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A CRITIQUE OF THE CONSTITUTIONALITY AND CONSTITUTIONALISATION OF THE RIGHT TO SELF-DETERMINATION UNDER THE NIGERIAN CONSTITUTION

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ABSTRACT

As the quest for self-determination in Nigeria surges to a record high in recent times, the Nigerian government has repeatedly adopted every means including the use of force to quell the agitations for this right on the basis that it violates the constitution and endangers the territorial integrity of Nigeria. The advocates of this right contend that it is an inalienable right that is recognized under international laws to which Nigeria is a signatory. Therefore, enforceable in Nigeria. This paper examined the constitutionality of the right to self-determination in Nigeria. It found that though the constitution of Nigeria emphasizes the indivisibility and indissolubility of Nigeria, there is a constitutional silence on the right to self-determination. The study found further that the amalgamation of the southern and northern protectorates in 1914, political and economic marginalisation, failure of federalism, and legitimacy question surrounding the 1999 constitution amongst others are factors responsible for the various agitations in the country. Moreso, there is no express affirmation or denial of the right to self-determination under the Nigerian constitution. The study thus concluded that the Nigerian constitution must take a decisive position on the legality of self-determination agitation in Nigeria instead of leaving the challenge to the judiciary.

Keywords: Self-determination, Human rights, Constitutionalizing, Constitutional silence, Secession, Agitation

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INTRODUCTION

The agitations for self-determination in Nigeria have been an ongoing struggle since shortly after the independence of Nigeria which today has surged to a record high[3]. The proponents of this agitation have justified their struggle on the lack of control over their resources, ethnic oppression, political marginalisation, violation of human rights, growing insecurity in the country, poor operation of the federal system, and so on[4]. They argue that the right to self-determination is recognised under various international laws to which Nigeria is a signatory and by which an obligation is imposed on the Nigerian government to respect and protect it. Contrariwise, over the decades, the attitude of the Nigerian government has been complete opposition to any struggle, agitation, or protest under the guise of self-determination. This is evident in the reprisal approaches of the Nigerian government to the declaration for the Republic of Biafra by Lieutenant Colonel Ojukwu in 1967 which led to the bloodiest Civil War in Nigeria[5]. The war lasted two and a half years and spanned from July 6, 1967, to January 15, 1970, and led to the loss of lives of over three million Igbos, widespread malnutrition, devastation, and loss of properties[6].

Further to this, the Federal government of Nigeria militarised the region of the Ogoni people of Rivers State to quell the protest for autonomy (internal self-determination) over the natural resources in the region which also led to the killing

[3] AS Silas, 'An Assessment of the Theory of Self-Determination in the Resolution of Ogoni People's Struggle in Nigeria under International Law' [2022] *African Journal of Politics and Administrative Studies* 15(1) 37; OW Igwe, A Bereprepofa, and O Anthony, 'The Right to Self-Determination under the Contemporary International Law: The Case of Minority Groups in Nigeria' [2020] *International Journal of Innovative Legal and Political Studies* 8(1) 59-62.

[4] Ray Ikechukwu Jacob, 'A Historical Survey of Ethnic Conflict in Nigeria' (2012) *Asian Social Science* 8(4) 13-29; A Wimmer, L E Cederman, & B Min, B., 'Ethnic Politics and Armed Conflict: A Configurational Analysis of a New Global Data Set' [2009] *American Sociological Review,* 74(2) 316-337.

[5] Samuel Fury Childs Daly, 'A History of the Republic of Biafra: Law, Crime and the Nigerian Civil War', (Cambridge University Press, 2020) 2; JN Onwubiko, 'The Biafra Self-Determination Question: Challenges and Prospects' [2023] *African Journal of Comparative and International Law* 31(1) 126.

[6] R Akresh, S Bhalotra, M Leone, and UO Osili, 'War and Stature: Growing Up during the Nigerian Civil War' [2012] *American Economic Review: Papers & Proceedings* 102(3) 273.

of Ken Saro-Wiwa and eight others with several others massacred[7]. Presently, Nigeria consists of thirty-six (36) states and the Federal Capital Territory (Abuja) but is divided into regions for political-administrative convenience. These regions include the North Central(Niger, Nasarawa, Kwara, Kogi, Benue, Plateau & FCT); North West(Sokoto, Katsina, Jigawa, Kano, Zamfara, Kaduna & Kebbi States); South East (Anambra, Abia, Enugu, Ebonyi, & Imo States); South-South (Edo, Delta, Cross River, Akwa Ibom, Rivers & Bayelsa States); South West (Oyo, Osun, Ekiti, Ogun, Ondo & Lagos States); and North-East (Yobe, Borno, Bauchi, Gombe, Adamawa and Taraba States)[8]. The South-East and South-South have experienced calls for self-determination due to political and economic marginalization. However, in recent times, the agitation of the Yoruba people of the Southwest of Nigeria especially during the administration of President Muhammadu Buhari is the most pronounced.

[7] Opeoluwa Oluyemi, 'Suggestible Consequences of the Militarisation Self-Determination Movements in Nigeria: A Case Study of Yoruba Separatist Movements' (2022) *Journal of Humanities and Social Sciences Studies* 4(4) 250; O.A. Oluyemi, 'Militarisation and State Terrorism: A Case Study of Nigerian Military Security Approach' (2023) 6(5) *International Journal of Social Science Research and Review* at 296-307.

[8] M O Bakare, 'Demography and Medical Education among Nigerian Final Year Medical Students-Implication for Regional and Human Resource Development' [2015] *Journal of Health Education Research and Development* 3(3) *1-2*

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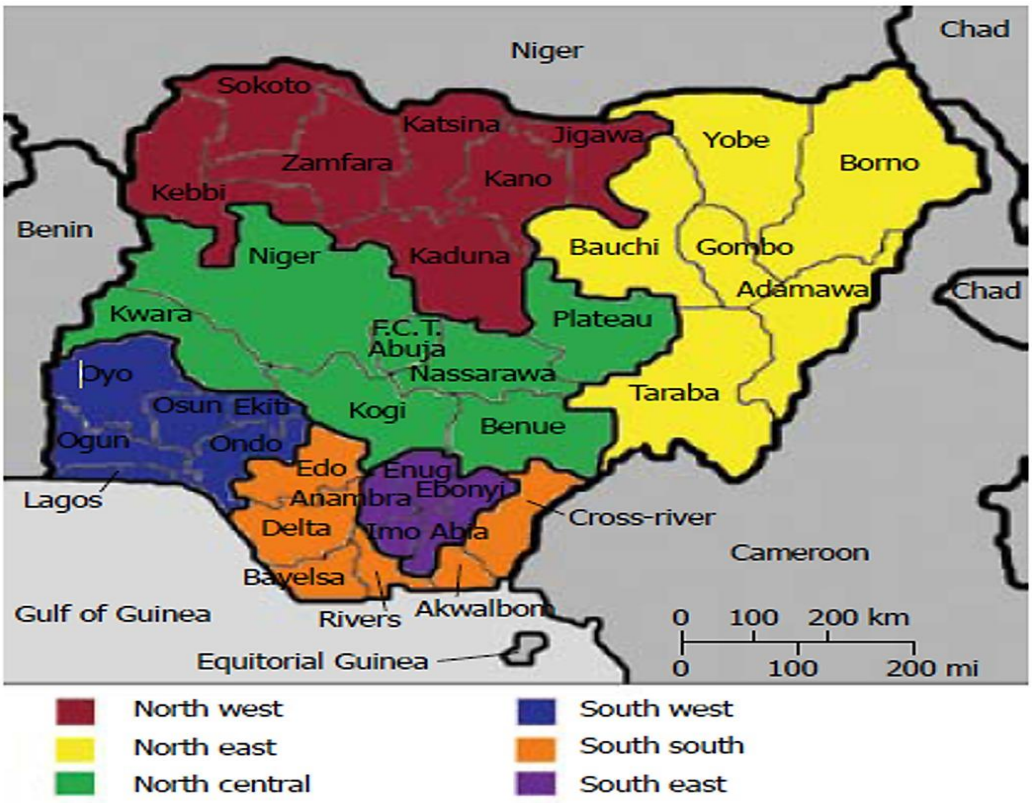

Figure 1: Nigerian map showing the geo-political regions, thirty-six states, and the FCT

