

THE IGBO IN NIGERIA: HUMAN RIGHTS ABUSES AND THE QUESTION OF RESTITUTION, 1967-2002

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Abstract

The Igbo are part of the constituent units which the forces of the British colonial government welded together to produce the state known today as Nigeria. The Igbo had evolved with the other ethnic groups since the inception of Nigeria. However, the socio-economic and political situation in the country had by 1967 moved them to secession. The move by the Nigerian military to crush the attempt by the Easterners to secede as a separate state known as the Republic of Biafra in 1967 has been seen as the most proximate cause of the Nigeria-Biafra War. The said war lasted for 30-odd months during which most parts of Igboland were turned into theatres of military confrontation. As a consequence, many lives and property were lost and the human rights of the people wantonly abused. In May 2002, the Obasanjo administration set up the Human Rights Violations Investigations Commission of Nigeria, also known as Justice Chukwudifu Oputa Panel to hear and collate the grievances of Nigerians bordering on human rights abuses of successive administrations in Nigeria. At the Panel's hearing sessions, some prominent Igbo people at the behest of Ohaneze Ndigbo – the apex socio-cultural and political organization of the Igbo, tabled their grievances and made far-reaching demands as restitution or compensation for the series of injustices the Igbo suffered during the war.

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The case presented by Ohaneze appeared simple on paper but in reality, it is complex and knotty. It is in this connection that the study aims at analyzing the contentions for restitution of the human rights abuses suffered by the Igbo, especially as agitated by the Ohaneze Ndigbo. The paper contends that despite the characteristic complications in most conversations on restitution, implementing wholly or the key parts of the demands made at the Oputa Panel by the Igbo is one sure way of addressing the threatening challenges to the corporeality of the Nigeria state, by the Indigenous Peoples of Biafra and other separatist groups.

Introduction

The idea of restitution, reparation or compensation, – generally dubbed ‘corrective justice’ are torrid and contested notions. Though, conceptually, theoretically and legally differentiated, compensation, restitution and reparation as arms of corrective justice are interested in seeing justice done.¹ Restitution and reparation have been used synonymously, at least, in a non-legal sense by scholars to refer to correcting a prior injustice. The crucial difference between the two terms would appear to be that while restitution is made by the offending party without the compulsion of a third party, reparations are often imposed on the offending party.² Compensation on the other hand, may be due when no one has acted unjustly to anyone. Compensation may be made as a form of affirmative action. The problematic in all forms of corrective justice is the unwillingness of the injurer(s) to admitting their wrongfulness. Bernard R. Boxill informs us that reparation or restitution is not just a matter of transferring resources from the injurer to the victim.³ For reparation to be complete, the injurer must also acknowledge the wrongfulness of his act. Accordingly to him:

Part of what is involved in rectifying an injustice is an acknowledgment on the part of the transgressor that what he is doing is required of him because of his prior error. This concession

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of error seems required by the premise that every person is equal in worth and dignity. Without the acknowledgment of error, the injurer implies that the injured has been treated in a manner that befits him; hence, he cannot feel that the injured party is his equal. In such a case, even if the unjust party repairs the damage he has caused, justice does not yet obtain between himself and the victim.⁴

Haig Khatchadourian posits that acknowledgment of wrong in such cases is required out of respect for the humanity of victims as persons.⁵ Experience and history tend to show that people, groups and states find it difficult to acknowledge wrongfulness in relations with others. This is not solely because of parsimony – in paying reparations but also because the complex issues of race, gender, and religion, among others. Commissions of injurious acts and unwillingness to admit wrongdoing have thus remained a central cause of myriads of problems in inter-group/international relations.

In post-colonial Africa, the nature and character of the state have been markedly conflict-prone, which poor resolution have often led to war.⁶ In these wars, atrocious acts are perpetrated on members of the civil society. In most cases, central issues in postwar reconciliation such as those of corrective justice are swept under the carpet or handled half-hearted. The Nigerian example typifies the case. After the Nigeria-Biafra war, the government's reconstruction programme paid lip service to the nagging question of corrective justice; as in fact, the Reconstruction, Reconciliation and Reintegration programme were farcical. Although, the military government of Abacha contrived a reconciliation, it did not seem to have achieved any results. Following the transition to civil rule, the president Olusegun Obasanjo administration in response to mounting cries of marginalization and human-rights violations coming from various segments of the Nigerian nation set up the Human Rights Violations Investigations Commission of Nigeria

headed by Justice Chukwudifu Oputa in 2002. Among the various groups that tabled their grievances were the Ohaneze Ndigbo, the apex socio-cultural organization of the Igbo. In addition to the grievances, the Ohaneze Ndigbo, the Association also demanded apologies and staggering material and financial (tangible) compensations as a form of restitution from the Nigerian state.

