised secession. It must, however, be noted that what happened in Kosovo has not been generally accepted as an international law norm but as *sui generis*.

While there are also other secessionist agitations that are either frozen or brewing, but not discussed in this paper, we shall now examine measures adopted in other climes to try and douse such secessionist agitations and proffer solutions to the Nigerian situation.

Lessons from Abroad

Several mechanisms were resorted to in either escalating, avoiding or minimizing secession conflicts in different States. We shall juxtapose them with the Nigerian situation, while proffering suggestions that would be helpful to Nigeria in its quest to tackle the myriad of secessionist agitations.

Criminalization of Secession by Some States

In Asia, there has been an adherence to the principle of territorial integrity. For instance, China has enacted the Anti-Secession Law 2005⁵⁵ that seeks to maintain its territorial claim to Taiwan.⁵⁶ In the Philippines, there is the Human Security Act 2007,⁵⁷ which makes terrorism an offence. The definition of terrorism under the Act, includes inter alia, rebellion and insurrection; and coup

⁵⁵ China’s Anti-Secession Law 2005, March 14, 2005, <<http://www.china-embassy.org/eng/zt/999999999/t187406.htm>> accessed October 1, 2021

⁵⁶ Ibid, Articles 1 and 2

⁵⁷ Act No. 9372, February 19, 2007, available at http://www.senate.gov.ph/republic_acts/ra%209372.pdf accessed April 30, 2010

d'état.⁵⁸ Perhaps, this is where Nigeria got the impetus to declare IPOB a terrorist organization from. While it is perfectly alright in international law, for sovereign States to promulgate against forcible change of government, the fear is that secessionist agitations, where they become violent, may be surreptitiously classified by the government, as terrorism, so as to silence all separatists' movements and agitations. Several groups have gone to the Philippines Supreme Court to challenge the constitutionality of the Act for the same fear.⁵⁹ The tendency to classify secessionist activities as terrorist is not peculiar to Philippines. China, Thailand and Indonesia have also been fingered for the treatment of separatists as terrorists in order to justify their brutal repressions.⁶⁰ Several International Conventions' definition of terrorism tends to include the activities of violent secessionists,⁶¹ prodding some regional bodies to specifically exclude activities of self-determination groups.⁶² The exclusion does not however apply to a secessionist group outside the scope of colonialism,⁶³ except where there are egregious violations of human rights by the parent state in which case, the secessionist group may receive the sympathy of the international community. Thus, where the parent government engages in brutal repression or suppression of secessionists, there could be an intervention by the international community by way of supervised or remedial secession like it happened in Kosovo. This threshold of egregious violation of rights before intervention by the international community was described as “sanguinary and demonic” by a scholar.⁶⁴ The Nigerian situation calls for a pensive look at the genuine concerns of the

⁵⁸ Ibid, Art 3

⁵⁹ B.H. Lyew, “An Examination of the Philippines' Anti-Terror Law”, 19 Pac. Rim L. & Pol'y J., (2010) 187. The author is of the opinion that there is nothing unconstitutional or in violation of international law in the Act, at pp. 194-198

⁶⁰ L. Thio, “International Law and Secession in the Asia and Pacific Regions”, in Kohen, M.G., (ed.) op. cit., p. 297 at 323-326

⁶¹ Art. 2(1), International Convention for the Suppression of Terrorist Bombings 1997, Text of the Convention <<http://treaties.un.org/doc/db/Terrorism/english-18-9.pdf>> accessed September 20, 2022. Art 1(1)(c) of the Terrorism Act (UK) 2000, makes the act a terrorist act if “made for the purpose of advancing a political, religious or ideological cause”.

⁶² See Convention of the Organisation of the Islamic Conference on Combating International Terrorism 1999, Art. 2(a); Organisation of African Unity Convention on the Prevention and Combating of Terrorism 1999, Art. 3(1); Arab Convention on the Suppression of Terrorism 1998, Art. 2. For a detailed discussion of self-determination and terrorism, see A. Clapham, “Secession, Terrorism and the Right of Self-Determination”, in Kohen, M.G., ed. Op. cit., p. 46

⁶³ M. Weller, *Escaping the Self Determination Trap*, Leiden/Boston, Martinus Nijhoff, 2008, p. 42

⁶⁴ C. Buchheit, *Secession: The Legitimacy of Self-Determination*, New Haven, Yale University Press, 1978, p. 213, quoted in D. Raic, op. cit., p. 341

agitating groups. There is no gainsaying the fact that the aggrieved groups have a right to self-determination. The Nigerian government should dialogue with the various groups and amicably settle the crises. Trying to suppress and repress some groups while virtually pampering some other more destructive groups; and legislating or branding some groups as terrorists so as to repress them would only help to escalate the situation.