The Yoruba separatist in the southwest region premised their agitation on the prevalence of aggravated atrocities such as raping, kidnapping, killings, armed robbery, and so on by the Fulani herdsmen in the region. The Federal government in its usual style clamped down on the agitators by conducting a raid on the residence of Chief Sunday Adeyemo popularly called Sunday Igboho, one of the leaders of the movement which led to the killing of people, destruction of properties, and arrest of several others while Sunday Igboho was declared wanted by the Department of State Security on the allegation of Stockpiling of

ammunitions[9]. Today, the self-determination struggle of the Yoruba people has been quelled by the Federal government of Nigeria with the successful arrest and detention of Sunday Igboho by the Republic of Benin[10]. The Nigerian government justifies its reprisal approach to the various movements for self-determination on the claim that the Nigerian Constitution excludes the right to self-determination. Therefore, the self-determination struggle by any group not only violates the Constitution of Nigeria but also endangers the territorial integrity of the country. Scholars have argued that the Constitution of the Federal Republic of Nigeria neither affirms nor rejects the right to self-determination[11]. The lack of specific affirmation or rejection of the right to self-determination is considered a major factor responsible for the violence that follows the various struggles for self-determination in Nigeria. Furthermore, the constitution of Nigeria imposes the duty on the government of Nigeria to ensure the maintenance of the welfare of the people and the security of their lives and property.

The importance of this paper is made bare by the necessity to address the explosion and incessant demand for self-determination by various ethnic groups in Nigeria due to the failure of the political leaders to wake up to their constitutionally imposed responsibilities to ensure respect and protection of the political, economic, social, and cultural rights of the people which now a threat to the unity of the country. Rather than protecting the lives of the people, the government of Nigeria resorts to aggressive and offensive approaches that threaten and take the lives of the agitators to quell secession demand. Thus, the paper examines the constitutionality or otherwise of the quest for self-determination in Nigeria. The determination of the constitutionality of the quest for secession in Nigeria is critical to ascertaining the legitimacy of this demand in Nigeria. It is imperative to examine

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[9] The Sun Newspaper, 'Yoruba Self-Determination Struggle Suffers Setback" (3rd September 2022). Available at https://sunnewsonline.com/yoruba-self-determination-struggle-suffers-setback/ [13th August 2023].

[10]Sunday Igboho Arrested in Benin Republic. Available at https://www.channelstv.com/2021/07/20/sunday-igboho-arrested-in-benin-republic/ [Accessed 13th August 2023]; How Sunday Igboho beat Security at Benin Airport before his eventual arrest. Available at https://punchng.com/how-sunday-igboho-beat-security-at-benin-airport-before-his-eventual-arrest/ [Accessed 13th August 2023].

[11] PC Eboh, 'Right to Self-determination; the Constitutional Issues: The Case of Indigenous People of Biafra in View' [2015] *Unizik Law Journal 13,* 1-53.

the legal reform by which the government of Nigeria may address the various agitations for self-determination without occasioning the death of the people. Further to this, this paper has the primary objective of examining how the constitutionalisation of the right to self-determination under the Nigerian Constitution can help to secure the unity of Nigeria by reducing the rise in the quest for self-determination and the violence that ensues from its pursuit. To achieve the aim of this research, this paper will adopt a qualitative research methodology using a doctrinal method of legal research. It will rely on both primary and secondary sources of law. The primary sources to be relied on include the Constitution of Nigeria and Ethiopia, and court rulings and decisions. The secondary sources include commentary from judges, newspaper articles, textbooks, articles in journals, and television interviews.

THE MEANING OF THE RIGHT TO SELF-DETERMINATION

The right to self-determination is one of the most highly debated concepts in international law. The concept first emerged as a political principle before it metamorphosed into human rights by its incorporation into the major human rights documents[12]. However, notwithstanding the prominence of this right, its meaning, nature, and scope remain vague with no exact precision[13]. The right to self-determination means a people's legal right to freely choose their political status in connection to becoming an independent country[14] According to Achibugi, the right to self-determination means the right of a colonial people to become a state or the

[12] Article 1 and 55 of the United Nations Charter of 1945; Article 1 of the International Covenant on Civil and Political Rights, 1966; Article 1 of the International Covenant on Economic, Social and Cultural Rights, 1966

[13] H Hannum, 'Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights' (2nd edn, University of Pennsylvania Press 1990) 27; Antonio Cassese, 'Self-determination of Peoples: A Legal Reappraisal' (Cambridge University Press, 1995), 129; Antonio Cassese, 'Self-determination of Peoples: A Legal Reappraisal' (eds) James Crawford, American Society of International Law [1996], Vol. 90(2) 331. Available at http://www.jstor.org/stable/2203697 or https://sci-hub.ru/https://doi.org/10.2307/2203697 [accessed 11th October, 2022]; Simone van den Driest, 'Pro-Democratic Regime Change and the Right to Political Self-Determination: A Case Study of Iraq' (Nijmegen, the Netherlands: Wolf Legal Publishers, 2009), 1.

[14] KU Eze and GN Okeke, 'The Right of People to Self-Determination and the Principle of Non-interference in the Domestic Affairs of a State' (2013) NALSAR Law Review, 7(1) 145

right of minorities in a state to become an autonomous (or join another) state[15]. The right to Self-determination has also been defined as the right of a people to choose their government and political status[16].

To Sterio, the right to self-determination is a political and representative right that belongs to a minority group with a central state or, in an extreme situation, may lead to secession for independence as a final choice and a remedy[17]. Sterio's definition allows for the secession of a minority group from a state in extreme circumstances which suggests situations such as oppression, gross violation of rights, and so on. Sterio's opinion agrees with Quane's conception of the right. According to Quane, the term "people" includes ethnic, racial, linguistic, and religious groupings[18]. He views the right to self-determination as a "peoples" right. In cases where these groups' rights have been abused and all efforts to remedy the situation have failed, he contends that these groups may exercise their right to self-determination in order to be detached from the sovereign state.

Clearly, there are diverse definitions and understanding of the concept which is why Crawford claims that there is no acknowledged definition of the right to self-determination. He believes that the right is like water that assumed the form of a container, which is why there are so many different interpretations of the idea[19]. However, he defines it as the right of a community to have a unique identity that is reflected in the institutions that it is governed[20].

Today, the right to self-determination has become a pillar of contemporary international law since its incorporation in the United Nations Charter in 1945 by

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[15] D Archibugi, 'Critical Analysis of the Self-determination of Peoples: A Cosmopolitan Perspective' (2003) *Constellations* 10(4) 493

[16] SD Ojukwu and OD Okoli, 'A Critical Appraisal of The Right of Self Determination Under International Law' (2021) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 12(1) 131

[17] Milena Sterio, 'The Right to Self-determination Under International Law: "Selfistan", Secession and the Rule of Great Powers (Routledge, 2013) 1-224. Available at https://doi.org/10.4324/9780203083963 [accessed 2nd January 2023.

[18] H. Quane, 'The United Nations and the Evolving Right to Self-Determination', (1998) *International Comparative Law Quarterly* 47(3) 537-572.

[19] James Crawford, 'Brownlie's Principles of Public International Law' (8th edn, Oxford University Press, 2012) 647

[20] Ibid

Article 1 Paragraphs 2 and Article 55 and the two major international instruments on self-determination which are the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)[21] and International Covenant on Civil and Political Rights 1966 (ICCPR)[22]. Though there is an unsettled debate on whether the right is confined to decolonization or it applies outside decolonization[23], it is not the focus of this paper.