Scholarly attention on the broad issues of corrective justice for the Igbo and outcomes of the Oputa Panel seem not to have examined the materiality of the submissions of Ohaneze Ndigbo and the Igbo demands for economic restitution. Paul Obi-Ani, for example, focused on political and economic dimensions of the reconstruction of Igboland in the early 1970s, muting that the Public Officers Decree No 4 of 1970, the abandoned property issue, the change from Bight of Biafra to Bight of Bonny, the speedy contrivance of the Indigenization Decree and the ban on second-hand clothes variously amounted to political and economic injustices against the Igbo.⁷ Obi-Ani, however, does not advance any possibility or basis for restitution to the Igbo. Benjamin Maiangwa concentrated on how far intangible elements could help in the process of national reconciliation. He makes the case of trans-generational trauma for the Igbo and argues “that the agitations of young ‘Igbo people who are contesting their ‘place’ within the Nigerian state is largely the result of the absence of adaptive solutions to their transmitted trauma, injustices, and grievances as a result of the Nigeria-Biafra war and the government post war policies.”⁸ Though Maiangwa considers the Oputa Panel a flop, he recognizes the salience of tangible measures in Nigeria’s reconciliation efforts. He asserts:

That reconciliation entails more than just the fulfilment of intangible elements. There are several economic and structural changes that the Nigerian government must make in order to empower all ethnic groups in the country, particularly the Igbos and several minority groups in the south who still feel disadvantaged

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and aggrieved in the aftermath of the war. There have been calls within the Igbo community for the Nigerian government to compensate them for the loss of their properties due to the consequence of the Abandoned Property Law.⁹

On their own, Idayat Hassan and Benson Olugbo submit that the Nigerian state is ill-equipped to carry out a reasonable national reconciliation not only because the “Nigerian criminal law system does not recognize the right of victims of crimes to reparations” but also the high vested political interests.¹⁰ Their submission appears to be based on the example of the Oputa Panel, whose report was never made public and some other states government that instituted reconciliations. Other scholars such as Sabine Jell Balhsen¹¹, Godwin Onuoha¹², Daniel Jordan Smith¹³, and David J. Murray¹⁴ have examined a wide range of issues that border on corrective justice in post-civil war Nigeria. Despite these scholarly engagements on the theme, the submissions of the Ohaneze Ndigbo, its specifics and import have remained unexamined. We argue that shedding light on the position of Ohaneze and critically engaging it in the broad conversation of corrective justice in Nigeria will help to understand the nuances of state-civil society relations in Nigeria. The study is organized into six sections. Following the introduction, we present a background to the issue of human rights deprivation in Nigeria. In the third section, we examine the human rights violation of the Igbo during the war; the fourth section builds on the preceding section by reviewing human rights abuses of the Igbo in postwar Nigeria. The fifth section engages the submissions of the Ohaneze Ndigbo at the Oputa Panel critiques its presentations. The study is concluded in the seventh section.

Background to the Nigeria-Biafra War and the Deprivations of the Igbo

The history of the events that led to the Nigeria-Biafra War are well-documented in extant literature¹⁵; indeed, they are intertwined with Nigeria’s political evolution. However, it is

expedient to reframe some of the most outstanding of these events. On 1 October, 1960, Nigeria became an independent federation with three regions of differing sizes- the Northern region had the Hausa/Fulani as the dominant ethnic group. In the Western region, the Yoruba were the majority ethnic group while the Eastern region had the Igbo as the predominant ethnic group. In this tripartite regions were a motley of minority groups. In August 1963, the Midwest region was carved out of the Western Region and Nigeria became also a republic the same year. At the head of the Federal Government presided a prime minister, the late Sir Abubakar Tafawa Balewa from the North while Dr. Nnamdi Azikiwe, (from the East) was the ceremonial Governor-General.