Antidotes and Efforts at Minimizing Secession Conflicts and Lessons for Nigeria

a. Autonomy

While States have gone a great extent to assert the principle of territorial integrity and resist secession in all its ramifications, there are also evolving antidotes to secession conflicts, which have helped to placate secessionist groups. One of such placebos is the grant of greater political autonomy within the State, as an alternative to secession. The Spanish State, for instance, allow different nationalities a great measure of political self-determination within the Spanish sovereignty, with a reserve power of the centre to intervene in the best interest of Spain when an autonomous region takes a step that is inimical to the greater unity of the Spanish nation.⁶⁵ Thus, the counties of Basque and Catalonia, which were hitherto hot spots of secessionist agitations, have been immensely placated.⁶⁶ The Irish Republican Army of Northern Ireland's intransigent conflict with the British government was also finally placated by the grant of greater autonomy in the British-Irish Agreement, popularly called the Good Friday Agreement.⁶⁷ Moldova, is another autonomy model, in which Transdniestria and Gagauzia could secede from Moldova should a

⁶⁵ See Article 155, Spanish Constitution 1978, available at http://www.congreso.es/portal/page/portal/Congreso/Congreso/Informacion/Normas/const_espa_texto_ingles_0.pdf visited on May 6, 2010

⁶⁶ For full details of the Spanish example of autonomies, see J. Martinez-Paoletti, "Rights and Duties of Minorities in a Context of Post-Colonial Self-Determination: Basques and Catalans in Contemporary Spain", 15 *Buff. Hum. Rts. L. Rev.* (2009) 159 (The Catalans, however, recently rose up again for independence from Spain in 2017 but was crushed by the central government); E. McWhinney, *Self-Determination of Peoples and Plural-Ethnic States in Contemporary International Law*, Leiden, Martinus Nijhoff, 2007, p. 80-81

⁶⁷ British-Irish Agreement, Belfast, April 10, 1998, <http://www.nio.gov.uk/agreement.pdf> accessed May 5, 2010. For a detailed account of the Good Friday Agreement and its implications, see B. O'Leary, "Complex Power-sharing in and over Northern Ireland: A Self-determination Agreement, a Treaty, a Consociation, a Federacy, Matching Confederal Institutions, Intergovernmentalism, and a Peace Process", in M. Weller and B. Metzger, (eds.), *Settling Self-Determination Disputes: Complex Power-Sharing in Theory and Practice*, Leiden/Boston, Martinus Nijhoff Publishers, 2008, pp. 61-124

decision be taken for Moldova to be united with another State.⁶⁸ The 1995 Dayton Accords⁶⁹ in Bosnia and Herzegovina, the Machakos Protocol⁷⁰ in Sudan, the Mindanao Peace Agreement 1996 in Philippines⁷¹ and the Bougainville Peace Agreement 2001 in Papua New Guinea⁷² are all substantially successful self-determination disputes settlement cases by the political autonomy mechanism.

The people of the Aaland Islands were granted autonomy within Finland.⁷³ China, in its Anti-Secession Law 2005, also dangled expanded autonomy to Taiwan if the latter would quit its secessionist moves.⁷⁴ The establishment of the Hong Kong Special Administration Region (HKSAR) was another successful effort by China to keep the people of Hong Kong from secessionist agitations after the territory was vacated by the British in 1997. Hong Kong enjoyed wide autonomy, including international trade and distinct currency, the Hong Kong Dollar, as against the Yuan until China's repression of Hong Kong in 2019. It becomes doubtful how Taiwan can ever trust China after the repression of Hong Kong. The prevalence of autonomy agreements has prompted one scholar to suggest that there is an emerging right of autonomy in international law.⁷⁵

⁶⁸ Article 1(4), The Law on the Special Legal Status of Gagauzia, December 23, 1994, <<http://www.regione.trentino-a-adige.it/biblioteca/minoranze/gagauziaen.pdf>> accessed September 10, 2022; Draft Memorandum on the Basic Principles of the State Structure of a United State in Moldova, Kozak (Memorandum), November 17, 2003, <<http://stefanwolff.com/files/Kozak-Memorandum.pdf>> accessed September 10, 2022; "Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova", originally published as *The Record*, Vol. 61, No. 2 (2006) 196 (Publication of the Association of the Bar of the City of New York), <<https://nsuworks.nova.edu/cgi/viewcontent.cgi?article=1616&context=ilsajournal>> accessed September 10, 2022; P. Jarve, "Gagauzia and Moldova: Experiences in Power-sharing", in M. Weller and B. Metzger, (eds.) op. cit., pp. 307-343