CAUSES OF AGITATION FOR SELF-DETERMINATION IN NIGERIA

The agitation for self-determination is not a recent phenomenon in Nigeria. Providing appropriate solutions to the incessant demand for self-determination requires understanding the causes of these agitations. Though not exhaustive, the following briefly explains some of the causes of the agitations for self-determination in Nigeria:

i. Amalgamation of the Southern and Northern Protectorates in 1914

Before colonialism, all the ethnic groups that characterize present-day Nigeria were autonomous entities that enjoyed free control of their economic resources without interference from other existing groups[24]. The headcount between 1952-1953 revealed that there were 200 ethnic entities that were unrelated in terms of culture, religion, customs, traditions, and languages and there was no moment these ethnic groups were being ruled by a single government[25]. However, the

[21]United Nations General Assembly Resolution 220A (XXI) https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights [Accessed 5th February 2023]

[22]United Nations General Assembly Resolution 220A (XXI) https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights [Accessed 5th February 2023]

[23]Robert McCorquodale, 'Self-Determination: A Human Rights Approach' (1994) *International and Comparative Law Quarterly* 43(4) 857–885; S Eban Ebai, 'The Right to Self-Determination and the Anglophone Cameroon Situation', (2009) *International Journal of Human Rights*, 13(5) 635-637; Simon M Weldehaimanot, 'The ACHPR in the Case of Southern Cameroons', (2012) *SUR-International Journal on Human Rights*, 9(16) 89

[24] I. Sagay, "Nigeria: Federalism, the Constitution, and Resource Control" (2008) 1. Available at http://unpub.wpb.tam.us.siteprotect.com/var/m_f/fa/fa2/22697/235469-nigeria_federalism_.pdf [Accessed 1st May 2023].

[25] IA Ayua and DCJ Dakas, "Federal Republic of Nigeria" in J Kincaid and GA Tarr (eds*). 'Constitutional Origins, Structure, and Change in Federal Countries'* (McGill-Queen's University Press, Montreal & Kingston, 2005) 248.

advent of the British altered this peaceful autonomous arrangement. The British without the consent of these ethnic entities merged the Southern and Northern Protectorates were significantly unrelated in terms of customs, traditions, religion, political beliefs, and even economic resources[26].

The amalgamation of 1914 generated concerns from nationalists such as Chief Obafemi Awolowo and Sir Abubakar Tafawa Balewa who both postulated that Nigeria was a British construct and that it was a mistake to have designated all the ethnic groups as Nigeria because each one was a nation itself just as there are differences between the Germans, Turks, Russian and English. The fact that these ethnic groups have one overlord does not destroy their fundamental differences[27]. Awolowo observed thus:

> Nigeria is not a nation. It is a mere geographical expression. There are no 'Nigerians' in the same sense as there are 'English' or 'Welsh' or 'French'. The word 'Nigeria' is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not[28]

He emphasized the differences between the ethnic groups stating that:

> It is a mistake to designate them as 'tribes'. Each of them is a nation by itself…There is as much difference between them as there is between Germans, English, Russians, and Turks…The fact that they have a common overlord does not destroy this fundamental difference. The languages differ. The readiest means of communication between them is English. Their cultural backgrounds and

[26] IA Kanu, 'Philosophy, Self-Determination, Peace and Intercultural Co-Existence in Nigeria: An Igwebuike Perspective' (2022) *Unizik Journal of Religion and Human Relations* 14(1) 118.
[27] Obafemi Awolowo, '*Path to Nigerian Freedom'* (Faber and Faber: London, 1947), 47-48; Chukwuemeka Nwubu, "Ethnic Identity, Political Integration, and National Development: The Igbo Diasporas in Nigeria" The [1975] *Journal of Modern African* 13(3) 399.
[28] Ibid

> social outlooks differ widely, and their indigenous political institutions have little in common[29].

Sir Abubakar Tafawa Balewa shared the same sentiment with Awolowo when he postulated that since amalgamation Nigeria existed as a nation on paper. It is not united. In his words, he observed thus:

> Since the amalgamation of the Southern and Northern Provinces in 1914, Nigeria has existed as one country only on paper. It is still far from being united. British Government has been trying to make Nigeria into one country, but the Nigerian people themselves are historically different in their backgrounds, in their religious beliefs and customs and do not show themselves any signs of willingness to unite. … Nigerian unity is only a British intention for the country. It is artificial, and ends outside this chamber[30].

These nationalists had at different times threatened to secede from Nigeria due to the obvious unrelated lifestyles and beliefs of these ethnic groups[31]. To today, the ethnic rivalry and pursuit of dominance that accompanied the amalgamation remains. The 1914 amalgamation no doubt is a fundamental root cause of secession demands in Nigeria.

ii. Legitimacy Question Surrounding the 1999 Constitution

The 1999 Constitution since its emergence has been plagued with several debates and controversies concerning its legitimacy. Though the preamble to the Constitution begins by saying "We the People of Nigeria…", the argument remains that there was no time the people of Nigeria volunteered the 1999 Constitution. Rather, it is the product of the illegitimate encroachment of the military on

[29] Ibid
[30] Nigeria Legislative Council Debates; March 20 to April 2, 1947, Lagos, 1947, 208
[31] JB Olawale, 'Questions and Answers on Advanced Level Government (Constitutions) (Jola Publishing Company, Ilesa, Nigeria, 1982) 24-25

Nigerian polity. During the making of the Constitution, only 450 people who were politicians out of about 120 million Nigerian politicians made submissions to the Constitution Debate Committee[32]. The document has been described by many scholars as fraudulent made in the name of Nigerians[33]. Abioye posits that it lacks moral superiority or legitimacy over the people of Nigeria[34]. Ayo Adebanjo, a prominent leader of the Yoruba Separatist movement commented that the forceful seizure of power by the military and the formulation of the 1999 constitution was the beginning of the Nigerian woes. He emphasized that unless the fake document is amended, there would always be separatist struggles in Nigeria[35].

iii. Failure of Federalism and Perceived Political Marginalisation

Nigeria is run by a federal government. However, Nigerian federalism has consistently been applied ineffectively, causing grave concerns over time.[36] Nigeria's federalism is said to have failed due to ethnic exclusion, the consolidation of political power in a single region of the nation, and an unequal allocation of resources, which gives rise to calls for restructuring and self-determination.[37] Nigerian federalism is flawed due to the excessive centralization of the federal system and its inefficient federal nature[38]. The desire to ensure a working federal

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[32] FT Abioye, 'Constitution Making, Legitimacy and Rule of Law: A Comparative Analysis' [2011] *The Comparative and International Law Journal of Southern Africa*n 44 (91) 59-79, 72; JO Omotola 'Democracy and constitutionalism in Nigeria under the Fourth Republic, 1999-2007' [2008] *Africanna* 2(2) 6; JO Ihonvbere 'How to make an Undemocratic Constitution: The Nigerian Example' [2000] *Third World Quarterly* 21(3) 343-366 at 344; TI Ogowewo 'Why the Judicial Annulment of the Constitution of 1999 is Imperative for the Survival of Nigeria's Democracy' [2000] *Journal of African Law* 44(2) 135.

[33] TI Ogowewo 'Why the Judicial Annulment of the Constitution of 1999 is Imperative for the Survival of Nigeria's Democracy' [2000] *Journal of African Law* 44(2) 135-136

[34] F.T. Abioye (n 30) 72.

[35] Ayo Adebanjo "Current Constitution Must be Changed to Solved Nigeria's Problems" (Arise Tv, October 1, 2023). Available at https://www.arise.tv/adebanjo-current-constitution-must-be-changed-to-solve-nigerias-problems/ [accessed October 2, 2023].

[36] Gabriel Tyungu and Godwin Koko, 'Restructuring, Secession and True Federalism: Ethnic Agitations and the Deepening Crises of Nigerian Federalism' [2018] *World Journal of Research and Review* 7(1) 23-27.

[37] NG Obah-Akpowoghaha, 'The Challenge of Federalism and Its Implications for the Nigerian State' [2017] *International Journal of Politics and Good Governance* Quarter III 8(8.3), 1-24.

[38] Dele Babalola, 'The Efficacy of Federalism in Multi-Ethnic State: Nigeria Experience' [2015] *The Journal of Pan African Studie* 8(2) 76.

system that is devoid of ethnic dominance birthed the inclusion of the Federal Character principle in both the 1979 and 1999 constitutions[39]. The Federal Character principle seeks to prevent one ethnic group from controlling federal institutions and agencies[40].