Some of the ethnic groups in what was to become the Eastern region had an early acquaintance with European ways, during the nineteenth century. The expedition of 1854 dealt the final blow to the protectionisms of coastal middlemen; the subsequent development of inland trade opened Igboland up for greater relations with Europeans.¹⁶ Owing to their enterprising spirit and egalitarian disposition to life, the Igbo were quick to learn the skills, expertise and technology introduced by Europeans¹. Consequently, the people were employed in large numbers by government establishments and foreign firms in northern Nigeria. Some of the Igbo settled in the north where they set up private enterprises, small scale industries and businesses. There was, therefore, a large concentration of easterners, especially the Igbo in the north. The Northern region, dominated by Muslims encompassed more than two-thirds of the area of the country. Two important factors controlled the politics of Nigeria by this time; first, southerners' fears of political domination of the country by the North and second, northerners' fears of an intellectual, commercial and bureaucratic domination by the South. Given the pervasiveness of the Igbo in several crucial sectors of the federation, the northerners saw the Igbo as a threat to their dominance of the central government. This often

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resulted in politically orchestrated conflicts in which southerners, especially the Igbo were killed in the North.¹⁷

In the period between 1965 and 1966, Nigeria moved from one crisis to the other. Between December 1964 and January 1965, there was the federal election crisis. In the election which was marked by rigging and intimidation of opponents, the Northern Peoples' Congress (NPC), and its allies emerged victorious. In October 1965, the Western regional election was also marked by political thuggery and open abuse of democratic process. Law and order broke down in the region; the presence of the Nigerian anti-riot police did not help matters. In the confused state of affairs, in the early hours of January 15, 1966 a group of young army officers led by Major Chukwuma Nzeogwu, staged a coup d'état, leading to the death of the Prime Minister, Abubakar Tafawa Balewa, the Premier of Northern Nigeria, Sir Ahmadu Bello, the Premier of Western Nigeria, Chief S.L. Akintola and the federal Finance Minister, Okotie Eboh.¹⁸ The inability of the coup plotters to capture Lagos – the seat of Government, jeopardized the overall aims of their coup and thus, Major General Thomas Umunakwe Aguiyi Ironsi, an Igbo, being the most senior officer in the army at that time was handed over the reins of government. General Ironsi appointed a military governor to each region. General Ironsi was to soon lose the goodwill of some sections of the country because of his controversial Decree No. 34 of April, 1966 which was purported to turn Nigeria into a unitary republic.¹⁹ This was the background to the riots and killings of the Igbo living in the Northern region. One may recall that after the initial jubilation over Nzeogwu's coup, it soon came to be misinterpreted by the northerners as an Igbo coup designed to usurp the Northern leadership of the federation. Thus on the morning of Sunday 29 May, 1966, the northerners unleashed a mayhem on the Igbo living in the North, who had gone to worship in their churches. For three consecutive days, the Igbo were killed and there were cases where girls and women were raped⁵. Though the death tolls have not been well-documented, it is estimated that between May and September,

1966, a minimum of 3,000 and a maximum 30,000 of the Igbo people living in northern Nigeria lost their lives during this period.²⁰

By July 1966, there was a counter-coup by the army in which General Aguiyi Ironsi, the Head of State was killed. General Yakubu Gowon, a northerner became the new head of state. The killings of the people of eastern Nigeria origin, especially the Igbo continued in the North. Thereafter, there were negotiations between Nigerian leaders of thought and the military junta. It is on record that while the meeting was still going on, the Northerners launched another attack on the Easterners, cudgeling many of them to death. The assailants this time around included soldiers as well as civilians. As noted elsewhere, “Easterners, especially, the Igbo were killed at their workplaces, homes, market places and in most northern towns and this led to the call to all Easterners to return home. Many came back with severed limbs and eyes gorged out as well as headless corpses”²¹. Meanwhile, the negotiations between the leaders of the civil societies and the military brass men culminated in the abortive meeting of the military leaders at Aburi, Ghana in January 1967. As soon as the Aburi deal was signed, there arose serious interpretational problems between Ojukwu and Gowon; there were claims and counter claims over the Aburi. These events coupled with the increased tension and suspicion provided the background for Gowon’s next action. On 27 May, 1967, Gowon created twelve states in Nigeria. Thus, on 30 May, 1967, Colonel Chukwuemeka Odumegwu Ojukwu, the then Military Governor of Eastern Region declared the secession of the old Eastern Region from the Nigerian federation. This was seen by Gowon as an outright rebellion. A civil war therefore became inevitable. In July 1967, war broke out between Nigeria and its Eastern Region which Colonel Ojukwu declared as the Republic of Biafra. The war lasted until January 12, 1970.²² Between July 1967 and January 1970 when the war lasted, various parts of Southeastern Nigeria were turned into theatres of war with the attendant destruction and carnage. As expected, the Igbo found themselves

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on the Biafran side of the war and were known to have suffered one of the worst human-rights violations ever known in history. Even with the unconditional surrender of Biafra in January 1970, it is on record that for several weeks after the official declaration of the end of hostilities, there were cases of human-rights violations in the form of loss of many lives, physical deformities, loss of property, physical and psychological torture, imprisonment, rape and sexual abuse, imprisonment, forced prostitution, environmental abuses, resource despoliation, among others existed in several places in Igboland. The next section examines these human rights deprivations in a greater detail.