⁶⁹ The General Framework Agreement for peace in Bosnia and Herzegovina (The Dayton Accord), Paris, December 14, 1995, <<https://www.osce.org/files/f/documents/e/0/126173.pdf>> accessed September 10, 2022. For details of the Bosnian conflict settlement, see F. Bieber, "Power-sharing and International Intervention: Overcoming the Post-Conflict Legacy in Bosnia and Herzegovina" in Weller and Metzger (eds.) op. cit., pp. 193-241

⁷⁰ Machakos Protocol on the Settlement of the Sudan Conflict, July 20, 2002, <<https://dl.tufts.edu/pdfviewer/q237j428d/3484zv232>> accessed September 10, 2022

⁷¹ Full details of the Mindanao Peace Agreement are discussed in M. Turner, "Resolving Self-determination Disputes through Complex Power-sharing Arrangements: The Case of Mindanao, Southern Philippines" in Weller and Metzger (eds.) op. cit., pp. 161-192

⁷² Full details of the Bougainville Agreement are discussed in A.J. Regan, "Resolving the Bougainville Self-determination Dispute: Autonomy or Complex Power-sharing?" in Weller and Metzger (eds.), pp. 125-159

⁷³ The Åland Agreement in the Council of the League of Nations 1921, <<http://uniset.ca/microstates2/engelskaavtal.pdf>> accessed September 10, 2022

⁷⁴ China's Anti-Secession Law, op.cit., Articles 5-7

⁷⁵ G. Gilbert, "Autonomy and Minority Groups: A Right in International Law?" 35 *Cornell Int'l L.J.* 307 (2002) at 353



In the present Nigerian situation, the Federal Government would save itself a lot of trouble if it adopts this autonomy strategy that has doused the tension in other climes. Thus, the call for restructuring along regional or zonal lines as was practiced under the 1963 Republican Constitution should be embraced. This will go a long way in calming strained nerves. As it was in the Republican era, different or separate zones or regions can develop at their respective paces, engendering a healthy competition among various national autonomous groups. Such groups or zones would be responsible for the exploration and exploitation of their resources, paying taxes to the central government, while leaving more complex issues like national defence, currency and foreign affairs to the national or central government. This is preferable to the current system of revenue allocation from the Federal Government, which encourages States to be lazy, and just be collecting from the national pool without contributing anything. For instance, Lagos and other Southern States collect huge revenue from alcohol consumption as Value Added Tax (VAT), which is then turned over to the Federation Account to be shared by all States, including core Northern Sharia States like Kano, Zamfara, Katsina, Sokoto and others, where alcohol is both prohibited and destroyed. Why should such States benefit from the revenue of what they destroy in their domains? The situation in Zamfara, where gold is illegally mined and sold by both the State government and bandits, while oil is mined from the South-South, sold and its proceeds paid into the distributable pool of the Federal Government, breeds much disaffection among the people of the oil-producing Niger Delta in the South-South geopolitical zone.⁷⁶ Autonomy through restructuring, as suggested above, would effectively put the foregoing ugly situation in check.

A corollary to this regional autonomy in Nigeria would include the establishment of a State Police, under the control of the State or regional government. This will be very useful in curtailing the rampaging bandits and terrorists' activities, that have emasculated State governors, who cannot give final instructions concerning the safety of their States to the Police unless and until the Federal Government, through the Inspector General of Police (IGP) approves of such instructions. In the alternative, the State Vigilante groups like Amotekun in the South West, the Volunteer Guards in

⁷⁶ See "Zamfara gold mining: Niger Delta seeks amendment of petroleum, mining acts", The Guardian (Nigeria), December 12, 2020, <<https://guardian.ng/news/zamfara-gold-mining-niger-delta-seeks-amendment-of-petroleum-mining-acts/>> accessed October 26, 2022

Benue, the Eastern Security Network in the South East and other similar outfits should be given the right to bear arms to confront the marauding terrorists and bandits.⁷⁷ The argument in some quarters that State Police will be subject to abuse is not tenable as such abuse is already prevalent in the present system by the Federal Government, with counter-productive consequences.