Tribalism and ethnicity have had a significant impact on how the federal government functions[41], mostly benefiting the Hausas and Fulanis in the North. In fact, ethnicity has become a crucial component of Nigerian politics, with the general public now aware that when someone is elected or appointed to public office, their favourable appointments are determined by the area or ethnic group they belong to. The Yoruba nation's demand for self-determination intensified as a result of President Muhammadu Buhari's implementation of federalism[42]. There was a great deal of controversy in the southern part of Nigeria following President Buhari's appointment of 47 cabinet members, 35 of whom were from the northern part of the nation[43]. Suberu and Agbaje describe Nigerian federalism as "paradoxes, pathologies, and irregularities,[44]" and they attribute the Yoruba nation's movement for independence, various ethno-religious uprisings, and a variety of agitations and undue tension to real or perceived marginalisation,

[39] M Dent, 'Ethnicity and Territorial Politics in Nigeria" in G. Smith, (ed.), Federalism: The Multiethnic Challenge' (London & New York: Longman, 2015) 128-153.
[40] AO Augustine, 'The Crisis of Multi-Ethnic Federations: A Case of Nigeria' [2019] *Journal of Political Science and Public Affair* 7(1) 1-8; T Onimisi, H Ku Samsu, MM Ismail, and MM Mohd Nor, 'Federal Character Principles: A Conceptual Analysis' [2018] *International Journal of Social Science and Humanities Research*, 6(2) 172-177; CE Okeke, 'Implementation and Enforcement of the Federal Character Principle in Nigeria' [2018] *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 10(2) 174-185; CO Udeh, HC Edeh, Q Eyikorogha, PN Ekoyo, and UC Obiagu, 'Banditry-herdsmen Activities in Nigeria and National Development' [2021] *Covenant University Journal of Politics and International Affairs* 9(2), 3732-3752.
[41] E Amah, 'Federalism, Nigerian Federal Constitution and the Practice of Federalism: An Appraisal' [2017] *Beijing Law Review* 8 (3) 287-310.
[42] OS Ubi, 'The Causes of Political Instability in Nigeria' [2017] *African International Journal of Contemporary Research* 4(6) 12-23; CE Malachy and FO Nwobi, 'Integration policies as structures of disintegration: The Political Economy of Nationhood and Resource Control in Nigeria' [2014] *Journal of African Studies and Development*' 6(8)6(8) 148-155.
[43] OI Eme and MI Okeke, 'Buhari Presidency and Federal Character in Nigeria: A Human Needs Theory Perspective'[2017] *International Journal of Philosophy and Social-Psychological Sciences* 3(1) 74-90, 74.
[44] Rotimi Suberu and Adigun Agbaje, 'The Future of Nigeria's Federalism' In Kunle Amuwo (eds), *Federalism and Political Restructuring in Nigeria* (Ibadan: Spectrum, 1998) 335.

dominance, and intimidation during the Buhari administration as seen in his political appointments from 2015 to 2021[45].

iv. Perceived Economic Marginalisation

The uneven distribution of economic resources is one of the major factors that are responsible for the quest for the secession of some ethnic entities in Nigeria[46]. The position that there is economic marginalization in Nigeria is as old as the country itself[47]. The mode of allocation of economic resources appears to be favourable to some ethnic groups over others[48]. Economic participation-related concerns are always at the forefront of national politics in Nigeria. Because of the centralised nature of government, terms like "fiscal federalalism," "derivation formula," revenue sharing, etc. are frequently used in discussions on national issues[49] on generating revenue and allocating it to the three branches of government. The highest percentage of the revenue in the consolidated revenue account of the federal government proceeds from oil explored in the south-south region of Nigeria. This revenue is shared between the federal government and all the states of the federation whereas the oil-producing states are devastated due to the activities of the oil exploitation done on their lands yet they are uncatered for. Furthermore, there are concerns in the southwest region that the federal roads that lead to this region are in a terrible state compared to the ones that connect through

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[45] C Udeh, OEC Ezenwa and O Ovaga, 'The Lopsided Appointments of Buhari's Administration; Federal Character Principle and National Integration in Nigeria' [2023] *International Journal of Innovative Legal & Political Studies* 11(2*)* 59-72; PO Okolo, 'Influence of the Federal Character Principle on National Integration in Nigeria' [2014] *American International Journal of Contemporary Research* 4(6)121-138; O Ibeano, N Orji and CK Iwumadi, 'Biafra Separatism: Causes, Consequences and Remedies' [2016] *Institute for Innovations in Development* [2016] 1-60

[46] LA Emokpae, 'Self-Determination in Nigeria: Issues and Prospects' [2023] *International Journal of Research Publication and Reviews* 4(10) 3390-3399, 3397

[47] D A Omemma, 'Marginalisation and Restructuring in Nigeria: An Exploration' [2019] *South East Political Review* 4 (1) 15-28, 20

[48] P LTanyi, C O Odo, A E Omeje & CA Ugwuanyi, 'Ethnic Agitations and Threat of Secession in Nigeria: What Can Social Workers Do?' [2021] *Journal of Social Work in Developing Societies* 3(2) 29-45, 39

[49] SB Lugard, M Zachariah & TM Ngufuwa, 'Self-Determination as a Right of the Marginalized In Nigeria: A Mirage or Reality?' [2015] *Journal of International Human Rights Law* 1(1) 127-158, 137.

the northern parts which grossly affect the commercial activities and consequently the economy in the southwest[50]

THE CONSTITUTIONALITY OF THE RIGHT TO SELF-DETERMINATION IN NIGERIA

The Nigerian Constitution has periodically endured numerous phases of evolution during pre- and post-independence periods. There were several Constitutions that have been in effect in Nigeria during different times that make up the pre-independence and post-independence periods before the introduction of the present Constitution of the Federal Republic of Nigeria, 1999 (herein designated as the 1999 Constitution)[51]. Following the British Conquest of Lagos in 1861 and the amalgamation of the Southern and Northern Protectorates in 1914 until the independence of Nigeria on October 1, 1960, Nigeria had a total of five constitutions[52]. These Constitutions were Clifford's Constitution of 1922, Richard's Constitution of 1947, Macpherson Constitution of 1951, Lyttleton's Constitution of 1954, and the Independence Constitution of 1960[53]

The Nigerian Constitution underwent a number of stages of growth after independence. Four distinct Constitutions have existed. These include the Republican Constitution of 1963, the Constitution of 1979, the Constitution of 1989, and the Constitution of 1999[54]. Today, though gone through different stages of amendments, the 1999 Constitution of Nigeria is the extant organic law in

[50] PDP Knocks Federal Government Over Deplorable Roads in South West (Nigerian Tribune, October 5, 2021); Available at https://tribuneonlineng.com/pdp-knocks-fg-over-deplorable-roads-in-south-west/ (accessed August 22, 2023).
[51] M Ediagbonya, 'Nigerian Constitutional Development in Historical Perspective, 1914-1960' [2020] *American Journal of Humanities and Social Sciences Research* 2017] 242-24; NJ Udombana, 'Constitutional Restructuring in Nigeria: An Impact Assessment' (April 25, 2017) 5. Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2960030 [accessed 13th August 2023].
[52] Ibid
[53] Ibid. Also, I.M. Suleiman, 'Nigerian Constitutional Development and Constitutionalism' 1-13. Available at https://www.researchgate.net/publication/329024968_NIGERIA'S_CONSTITUTIONAL_DEVELOPMENT_AND_CONSTITUTIONALISM [Accessed 15th April 2023]
[54] Eyene Okpanachi and Ali Garba, 'Federalism and Constitutional Change in Nigeria' [2010] *Federal Governance* 7(1) 1-14

Nigeria. Therefore, this paper will examine the right to self-determination under the current legal regime, that is, the 1999 Constitution of the Federal Republic of Nigeria.

The underlying law governing the people's rights, duties, and privileges is the 1999 Constitution (as amended), which must always be upheld[55]. The court in *Attorney General of Federation v Abubakar*[56] ruled inter alia that the 1999 Constitution is the *grundnorm* and it establishes the Nigerian democracy where the rule of law prevails[57]. The finding that self-determination that leads to secession is not a right guaranteed by the Nigerian Constitution would be supported by a comprehensive reading of some salient provisions of the 1999 Constitution that suggest such a conclusion. The Preamble to the Constitution serves as the first clue to this conclusion. The Preamble to the 1999 Constitution states that:

> We the People of the Federal Republic of Nigeria: Having firmly and solemnly resolved: TO LIVE in unity and harmony as one indivisible, indissoluble, Sovereign Nation under God dedicated to the promotion of inter-African solidarity, world peace, international cooperation, and understanding: AND TO PROVIDE for a Constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of Freedom, Equity, and Justice, and for the purpose of consolidating the Unity of our people: DO HEREBY MAKE, ENACT AND GIVE TO OURSELVES THE following constitution.