The Human-Rights Violations of the Igbo during the Nigeria-Biafra War

The sordid human-rights violations which the Igbo suffered as a result of the Nigeria-Biafra war did not start with the war proper. The horrific experience indeed dates back to the May 1953 Kano riots in Northern Nigeria in which 36 Igbo indigenes residing in the city were killed and 272 wounded in a riot directed against the Igbo.²³ This was followed in May 1967 with yet another riot which claimed a greater number of lives on the side of the Igbo. What followed some four months later, which has been referred to as a pogrom, reduced the two previous anti-Igbo riots in Kano into mere dress rehearsals of what awaited the Igbo in the Nigerian federation. From 28-29 September, 1966, what appeared like a holocaust descended on the Igbo resident in all towns of northern Nigeria. Furthermore, northern mobs took to the streets exhorting more people to violence and spearheading the attacks on the Sabon Gari (strangers quarters) where the Igbo mostly lived. The orchestrated animosity and onslaught against the Igbo had increasingly grown in intensity till July 1967 when it snowballed to the Nigerian-Biafran war, which pitted the federal forces against the seemingly ragtag Biafran army. During the thirty months that the war lasted, the Igbo suffered severe human-rights violations. In fact, what the people suffered during the said war made the fate that had befallen them in the pre-war

riots and the notorious September – October 1966 pogrom a mere child's play or a tip of the iceberg. In the period the war lasted, various parts of Igboland were turned into slaughter fields. The people including soldiers, civilians - women and children died in their millions as a result of the military assault, hunger and disease. The Nigerian war strategy of 'starvation as a legitimate weapon of war' made the Federal Military Government of Nigeria to blockade the embattled Biafran state on all fronts. This strategy helped in the malnourishment of uncountable number of children. Between 6000 and 15000 children were estimated to have suffered this fate.²⁴

In fact, many Igbo women suffered untold psychological torture and stress; a good number were raped and sexually abused by Nigerian soldiers; while many ladies were pressed into prostitution and live-in-sex objects. On their part, many young Igbo boys who were supposed to be in schools or trade apprenticeship were compelled by the realities of the war to get conscripted into the war as emergency combatant soldiers; while others took to all sorts of crime in order to survive¹⁷.

In the same vein, the Igbo who had by 1967 acquired significant landed property in many parts of Nigeria as well as personal belongings such as automobiles, equipment, machinery, facilities, among others; during the war these property were either destroyed or looted. Those not razed down or looted were taken over as "abandoned property" by some non-Igbo people in most parts of Nigeria. This resulted to the "Abandoned Property" saga. It may be necessary to briefly observe here that the poor handling of the 'abandoned property' issue is a serious indictment of the systematic plans of the Nigerian State to consciously infringe on the Human Rights of the Igbo. This is because; given the argument that whatever befell the Igbo during the war was as a result of the exigencies of the war. How can one therefore, explain the case where a war situation was imposed on Igbo in

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peace time – even after an unconditional surrender? Furthermore, as the war raged on, virtually all parts of Eastern Nigeria were barricaded and ex-communicated from any meaningful social and economic interactions with the outside world as the economy of the region was reduced to a ‘war economy or survival economy’ characterized by all sorts of economic crimes, looting, opportunism, smuggle trade, arms and drug trade, banditry. As a consequence, therefore, the people lived a life of survivalism, drudgery, extreme want, disease, hunger and despair as millions died not from the adversary’s bullet only but also from hunger and disease particularly “kwashiorkor, which became. During the war, market and shops were looted and destroyed. In most rural communities of Eastern Nigeria, farmlands, rivers, streams and their aquatic ecosystems and hunting ranges were polluted and degraded by dangerous chemicals from artillery bombs, and other ammunition. The foregoing helps to explain the high level of hunger and disease and the attendant high death rates among the Easterners during the war. The Human Rights abuses and the general plight of the Igbo during the civil war had received ample historical attention in existing studies.²⁵