b. Development Programmes

Another new found mechanism for assuaging the fears and agitations of secessionists is the adoption of development programmes by the central government geared towards massive development and empowerment of the disaffected territories. This has arisen on the realization by central governments that most secessions as could be seen above, were bred by disaffection caused by systematic neglect and marginalization of the disaffected regions in terms of development infrastructures and perceived exploitation of regional resources. For instance, the persistent neglect of the Niger-Delta area of Nigeria, in spite of the region accounting for the bulk of the national revenue generated from oil exploration in the area has been generally responsible for the conflicts in the area.⁷⁸ The Philippines reacted to this feeling by appropriating more than half of a US aid of \$55 million to the economic development and empowerment of the Mindanao in 2001.⁷⁹ In China, there is a policy for the massive development of the 55 minority ethnic groups in order to accelerate their economic and social development under the Chinese National Human Rights Action Plan (2021-2025).⁸⁰ It was in pursuit of this, under previous Action Plans that the sum of \$2.07 billion was earmarked for the development of the restive Xinjiang region.⁸¹ This mechanism

⁷⁷ “Nigerian govt approved AK47 for Katsina outfit, Ondo will buy for Amotekun – Akeredolu”, Daily Post, September 22, 2022, <<https://dailypost.ng/2022/09/22/nigerian-govt-approved-ak47-for-katsina-outfit-ondo-will-buy-for-amotekun-akeredolu/>> accessed September 23, 2022; “Benue to legally procure AK47, AK49 for Volunteer Guards”, Daily Trust, August 4, 2022, <<https://dailytrust.com/benue-to-legally-procure-ak47-ak49-for-volunteer-guards/>> accessed September 23, 2022

⁷⁸ “Nigeria offers militants amnesty”, BBC News, June 26, 2009, <<http://news.bbc.co.uk/2/hi/africa/8118314.stm>> accessed May 11, 2010

⁷⁹ “Arroyo to inject \$50m into Mindanao”, Straits Times (Singapore), December 11, 2001, p. A6, cited in L. Thio, “International Law and Secession in the Asia and Pacific Regions”, in M.G. Kohen, (ed.) op. cit., p. 297 at 335

⁸⁰ See paragraph on Guarantee of the Rights and Interests of Ethnic Minorities, Women, Children, Elderly People and the Disabled. Full text of the Action Plan <https://www.mfa.gov.cn/ce/cegn/eng/zxhd_1/t1905964.htm> accessed September 10, 2022

⁸¹ “Xinjiang to get \$2.07b boost”, Straits Times (Singapore), May 5, 2010, <http://www.straitstimes.com/BreakingNews/Asia/Story/STIStory_522909.html> accessed May 8, 2010



seems to be the reason for the creation of the Niger Delta Development Commission (NDDC) in the South-South zone of Nigeria, with the objective of developing the degraded and underdeveloped oil region. However, corruption has ensured that its objectives are frustrated. If the Federal Government of Nigeria will be more sincere in fighting the corruption in the NDDC, it could save itself a lot of headaches from separatists' agitations. In the same vein, a massive development of the South East zone, by way of roads and rural infrastructure can go a long way in assuaging the separatist agitations of IPOB. The roads network in the South East is appalling. It seems to justify the feeling of marginalization among Igbos that has culminated in IPOB's agitations. In this regard, the ongoing construction of the second Niger Bridge is a step in the right direction.

c. International Administration of Troubled Territories

There has also been the emergence of international administrations in conflict-ridden States. Such international involvement in the administration of territories or States as a mechanism for achieving a lasting peace in secessionist conflicts were under the auspices of the UN, EU, NATO, OSCE, etc. and can be seen in the Bosnia Conflict and perhaps, the most popular and more extensive type witnessed in Kosovo after the NATO intervention in Serbia, arising from Security Council Resolution 1244 under which the UN took over the administration of Kosovo from Serbia, pending the final determination of its status. The international community, especially the UN, has also been involved in supervision of referenda and elections in secession conflicts in order to truly ascertain the wishes of the people concerned. Such supervisions were successfully done in Eritrea and East Timor, leading to full independence of the two entities and their admission into the membership of the UN. The Nigerian Government has to apply caution in its enthusiastic repression of separatists in the South West and South East, while leaving horrendous violence in the North by bandits and herdsmen unchecked; otherwise, it may catch the eye of the international community and may have troubled territories placed under UN supervision or administration.

Nigeria should learn from the Serbian experience of losing Kosovo and try to accommodate and persuade separatist agitators rather than “crushing”⁸² them.

d. Secession Provisions in National Constitutions

Finally, the proliferation of secessionist movements, especially after the cold war, has seen more States including secession provisions in their Constitutions. The availability of a constitutional right to secede has kept most governments on their toes so as not to cause disintegration of their constituent units. Such provisions are in the Ethiopian Constitution 1994,⁸³ Constitution of Serbia and Montenegro 2003⁸⁴ and the Law on the Special Legal Status of Gagauzia.⁸⁵ The Nigerian people may choose to either amend or enact a brand new Constitution in which a right to secede is entrenched, in order to curtail the illusive perception of some ethnic groups that claim a birth right to rule other groups or the indissolubility of the Nigerian federation.