Even though the validity of the Preamble stated above has been questioned at various times by scholars of constitutional law on the ground that at no time did

[55] OVC Ikpeze, 'Constitutionalism and Development in Nigeria: The 1999 Constitution and Role of Lawyers' [2010] *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 1, 228. Available at https://www.ajol.info/index.php/naujilj/article/view/138210 [Accessed 15th April 2023].
[56] (2007) ALL FWLR (Pt. 37) 1264.
[57] Federal Republic of Nigeria v. Ifegwu (2003) FWLR (Pt.167) p.703.

the people of Nigeria either through referendum or any other means agree to volunteer the Constitution[58], the Constitution remains valid to today and its provisions are binding on all persons, and authorities[59]. The statement "*We the People of the Federal Republic of Nigeria: Having firmly and solemnly resolved: TO LIVE in unity and harmony as one indivisible, indissoluble, Sovereign Nation…*" *as* utilised in the Preamble shows that the 1999 Constitution represents the collective will and aspirations of the Nigerian people to live in unity and harmony as one indivisible and indissoluble nation. Therefore, to divide and dissolve Nigeria must be with the collective affirmation of the people. This is why any activity (such as a self-determination struggle) that is capable of compromising Nigeria's sovereignty, territorial integrity, or unity is forbidden and treated as an act of treason, insurrection, and violation of the constitution of Nigeria[60]

Though the words "self-determination" or "secession" were not pointedly used in the Preamble to the 1999 Constitution, the exercise of the right to self-determination is known to always affect the indivisibility and indissolubility of a sovereign nation[61]. Therefore, it is not difficult to come to the conclusion that the phrase "…*TO LIVE in unity and harmony as one indivisible, indissoluble, Sovereign Nation…*" unequivocally negates the idea of self-determination under any guise. Mrabure opines that since the agreement to *live in unity and harmony as one indivisible and indissoluble sovereign nation* was the collective decision of the people, then, the indivisibility and indissolubility can be undermined by the collective agreement of the people of Nigeria. Mrabure puts his perspective thus:

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[58] JO Ihonvbere, 'How to Make an Undemocratic Constitution: The Nigerian Example' [2000] *Third World Quarterly* 21(2) 343-366.

[59] KO Mrabure, 'The Right to Self-Determination Under International Law: The Current Biafra Struggle' (2015) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence 6,* 66-74. Available at https://www.ajol.info/index.php/naujilj/article/view/136263 [Accessed 15th April 2023].

[60] SB Lugard, M Zechariah, and TM Ngufwang, 'Self-Determination as a Right of the Marginalised in Nigeria: A Mirage or Reality?' [2015] J*ournal of the International Human Rights Law* 1(1) 128-158. Available at https://irepos.unijos.edu.ng/jspui/bitstream/123456789/2233/1/20181018132950.pdf [Accessed 15th April 2023].

[61] Vladyslav Lanovoy, 'Self-determination in International Law: A Democratic Phenomenon or an Abuse of Right' [2015] *Cambridge Journal of International and Comparative Law,* 4(2) 388-404.

> For this principle of indivisibility and indissolubility to be undermined by any part of Nigeria, it will require the people of Nigeria coming together to agree that a part of the nation has a right to what that part considers as self-determination[62].

This postulation by Mrabure amplifies Milena Sterio's theory that a quest for secession must conform with the domestic law of the mother state and with the consent of the mother state before it becomes legal[63]. In furtherance to the Preamble to the Constitution, the provision of Section 2 sub-section 1 of the 1999 Constitution reinforces the indivisibility and indissolubility mentioned in the Preamble. The said provision states that 'Nigeria is one ***indivisible*** and ***indissoluble Sovereign State*** to be known as the Federal Republic of Nigeria'. Once more, the Constitution makes it clear that any political or other goal that tries to divide or abolish Nigeria as a sovereign state is unlawful[64] Okeke argues that the provision of Section 2 sub-section 1 of the 1999 Constitution on the indivisibility and indissolubility of Nigeria is intended to protect the corporate existence of Nigeria. Okeke posits that:

> This provision which is aimed at protecting the territorial integrity of Nigeria and its corporate existence expressly forecloses the possibility of consensual independence of any entity forming part of Nigeria, and so makes a unilateral declaration of independence the only way a new state could emerge from Nigeria"[65]

The above is highly instructive on the position of Nigerian law on the right to self-determination. While scholars argue that the right to self-determination is an

[62] KO Mrabure, (n 57) 68.
[63] Milena Sterio, 'Self-Determination and Secession Under International Law" (2015) *New Framework' ILSA Journal of International and Comparative Law* 21(2) 103.
[64] SB Lugard, M Zechariah, and TM Ngufwang (n 58) 141-142.
[65] CE Okeke, 'Implementation of Self-Determination in Africa through Secession: An Appraisal of the Legal Hurdles' [2021] *African Journal of Criminal Law and Jurisprudence 6*, 175.

inalienable human right[66], a painstaking perusal of the entire provisions of Chapter IV of the 1999 Constitution on fundamental human rights shows that there is no express or implied legislative provision for the right to self-determination. Further to this, provisions of Section 1 sub-sections 1, 2, and 3 of the 1999 Constitution are emphatic on the supremacy of the Constitution which implies that nothing can be read into the Constitution except the same is provided for in the Constitution. Mrabure while justifying the supremacy of the Constitution states that:

> The Constitution is the organic law governing the rights, duties, obligations, and privileges of the people of Nigeria and its supremacy must at all times be fundamentally observed. For any group of persons to seek to divide the Nation under any guise would amount to a brazen attack on the Constitution which is tantamount to the declaration of war.

The Federal government of Nigeria has on several occasions adopted the use of force to safeguard this provision of Section 1 sub-section 1 of the 1999 Constitution on indivisibility and indissolubility. One such occasion was the attempt of the Ogoni People of River States through the Movement for the Survival of the Ogoni People to form an autonomous State within Nigeria[67]. This attempt was forcefully resisted by the Nigerian Government through the use of military resistance. The reprisal method led to the killing of a lot of innocent civilian Ogoni people, arbitrary arrest and detention, and hasty judicial killing of prominent figures such as Ken Saro-Wiwa and eight others in the struggle[68]. Furthermore, a notable instance was the agitation for self-determination of the Indigenous People of Biafra (IPOB) of South-Eastern Nigeria to secede from Nigeria to create the Biafra Republic as a sovereign that was fiercely repelled by the government of Nigeria which led to a bloody war in Nigeria between 30 May 1967 and 15 January

[66] Alice Farmer 'Towards a Meaningful Rebirth of Economic Self-Determination: Human Rights Realisation in Resource-Rich Countries' [2006] *International Law and Politics* 418-472. Available at https://nyujilp.org/wp-content/uploads/2013/02/39.2-Farmer.pdf [Accessed 15th April 2023].
[67] ST Udogbo, 'An Exploration of the Ogboni People's Resistance in Nigeria: A Participatory Action Research Approach' being a Thesis Submitted for the Degree of Doctor of Philosophy in Sociology, Department of Sociology, National University of Ireland, Maynooth (2021) 1.
[68] Ibid

1970[69]. Though the Civil War is over, the IPOB agitation for self-determination remains today.

Recently, the Nigerian Army invaded the home of the IPOB leader, Nnamdi Kanu, and some of his men were gruesomely and extra-judicially killed with no just cause[70]. The proscription of the IPOB as a terrorist group on the 20th of September 2017 further empowers the security agencies in Nigeria to adopt the use of force on the indigenous group if found to engage in any activity that further threatens the harmony, indivisibility, and indissolubility of Nigeria[71]. Okeke posits that the primary essence of the domestic law of a sovereign state is to protect the sovereignty and territorial integrity of such a state. This accounts for the consideration as a taboo, the unilateral declaration of secession by an indigenous group within a sovereign state[72]. It is therefore not surprising that most sovereign and independent African states affirm in their constitution the indissolubility of their sovereign state[73].

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[69] EW Nafziger, 'The economic impact of the Nigerian Civil War' [1972] *Journal of Modern African Studies,* 10(2) 223-245.