The Post-war situation, 1970-2002

Generally, one would have expected that the Nigerian authorities would utilize the opportunity offered by the end of the war to redress those injustices and human rights violation meted out to the Igbo before and during the period the war lasted, and by so doing, heal the wounds of that unfortunate sordid chapter in Nigerian history. What really transpired soon after the war unfortunately proved contrary to expectations. Although, the war officially ended on January 15, 1970, the Nigeria troops continued to kill defenseless civilians in Igboland during the first few months of the post war era. It was during this period that the distinguished political scientist, Dr. Kalu Ezera was killed. It was also during this period that the indefatigable soldier and tactician, Col. Tim Onwuatuegwu was murdered by officers of Nigeria’s First Division.²⁶ In spite of the Gowon’s administration’s 3R (Rehabilitation, Reconstruction and Reconstruction) programme

which had been embarked upon soon after the war, and which was supposed to be anchored on the philosophical praxis of “No Victor, No vanquished”, little or nothing was done to address the plight of the Igbo towards re-integrating them into the new Nigerian project. This is so because most public infrastructure, private and public buildings, industrial edifices, markets, and importantly, industries in Igboland severely affected by the war were for many years after the war left in their sordid state of ruins. Many career civil and public servants of Igbo extraction, who were in the employ of the Federal Government of Nigeria before the outbreak of the civil war, were denied re-absorption into the federal service after the war. The above was also the case of many career soldiers in the Nigerian Army who had wanted to be reabsorbed back into the Federal force after fighting the war on the side of Biafra. A similar fate also befell other Easterners who were in such paramilitary or security formations like the Police, the Customs and Excise, Immigration, Federal Fire Service, State Security Service (SSS) (formerly Nigerian Security Organization, NSO) before the war and who wanted to be reabsorbed into their former outfits after the war. The Igbo persons were lucky to have been considered for re-absorption into the federal establishments or formations, such ‘fortunate’ ones were made to lose the grade levels they were entitled to enjoy alongside their non-easterner counterparts.²⁷

Another area in which the Igbo were severely shortchanged in the Gowon’s post-war reconstruction was the banking sector. Recall that soon after the war, every Igbo who had his or her bank lodgments trapped in any bank during the war was compelled to receive a paltry twenty pounds (£20) by the Federal Ministry of Finance, irrespective of the total value of each of such bank lodgments. A commentator in the *London Times* of January 29, 1971 had aptly described such policy by the federal Government of Nigeria as an “orchestrated design at further economic strangulation of the Igbo”.²⁸ It is also important to note that the Nigerian Government took over Biafra’s war time scientific outfit and stifled its growth. Furthermore, the Obasanjo

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Administration in 1977 established six new polytechnics in Nigeria and none was located in the East-Central State (Igboland). It is on record that the timing of indigenization policy in 1972 was made to rout the Igbo from the commanding heights of the economy. Being that the people were just recovering from the financial throes of the civil war. More important and vexing was the Federal Government ban on second hand clothing (popularly known as okrika or bend down-select) and stock fish were calculated to throw the lives of the average Igbo man whose live depended on petty trading to penury and misery.²⁹ The lives of many Igbo people residing in Northern Nigeria in the period covered in this study were lost and nothing appeared to have been done to bring these killers to justice. In October 1991, more than 700 Igbo people in Kano were massacred, their property looted. In December 1994, Gideon Akaluka, an Igbo trader was beheaded by a mob in Kano on the charge that his wife used pages of the Koran as toilet paper for her baby. Akaluka was imprisoned where a Muslim mob broke into, killed him walked around the city parading his severed head. It was later discovered that the said woman was not Akaluka's wife, neither the baby his³⁰; characteristically, not even a panel of inquiry was set-up to investigate the matter.

Since the return of democracy in 1999, there have been a recrudescence and new heights in the marginalization of the Igbo and hence, infringement of the first generation Human Rights. Apart from skewed appointments in the National Security Council, the Armed Forces, and the Police, there have been systematic efforts to keep the Igbo in the lower rungs of the federation politically, and economically. This variously manifests in the employment in federal government establishments; state creation, discriminatory industrial policies, inequitable resources transfer through the Petroleum Trust Fund, denial and delay in infrastructural facilities.³¹ This level of 'othering' and discrimination were the reasons why the Ohaneze Ndigbo made their presentation at Oputa Panel in 2000. Ohaneze's presentations and demands are examined in the next section.