Conclusion

There is glaring inconsistency on the part of the international community with regard to the post-communist secessions in Europe and post-colonial secessions in Africa and Asia. This has prompted Blay to conclude that the current international law position on the status of the right of self-determination in the post-colonial context seems more or less "neutral." He further posited that there are no definite international law rules that forbid or permit a claim to the right.⁸⁶ This discriminatory attitude applied to the cases of Somalia, Sudan, Sri Lanka, Moro (Philippines) and other secessionist conflicts in Africa and Asia. After over 25 years of guerrilla warfare, the Tamil Tigers were finally defeated by the Sri Lankan forces in May 2009.⁸⁷ The Republic of South Sudan

⁸² “Crush IPOB, Boko Haram, Others Now, Buhari Orders Military”, The Guardian (Nigeria), August 23, 2017, <<https://guardian.ng/news/crush-ipob-boko-haram-others-now-buhari-orders-military/>> accessed October 1, 2021; “Biafra: Osinbajo Denies Saying FG’ll Crush IPOB ‘by fire by thunder’”, Daily Post, June 3, 2021, <<https://dailypost.ng/2021/06/03/biafra-osinbajo-denies-saying-fgll-crush-ipob-by-fire-by-thunder/>> accessed October 1, 2021

⁸³ Article 39, Constitution of Ethiopia 1994, <<http://www.servat.unibe.ch/law/icl/et00000.html>> accessed April 14, 2009

⁸⁴ Article 60, Constitutional Charter of Serbia and Montenegro 2003, <http://en.wikisource.org/wiki/Constitutional_Charter_of_Serbia_and_Montenegro> accessed June 10, 2009. Under the constitutional provision above, Montenegro peacefully seceded or broke away from Serbia in 2006.

⁸⁵ Note 68 ante

⁸⁶ Blay, *op. cit.*, at p. 281

⁸⁷ “Claims of massacre as Tamil Tiger leaders die”, The Times (UK), May 19, 2009,

was declared independent after several years of fratricidal wars in 2011, following a UN brokered arrangement. The struggle for independent Tibet is still on, with China adamant about any such talks. Perhaps, African and Asian nations should borrow a leaf from their European counterparts and jettison international dogmas, in order to recognize deserving cases of secession. That way, the needless bloodshed in the above conflicts which are still going on in some places would be averted. What is ludicrous is that African and Asian nations supported the admission of the post-communist secessionist States into the UN while they allowed bloodshed to continue unabated in their domains in circumstances not fundamentally different from those of the Communist enclave.⁸⁸ One scholar has therefore opined that, separation seems to be a minor evil if people who are categorized as belonging to different nations generally hate each other, or if their political leaders exploit historical grievances to make them hate each other.⁸⁹

The reality of this era enjoins nations and nation-states to respect the rights of people to determine their political status; economic, social and cultural development. Being and remaining in a State should be by persuasion and conviction, rather than by brute force or some pretentious rule of international law. The people of the South East and South West Nigeria and all others who feel marginalized and repressed have a right to the exercise of their self-determination but the trend is to seek such exercise within the sovereign entity. Where, however, it becomes impossible to exercise such right within the sovereign entity, secession could be the only way out especially, when the international community becomes involved like it was in Kosovo. Nigeria, should therefore, take a cue from the situations discussed above and amicably pacify her restive, aggrieved separatist groups. Should there be war in Nigeria due to the intransigence and lethargy on the part of the Federal Government, there will be an unprecedented, monumental humanitarian crisis that the world will not be able to contain owing to Nigeria's mammoth population.

<<http://www.timesonline.co.uk/tol/news/world/asia/article6315330.ece>> accessed August 2, 2009

⁸⁸ Blay, *op. cit.*, at p. 292

⁸⁹ R. Bauböck, "Why secession is not like divorce", in K. Goldmann, (ed.), *Nationalism and Internationalism in the Post-Cold War Era*, London, Routledge, 2000, p. 214 at 217; see also V.P. Nanda, "The New Dynamics of Self-Determination: Revisiting Self-Determination as an International Law Concept: A Major Challenge in the Post-Cold War Era", 3 *ILSA J Int'l & Comp L* 443 (1997) at 452