[70] C Adonu, "IPOB Condemns Fresh Invasion of Nnamdi Kanu's Home" (10th September 2018). Available at https://allafrica.com/stories/201809100175.html [Accessed 15th April 2023]; A Sunday and SL Muhammad 'Interrogating Criminal Label and Scourge of Insecurity in Contemporary Nigeria' [2021] *KIU Journal of Humanities and Social Sciences* 7(4) 63-67; CE Chukwudi, DE Gberevbie, UD Abasilim, and D Imhonopi, 'IPOB Agitations for Self-Determination and the Response of the Federal Government of Nigeria: Implications for Political Stability' [2019] *Academic Journal of Interdisciplinary Studies* 8(3) 179-194; Femi Fani-Kayode, 'Soldiers Invade Nnamdi Kanu' House, Removes his Properties' *Daily Post Newspaper*, 8th October 2017. Available at https://dailypost.ng/2017/10/08/soldiers-invade-nnamdi-kanus-house-remove-properties-fani-kayode%E2%80%8E-alleges/ [Accessed 15th April 2023]; OI Umuo, 'Soldiers Surround Nnamdi Kanu's Home, Invade NUJ Office' (Punch Newspaper, 12th September 2017). Available at https://punchng.com/tension-as-soldiers-return-to-umuahia-invade-nuj-office/ [Accessed 15th April 2023]; C.E. Chukwudi, D.E. Gberevbie, U.D. Abasilim, and D. Imhonopi, 'IPOB Agitations for Self-Determination and the Response of the Federal Government of Nigeria: Implications for Political Stability' [2019] *Academic Journal of Interdisciplinary Studies* 8(3) 179-194.

[71] IM Abada, PH Omeh, and IR Okoye, 'Separatist Agitation by the Indigenous People of Biafra (IPOB), and National Question in Nigeria' [2020] *Journal of Political Science, Public, and International Affairs* 2 (1) 9-17.

[72] CE Okeke (n 63) 175.

[73] Ibid

Though from the pre-independence and post-independence periods, Nigeria has operated a total of nine Constitutions, textually, there is none of the Constitutions of Nigeria including the 1979 Constitution that makes reference to self-determination or make reference to anything that may be construed contextually to mean self-determination. The absence of self-determination in the 1979 Constitution is understandable. This is because the 1979 Constitution which started the second republic came when the horrific experience of the Civil War which was still fresh in the memories of the framers of the said Constitution. It is rather desirable to make laws that will promote the unity and harmony of the country than laws that will further deepen disunity and disintegration[74].

THE ATTITUDE OF NIGERIAN COURTS TO THE RIGHT TO SELF-DETERMINATION

In recent times, the right to self-determination has been a subject of litigation in courts of law. Unfortunately, the Nigerian judiciary appears to be divided on the applicability of the right under Nigerian law. The agitation of the Yoruba nation for self-determination was a subject of litigation in *Chief Sunday Adeyemo v Attorney General of Federation & 2 Ors.*[75], a suit filed by Applicant to enforce the alleged violation of his fundamental human right by the unlawful invasion of his residence by the Department of State Security. The learned trial judge, Hon. Justice A.I. Akintola of the High Court of Justice, Oyo State entered judgment in favor of the Applicant awarding exemplary damages of twenty billion against the respondent for the breach of the Applicant's fundamental human right. Further to this, the trial court also granted the reliefs on self-determination of the Yoruba nation/Oodua Republic.

While commenting on the self-determination of the Yoruba nation, the trial court stated that:

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[74] OK Ogunmodimu, 'The Ambiguity of Constitutional Silence on State Secession in Nigeria: Looking Beyond Politics of Compassion and Prejudice' SSRN Electronic Journal (2017) 13. Available at https://www.researchgate.net/publication/324673226_The_Ambiguity_of_Constitutional_Silence_on_State_Secession_in_Nigeria_Looking_Beyond_Politics_of_Compassion_and_Prejudice or https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3014761 [Accessed 15th April 2023]

[75] Suit number M/345/2021 (Unreported).

> The action of the 2nd and 3rd Respondents in trying to arrest and intimidate the applicant on account of the cause of defending Yoruba interests in their quest for self-determination amount to a violation of the right of the applicant to propagate the ideas of Yoruba self-determination which right is protected by Article 20 (1) of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act and Articles 3 & 4 of the United Declaration on the Rights of Indigenous People[76].

On appeal in *Attorney General of Federation & 2Ors. V. Chief Sunday Adeyemo*[77], the Court of Appeal in its judgment delivered on 30th August 2022 upturned the decision of the trial court. In its judgment, the Court of Appeal referred to the cases of *Elder C.C. Mbacci & Ors. v. Attorney General of Anambra State & Another*[78] and *Action Congress and Another v. Independent National Electoral Commission*[79] when it observed that the entire provisions of a statute should be considered collectively and holistically and no single section should be interpreted separately. The Court frowned at the interpretation of Article 20(1) of the African Charter in isolation from Articles 29 (3), (4), and 5 of the African Charter which imposes duties on individuals:

> (3) Not to compromise the security of the state whose national or resident he is;
>
> (4) to preserve and strengthen social and national solidarity, particularly when the latter is threatened;
>
> (5) to preserve and strengthen national independence and the territory of his country and to contribute to its defense in accordance with the law.

[76] Ibid page 394
[77] Suit number CA/IB/373/2021 (Unreported)
[78] (2016) LPELR 41020 (CA) 27-28
[79] (2007) LPELR 66 (SC) 17

The Court of Appeal states that the 2nd and 3rd Appellants who are in charge of the security of the country and as shown on pages 143-144 of the record of proceedings at the trial court received intelligent gathering that the action of the Respondent was a threat to the nation which they have the mandate to investigate. The Court of Appeal states further that there is nothing in Articles 20, 27, 28, and 29 of the African Charter that confers on the Respondent the right to hold arms to struggle for the break-up of Nigeria. On the constitutionality of the right to self-determination in Nigeria, the Court of Appeal held that the secessionist movement in Nigeria is unconstitutional. The Court states that:

> The point to be emphasized here is the Respondent is not permitted under the freedom of association to lead a secessionist movement in Nigeria which may lead to a break-up of the country and as rightly submitted by the appellant the Constitution of Nigeria has not recognized any right that permits people to come together as an association to break up Nigeria or secede from Nigeria and the establishment of another republic within Nigeria. Section 1 of the Constitution of the Federal Republic of Nigeria provides in clear terms that the Federal Republic of Nigeria shall not govern [ed] (sic), nor shall any person or group of persons take control of the Government of Nigeria or any part thereof, except by the provisions of this Constitution. Likewise, Section 2 (1) of the Constitution further provides that: "Nigeria is one indivisible and indissoluble sovereign state to be known by the name of the Federal Republic of Nigeria"

The Court of Appeal's resolution of this issue was further anchored on the case of Alhaji Mujahid Asari-Dokubo v Federal Republic of Nigeria[80] where Per Muhammed JSC held that:

> The pronouncement by the court below is that where national security is threatened or there is a real likelihood of it being threatened, human rights or individual rights of those responsible take second place. Human rights or individual rights must be suspended until national security can be protected or well taken care of. This is not anything new. The corporate existence of Nigeria, a harmonious, indivisible, and indissoluble sovereign nation, is certainly greater than any citizen's liberty or right. Once the security of this nation is in jeopardy and it survives in pieces rather than in peace, individual liberty may not even exist.

The decisions of the courts indicate that the Nigerian judiciary is divided on the constitutionality of the right to self-determination in Nigeria. However, the decision of the Court of Appeal on the subject is still extant that the constitution of Nigeria does not recognise the right to self-determination. The trial court had premised its judgment on the provision of Article 20 of the African Charter on Human and Peoples Rights which recognises the right to self-determination and has been domesticated in Nigeria. However, the applicability of domesticated international treaties on self-determination in Nigeria is not the focus of this paper.

THE INTERPRETATION OF THE CONSTITUTIONAL SILENCE ON SELF-DETERMINATION IN NIGERIA

The 1999 Constitution is silent on the right to self-determination[81]. There is no single provision of the 1999 Constitution that expressly forbids or permits the right to self-determination. The term '*Constitutional Silence*' is used in this paper to

[80] (2007) LPELR-958 (SC) at page 38 Para. B-E
[81] KO Mrabure (n 57) 68

mean the lack of specific reference to self-determination in the Constitution. The issue at hand is how should the silence of the Nigerian Constitution on self-determination be interpreted. Should the silence of the Constitution of Nigeria on the right to self-determination be seen as forbidding self-determination or indifferent to it?