The Presentation and demands of Ohaneze Ndigbo at the Justice Oputa Human Rights Violations Commissions

As already mentioned, the Ohaneze Ndigbo, the apex socio-cultural association of the Igbo in Nigeria and in Diaspora, was one of the bodies that made presentations before the Justice Chukwudifu Oputa Commission set up by the Obasanjo administration to hear and collate the grievances of Nigerians against successive regimes and authorities in Nigeria, as it pertains to human-rights violations. The Ohaneze Ndigbo of course, tabled a compendium of grievances concerning the human-rights violation that the Igbo suffered immediately before, during and after the Nigerian-Biafran war. We shall for reason of space summarize the Association's presentations and the associated demands as follows:

Grievances

- That the Igbo lost over 10 million people, including fathers, mothers, wives, able-bodied youths, children etc to the war.
- That as a consequence, many Igbo wives were widowed, many men rendered 'wiveless' and many children orphaned.
- That many Igbo lost their valuable properties (sic) to the war, whose values are too much to quantify.
- That many Igbo were made refugees in their own land and are yet to be reintegrated into the Nigerian society.
- That many Igbo either lost their jobs or had their job careers disrupted as a consequence of the war.
- That many Igbo were physically wounded and disabled, tortured, imprisoned and psychologically traumatized and have to go about today with a lot of stress, pains, feelings of insecurity and hopelessness.
- That many Igbo women, ladies and girls were raped, sexually assaulted or were compelled to take to prostitution and sex profiteering and hawking.

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- That many Igbo youths who were supposed to be in school or learning one trade or the other were conscripted into the said war as emergency soldiers or compelled to take to all forms of criminal acts during the war.³²

Demands

- That Gen Yakubu Gowon along with other surviving members of his administration and the Federal Government tender unreserved public apologies to the Igbo race for the injustices and human-rights violations the later suffered as a consequence of the Nigeria-Biafra war.
- That all Easterners who were serving in any Federal establishment, military, paramilitary and security formations be reabsorbed into their former post and their ranks and grade levels regularized with those of their non-Easterner counterparts and also be paid all their arrears of salaries and entitlements they lost as a result of the war.
- That all the landed properties [sic] buildings, industrial equipment and machinery confiscated from the Igbo as “abandoned property” in any part of Nigeria during the war be returned to them as the rightful owners in good state or repair.
- That a special fund to be known as “Eastern Nigeria Reconstruction Fund” be established and huge chunks of federal budget paid into it periodically for use in urgent reconstruction and rehabilitation of public and private facilities and buildings destroyed or looted during the war.
- That the Igbo be paid the sum of N850 Trillion Naira (N850,000,000,000,000.00) only as financial compensations for those other injustice and human-rights violations suffered by them as a consequence of the war

and whose values cannot be quantified materially or financially.³³

As was to be expected, the submissions of the Ohaneze Ndigbo proved from the scratch to be a very contentious affair. The vexed question of the legality or otherwise arising from the singular act of declaring a Republic of Biafra within the context of a corporate sovereign Nigeria by Col. Chukwuemeka Odumegwu Ojukwu following the renegeing on the Aburi Accord by the Col. Gowon's Federal government constitutes the politico-legal problematics. Two contending issues are at stake here. First, the architects of the Republic of Biafra, had contended that given the prevailing atmosphere of the ceaseless massacres of the easterners particularly the Igbo in the May 1966 riots and September – October 1966 pogrom in Northern Nigeria which spread to other parts of Nigeria, which of course, they had read as nothing short of orchestrated plot at racial annihilation or “ethnic cleansing”. This situation and the federal government's repudiation of the Aburi Accord, the Biafran defendants left them with the only option of securing the humans rights of the Easterners, saving their lives and seeking self-determination in a separate sovereign entity outside the Nigerian federation, hence their declaring the Republic of Biafra.

The federal government, on the hand, had insisted that Nigeria won her independence and hence sovereignty from Britain with her pre-independence territories intact and thus, to plot or organize a secession or rebellion against sovereign Nigeria by any of its regions or ethnic nationalities is nothing short of high treason (even in the face of reckless provocation), which should be crushed at all cost, even if it entails going to war, hence the marshaling of the Nigerian forces against the Easterners in the said Biafran Republic. Given the desperate and close-mindedness of the architects of a corporate Nigeria to forge a one sovereign nation out of over 250 ethnic nationalities right from the Lugardian era, it would appear that successive constitutions towards the making of a sovereign Nigeria foreclose any issue of seeking-determination outside the context of a one