To start with, the 1999 Constitution makes salient provisions on the unity, harmony, indivisibility, and indissolubility of Nigeria[82]. The purpose of these clauses is to protect Nigeria's territorial integrity. If the 1999 Constitution's drafters had wanted to protect the right to self-determination, they would have specifically addressed it in either Chapter II or Chapter IV of the Constitution. Ogunmodimu[83] argues using the wisdom of Justice Iredell in ***Calder v Bull***[84] that constitutional silence means whatever is not provided for in a constitution means such thing is not allowed. He opines that constitutional silence is not for an advantage. Arguing further, he states that:

> Borrowing a leave from this case and applying it to the Nigerian constitution via intertextual citing of foreign laws, when a constitution does not cater for certain principles, it simply means the constitution does not believe in those principles and if necessary would mandate the constitution provide for them, then the parliamentarians would have to either amend the constitution through a referendum or pass a statute congenial to the amendment[85].

Ogunmodimu postulates further that using the original intent tool of interpretation and adjudging from the adverse impact of the Civil War on the Nigerian economy, the framers of both the 1979 and 1999 Constitutions would not have introduced any provision(s) that will occasion the disintegration of the country[86]. Therefore,

[82] The Preamble to the Constitution of the Federal Republic of Nigeria, 1999 and Section 2 of the 1999 Constitution.
[83] OK Ogunmodimu (n 72) 12-18
[84] 3 U.S. 386 (1798)
[85] O.K. Ogunmodimu (n 72) 14
[86] Ibid 16-17

it is safe to say that the 1999 Constitution does not permit or recognise the right to self-determination as the territorial integrity of Nigeria appears to prevail over the right to self-determination.

Furthermore, Theodore Christakis[87] postulates that the constitutional silence of certain states on unilateral secession is interpreted mostly by the political actors and apex courts of those states to mean that the right to secession is not a recognised right by those states though he confirmed that several states have introduced into their constitution that unilateral secession is unconstitutional and must be combated fiercely by the state. He asserts that:

> Of 108 constitutions I have reviewed just two (Saint Christopher and Nevis of 1983 and Ethiopia of 1994) seem to recognize such a right of unilateral secession. More than 80 have wording showing that any unilateral attempt to secede should be deemed anti-constitutional, and some of them even provide for the state to adopt concrete measures to combat secessionist activities. The silence of the constitutions of certain countries as to the possibility of unilateral secession is usually construed by the supreme courts or political organs of those states as ruling out any right of secession, as illustrated by the celebrated decision in Texas v. White of 1868 of the US Supreme Court or the opinion of Canada's Supreme Court on Quebec of 20.8.1998'.

[87] Theodore Christikas, 'Self-Determination, Territorial Integrity and Fait Accompli in the Case of Crimea' (2015) 91. Available at https://www.zaoerv.de/75_2015/75_2015_1_a_75_100.pdf [Accessed 20th April 2023]

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CONSTITUTIONALIZING THE RIGHT TO SELF-DETERMINATION IN NIGERIA

There is no question that the state's determination to preserve its territorial integrity is the driving force behind the exclusion of the ability to secede from the constitution or the constitutional silence on secession by any state. Although allowing the constitutional power to secede is a relatively uncommon practice in the world, it is a practice that, when done well and professionally, can prevent secession and advance the geographical integrity and unity of the state[88] or prevent the outbreak of war while demanding secession. According to Tom Ginsburg, secession has been a major subject for constitutional development everywhere from Spain to Tanzania to Ukraine since the first modern constitution was written in the United States in 1789. In the same way that constitutions are adopted as a means of preserving national peace and unity, they may also be adopted as a means of allowing nations to peacefully secede as in the case of Canada[89].

The constitutional designs of all the countries in the world on secession are either to prohibit secession, remain silent on secession, or allow secession[90]. While preventing it or remaining silent on it is the most typical constitutional response worldwide, permitting secession is one of the methods to peacefully address the demand for secession. Undoubtedly, one of the methods an entity may choose to exercise its right to self-determination in international law outside of decolonization is by secession. However, for secession to be legal under international law, both the entity wanting to secede and the state it is trying to withdraw from must give their assent. A constitutional framework may be used to control or determine this consent.

There are debates on the inclusion of the right to secede and its operation in a state's constitution[91]. In a constitutionally democratic state like Nigeria, the

[88] Tsegaye Birhanu, 'The Impact of the Inclusion of Secession Clause in the Federal Democratic Republic of Ethiopian Constitution on the Prospect of Ethiopian Federation' [2017] *International Journal of Scientific and Research* 1(10) 1
[89] Ibid; RM Hanna, 'Right to Self-Determination in In Re Secession of Quebec' [1999] *Mayland Journal of International Law* 23(1) 218-221
[90] Ibid
[91] Cismas Ioana, 'Secession in Theory and Practice: The Case of Kosovo and Beyond' (2010) *Goettingen Journal of International Law* 2(2) 531-587

arguments revolve around the advantages and disadvantages of making the right to secession a constitutional provision. It is uncommon for modern states' constitutions to provide the power to secede. This particular characteristic is present in the Federal Democratic Republic of Ethiopia (FDRE) Constitution from 1994. The FDRE is one of the countries whose Constitution from 1994 contained the right to secede, albeit it also included some procedural conditions for exercising the right[92]. According to Article 39 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, the right to self-determination including secession is unconditionally available to all people[93]. Article 39 (1) provides thus: *"(1) Every nation, nationality, and people have an unconditional right to self-determination including the right to secession".* However, Article 39(4) provides for the procedure for the exercise of this right. The Article states that:

> "(4) The exercise of self-determination, including the secession of every nation, nationality, and people in Ethiopia is governed by the following procedures:
>
> (a) when a demand for secession has been approved by a two-thirds majority of the members of the legislative council of any nation, nationality, or people;
>
> (b) when the Federal Government has organized a referendum which must take place within three years from the time it received the concerned Council's decision to secession;
>
> (c) when the demand for secession is supported by a majority vote in the referendum;

[92] Andrei Kreptul, 'The Constitutional Right of Secession in Political Theory and History' [2004] *Journal of Libertarian Studies* 17 (4) , 39–100 cited in Tsegaye Birhanu (n 86) 2, 3

[93] Ahmednasir M. Abdullahi, 'Article 39 of the Ethiopian Constitution on Secession and Self-determination: A Panacea to the Nationality Question in Africa?' (1998) *Law and Politics in Africa, Asia, and Latin America* 31(4), 440-455, 443

> (d)when the Federal Government will have transferred to the people or their council its powers; and
>
> (e) when the division of assets is effected on the basis of law enacted for that purpose"

Article 39(1) of the FDRE constitution demonstrates with clarity from the contextual usage that there is a difference between self-determination and secession. Contextually, while the former connotes internal self-determination, the latter connotes external self-determination through the exit of a state to create a new one[94]. According to Ahmednasir, the Ethiopian Constitution is laudable for transplanting international law norms into domestic law in the African state[95]. Though Article 1 of the Ethiopian constitution just like the Nigerian constitution provides that Ethiopia is a sovereign and juridic entity, Article 39 provides for the peaceful dissolution or winding up of the country whenever the circumstances so demand[96].

Birhanu argues that the procedural requirement of a simple majority provided by Article 39 is too simple and easy to achieve, unlike the constitutions of few other countries which require a two-thirds majority vote. He states further that the two-thirds majority requirement makes secession difficult and often times fail. An example of a country with a two-thirds majority requirement in its constitution is Saint Kitts and Navis which has hindered successful disintegration of the state. It is noteworthy that scholars do not align on the need to constitutionalize the right to secede. Even among the liberal democrats, this argument persists. This thesis will briefly examine these arguments.

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[94] Jean Salmon, 'Internal aspects of the right to self-determination: Towards a democratic legitimacy principle?', in Christian Tomuschat (ed.), Modern law of self-determination [1993] 253-282 cited in Ahmednasir M. Abdullahi (n 91) 444
[95] Ahmednasir M. Abdullahi (n 91) 444
[96] Ibid

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Justification for Constitutionalizing the Right to Self-Determination in Nigeria

On the non-domestication of the right to self-determination in the constitution of a country, Allen Buchanan[97] opines that the right to secede ought to be domesticated in the constitution of a country though with some level of restraint to prevent levels of global instability that are incompatible with the securement of the enjoyment of fundamental rights[98]. According to him, the question of whether the right to secede ought to be incorporated into a constitution is not an abstract political philosophy. He observes that an age of extraordinarily active constitutional development has started. In many areas[99], new constitutions are being drafted, and existing ones are being dramatically altered, frequently as a result of secessionist fights[100].