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Nigeria (rightly or wrong). The foregoing perhaps explains the enactment of various anti-sabotage legislations or decrees by successive administrations. Given such seemingly blind alley, one cannot but be tempted to advise Ohaneze Ndigbo to take its case to the International Court of Justice at the Hague, since Nigeria has ratified and domesticated most of the international charters on Human Rights particularly, the ICCPR and ACHPR. This is because one cannot anticipate the Ohanze Ndigbo getting any decisive legal victory against the Nigerian state within the domestic judicature.³⁴

However, the Ohaneze Ndigbo taking such line of option is fraught with a major problem. This is because UN Resolution establishing the International Court of Justice like the Nigeria's Fundamental Rights Enforcement Procedure Rules has no procedure for enforcement of the judgments, orders or awards of the world court, thereby casting it in the image of yet another toothless bulldog. Another dimension of the problematic issues of the possible redress of the grievances raised by Ohaneze Ndigbo is the characteristics attitude of the Nigerian judiciary to the whole issues of human rights violations. Over the years, the Nigerian courts have concerned themselves with the technical aspects of laws (including decrees) in place of the substance, object or purpose of such laws.³⁵ It is doubtful how the liberal approach advocated by the Nigerian judiciary for the interpretation of the constitution and indeed the Human Rights provisions help the Igbo demands of restitution. One observer has aptly noted that "in Nigeria we have not used the social justice approach in our interpretation of the Fundamental Human Rights provisions of the Constitution... the approach of the courts to the provisions of Chapter 4 (Human Rights provision) of the constitution can be described as the abuse of power approach". The foregoing constitutes obstacles to the realization of the demands by the OhanezeNdigbo regarding the harrowing Human Rights abuses suffered by the Igbo during the Nigeria-Biafra war.

The Igbo Demands for Restitution and the Nigerian State: A Critical Evaluation

Given the sheer evidence regarding the sordid human-rights violations suffered by the Igbo in the Nigeria-Biafra war, and the extent of the agitation coming from the Igbo has been threatening the stability of the Nigerian federation, the general expectation is that the demands of the Igbo nation as articulated and presented by the Ohaneze Ndigbo constitute an attractive blueprint in the remediation of the Human Rights violations of the Igbo people. This appears very attractive and rosy on paper but a critical examination of the issues involved in redressing the Human Rights woes of the Igbo pertaining shows that the issues are actually fraught with a number of legal, political, procedural as well as judicial problems. The first and basic legal question regarding the Human-Rights violation suffered by the Igbo, especially in the Nigeria-Biafra war is whether or not the case is actionable or justiciable at all. This is so because of the circumstances of the case: the fact that the greater part of the whole events was part and parcel of a war-situation makes the justifiability of the demands problematic. It is true that Nigeria has ratified the treaty components of the International Bill of Rights, The Universal Declaration of Human Rights of 1948, The International Convention on the Elimination of all forms of Discriminations Against Women (CEDAW) of 1979, The International Covenant on Civil and Political Rights (ICCPR) of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966.³⁶ These Charters are yet to be domesticated by way of incorporating them into the nation's municipal laws. Thus, the international legal and jurisprudential basis of the Igbo demands meets a challenge herein. more distressing is the fact that the African Charter on Human and Peoples' Rights (ACHPR) which Nigeria has since ratified and domesticated does not elaborate on the circumstances under which the taking of life may be permissible. Neither did the Charter indicate the manner in which citizens of African states

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can seek redress over human rights abuses arising from the actions and inactions of their states.

Notwithstanding, the fact that the millions of Igbo lives which were lost to the war were mostly defenseless civilians and not mainly soldiers gives the Igbo good standing in existing code of conduct in wars. The point is that in civilized warfare, both the norm and the spirit of the law is to try as much as possible to keep the casualty figure of civilians involved in war as low as possible. The fact that majority of the millions of Igbo persons that died in the Nigeria-Biafra war were defenseless civilians vis-à-vis the demands of Ohaneze Ndigbo gives a positive optimism about justiceability of the complaints of the Igbo nation. The second dimension of the legal problems inherent in the demands of the Ohaneze Ndigbo is the issue of award of damages and monetary compensation to the Igbo people. Granted that the complaints by the Ohaneze are actionable or justiceable both at home and at the International Court of Justice, what is then the position of law regarding the whole issue of award of damages and monetary compensation in Nigeria. The case of *Candide-Johnson v. Edigin* held that a claim for monetary compensation is within the ambit of Chapter 4 of the 1979 Constitution and unless special damages are claimed, the award is usually one in general damages.³⁷ Though neither Section 42 nor other Section of the 1979 Constitution (except Section 32 (6) which provides for compensation and public apology in the case of any person whose right to personal liberty has been unlawfully violated) provides for a specific right to compensation. However, the constitution did not set out to take away vested rights rather it sets out to expand them and make them sacrosanct; furthermore, the maxim *ubi jus ubi remedium* – (where there is a right, there is a remedy) as utilized by the Supreme Court in *Bello v. Attorney General of Oyo State* can ground the existence of an enforceable right to compensation. With regards to the demand of monetary compensation by Ohaneze Ndigbo against the federal government to the tune of N850 trillion, the Association had not deviated so much from the path of law. Where the Ohaneze

appeared to have erred was to fix any specific sum of money; instead they would have left the issue of how much to receive open in lieu of the harrowing sufferings the Igbo went through in the war for a court to decide. The Association could easily be seen as an opportunist one playing politics with human rights for easy money. Another legal problem in the quest for restitution stems from the shortcomings of the procedure of enforcement of human rights in Nigeria, especially Enforcement Procedure Rule. The Rule is supposed to be a procedure for quick access to redress in cases of violation of Fundamental Human Rights. Despite the positive points of the Rules, practical experience indicates that their implementation by the Courts does not accord with the intendments of the Constitution makers. Consider for example, the fate of suit No ID/499M/91 filed by the Civil Liberties Organization (CLO) in 1991 which never reached the trial stage before another legal technicality was brought up to terminate it.³⁸ This can in no way be suggestive of a speedy adjudicatory process. It would appear that the Rules do not provide any specific procedure for enforcement of human rights judgments, orders and awards. The result is that many orders of court are disobeyed with impunity particularly those relating to monetary damages or compensation. Given the foregoing shortcomings of the Fundamental Rights Enforcement Procedure Rules, particularly its failure to define specific procedure or authority responsible for enforcement of its judgments, order or awards, the creators of the Justice Oputa Commission before which the Ohaneze Ndigbo presented its case could have used the very opportunity of empanelling such an all-important Human Rights Commission to specifically provide rules of procedure for enforcement of its orders and awards. One of the major planks of the dilemmas of the Ohaneze Ndigbo in its historic presentation is that most Human Rights Commissions empanelled in Nigeria so far have remained what they are: toothless bulldogs that can bark without biting.

Conclusion and Recommendations

This study has examined the issue of human rights abuses of the Igbo and the demands as made by the Ohaneze Ndigbo. While the setting up of the Justice Chukwudifu Oputa Commission in 2002 to hear and collate human-rights grievances of Nigerians against successive regimes in Nigeria is highly commendable, the fact that the Federal Government and the Justice Oputa panel failed to implement the demands made by Ohaneze Ndigbo regarding the human rights abuses suffered by the Igbo, especially as a result of the Nigeria-Biafra war severely paralyze the move by the Association to seek lasting redress to the said grievances of the Igbo. In fact, the said move by the Ohaneze Ndigbo seeking restitution against the human rights abuses suffered by the Igbo during the Nigeria-Biafra War and beyond, is as was noted, fraught with many complex issues. The concept of Human Rights as entrenched in the Nigerian Constitution (as amended) is defective and, therefore, gives room for Human Rights abuses. Since Nigeria had ratified most international charters on human rights, there is need to incorporate these charters into the nation's municipal laws. Apart from the need to incorporate the charters into municipal law, it is obvious that the obligations contained in these international human rights charters are obligations the Nigeria state has voluntarily undertaken for the benefit of its citizens and residents.

It is recommended that major international Human Rights charters ratified by Nigeria be incorporated into the nation's constitution particularly, the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of All forms of Discrimination against Women. Furthermore, the concept of awards to victims of human rights violations adopted by the Nigerian Constitution is defective. If human rights as framed in the country's grundnorm are to be a concrete reality, guarantees of non-repetition are to be included. This will include cessation of continuing violations, verification of fact and full public disclosure of the truth, a

declaratory judgment in favour of the victim, apology including public acknowledgement of the facts and acceptance of social responsibility, bringing to justice the persons responsible, commemorations and paying tribute to victims, inclusion of an accurate records of human-rights violation human rights training to all sectors of the society and ensuring effective control of military and security forces. Nigeria has survived as a nation and it needs to heal its festering wounds; for a start the, federal government of Nigeria and all the surviving members of General Gowon administration should tender public apology to the Igbo. Moreover, this option is more integrative and cost effective vis á vis national security of the country given the new separatist movements such as MASSOB and IPOB. Meeting the demands of Ohaneze is a sure way of short-circuiting the irredentist tendencies of Igbo youth IPOB and similar organizations.

Endnotes

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