Buchanan posits that the incorporation of the right to secede poses a danger to the democracy of a country if used as a strategic weapon by a group that views the right to secession as a prohibitive cost to exert the power over the majority decision whereas democracy is about the majority which supports the view of Abraham Lincoln on right to self-determination and democracy[101]. Buchanan, therefore, offered a solution on how to manage the right to secede and democracy. Accordingly, he opined that the constitution to contain some mechanism on how to balance a group's right to secede as well as the majority rule. He states that the constitution may recognise the right to secede under certain circumstances but create constitutional barriers to achieving secession which is though surmountable but inconvenient[102]. He states:

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[97] Allen Buchanan, 'Right to Self-determination and Right to Secede' [1992] *Journal of International Affairs* 45(2) 347-365, 352
[98] Ibid
[99] Allen Buchanan stated that countries in East Central Europe are modifying their constitutions to accommodate and regulate secessionist activities in Ukraine, Georgia, Armenia, etc which he considers as a liberal and democratic aspiration. Also, the Soviet Union constitution recognized the right to secede and it provide the structure for it and control over it though it did not state the conditions under which the right may be utilized because it never desired that the right be utilized.
[100] Allen Buchanan (n 95) 358.
[101] Ibid 361
[102] Ibid

> The most obvious way to achieve this would be to allow secession under certain circumstances but to minimize the danger of strategic bargaining by erecting inconvenient but surmountable constitutional barriers to secession. For example, the constitution might recognize a right to secede, but require a strong majority — say three-quarters — of those in the potentially seceding area to endorse secession by a referendum vote.

Buchanan notes that the essence is to balance two competing interests of flexibility for change and securing stability which are both legitimate. According to him, the constitutional hurdles created are not to prevent or disallow secession but rather to discourage it by making it uneasy[103]. Furthermore, Buchanan provides that the second solution is the imposition of exit cost on a seceding group to compensate those who would be affected by the secession such as people who are not part of the seceding group but suffers some damage due to the secession[104]. Buchanan's suggestion was captures thus:

> A second approach, which might or might not be used in conjunction with the first, would be to impose special exit costs, a secession tax as it were, over and above whatever compensation secessionists are required to pay to the state or private individuals who will lose property as a result of secession. Either of these approaches, or a combination of both, could serve to balance legitimate interests in secession, on the one hand, and equally legitimate interests in political stability and territorial integrity, on the other".

[103] Ibid 262
[104] Ibid

Furthermore, Wayne Norman[105] a liberal democrat argues that the damage usually caused by the lack of constitutional framework on the right to secession and the procedural mechanisms for secession is far worse than the damage that constitutionalizing secession may cause[106]. The major challenge to constitutionalizing secession is the interpretation of the procedural mechanism by the judiciary which is nothing compared with the violence that ensues from the lack of a constitutional framework on secession. Norman argues that it should not matter whether an entity or a group has just cause to secede or not, there should be a legal provision within which an activity such as secession or attempt to secede may be carried out[107]. It is immaterial whether such a group seeking to secure has the right to do so or not. He believes that where the right to secession is constitutionalized especially in the right way it will serve to ground secession in the rule of law and help to reduce the chances of the occurrence of secession or secessionist movement that may lead to violence[108]. On the contrary, the lack of legal procedure for secession will always give room for violence of any kind which will disturb the democratic stability of the state[109]

Norman amplifies the perspective of the "just cause theorists" that secession should be constitutionalized in such a manner that allows those with just cause to secede can secede under mild constitutional procedural mechanisms while those with no just cause can attempt to secede under very harsh and unrealistic conditions[110]. However, he states that the need to constitutionalize the right to secession is not a means to allow people who no longer consent to a government to exit such a government but a way to keep them by making the constitutional procedure difficult[111]. Norman identified such difficult procedural mechanisms thus:

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[105] Wayne Norman, "Domesticating Secession" (2003) *Nomos* 45, 193-237, 216
[106] Ibid 205
[107] Ibid 202
[108] Ibid 205
[109] Ibid
[110] Ibid200
[111] Wayne Norman, 'Secession and (Constitutional) Democracy' in *Democracy and National Pluralism* (ed.) F. Requejo (London: Routledge, 2001) 4 cited in Andrei Kreptul (n 90) 52

> Such mechanisms include rules that would make it difficult for secessionist politicians to capitalize on fleeting sentiments in favor of secession (e.g., requirements to hold a series of référendums over a period of years, or conversely a requirement that no more than one referendum on secession can be called within a twenty-year period). They also typically include qualified or supermajority requirements for secessionist votes, in part to use very strong support for secession as a kind of proxy for whether the group has just cause.[112]

Norman posits that when there is a constitutional procedure for the doing of a thing, no matter how rigorous the procedure may appear to be it will take the force of legitimacy over time[113]. He states further that if a constitution requires a two-thirds majority vote as one of the criteria for the grant of the demand for secession, such a secession clause may not be activated for generations but whenever a group decides to secede, they are already aware of the legal hurdle they have to cross before they can secede[114].

Norman, therefore, concludes that in a multinational state, the benefits of the introduction of a secession clause in the constitution outweigh constitutional silence on the subject[115]. He suggests that in the same way the questions such as the form of government to have, how power will be shared between the central government and subunit government, how subunits will be adequately represented, and so on are deliberated, the question of including or inserting the right to secession in the constitution should also be deliberated

[112] Wayne Norman (n 103) 200
[113] Ibid 228
[114] Ibid
[115] Ibid 229

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CONCLUSION AND RECOMMENDATIONS

The right to self-determination is arguably one of the most controversial rights in international law. It is a subject of a serious contest amongst scholars, human rights activists, and even political leaders. Apart from the controversy surrounding its meaning, content, and nature, tremendous conflict exists between the need to protect the territorial integrity of a sovereign state and granting people the right to determine their political, social, cultural, and economic destinies through secession from a sovereign state. International law expressly emphasises the respect for the territorial integrity of the sovereign state but its failure to expressly permit or forbid the secession of a group from a sovereign state deepens the controversies that have plagued this concept. In recent years, there has been a surge in nationalist movements across the globe including in Nigeria. However, the reprisal approach of the Nigerian government to these agitations has caused a loss of lives. The government of Nigeria maintains the stance that self-determination is unconstitutional in Nigeria because it disrupts and challenges the territorial integrity of the country. Therefore, there is a necessity to examine the constitutionality of the right to self-determination under the Nigerian Constitution and the need to adopt constitutionalising self-determination as an approach to the protection of human lives and the incessant demand for secession by ethnic groups.

This research has revealed a complex landscape marked by legal interpretations. The study found that the amalgamation of the southern and northern protectorates in 1914, the legitimacy question surrounding the 1999 Constitution, the failure of federalism, and political and economic marginalization amongst others are the factors responsible for the incessant quest for self-determination in Nigeria. There is neither an express affirmation nor denial of the right to self-determination under the Constitution of the Federal Republic of Nigeria, 1999. Since there is no perfect constitution anywhere, it is the prerogative of the judiciary to fill such a constitutional vacuum which the judiciary has done on several occasions. The Nigerian judiciary in a bid to fill this legislative vacuum considers that the combined interpretation of the preamble to the constitution, Section 2 sub-section 1, and Section 1 sub-section 1 connotes the constitutional silence on self-determination means the non-recognition of the concept because self-

determination will alter the governmental structure of the country in a way that is inconsistent with the current constitutional arrangement.

Unfortunately, notwithstanding this judicial and constitutional stance on self-determination in Nigeria, there is a surge in the agitation for self-determination in Nigeria which has at various times received bloody responses from the Nigerian government in a bid to protect the territorial integrity of Nigeria. Nigeria is a multinational state, and the agitation for the secession of an entity or subunit from the country will have no end. This paper considers that one of the ways to either protect the territorial integrity of Nigeria or to allow a group to peacefully secede from it is to constitutionalise the right to self-determination inclusion of the right to secede in the constitution with the procedural requirements. To this end, any separatist movement for secession from Nigeria to create an independent state is only faced with the burden of crossing the constitutional legal hurdles for the exercise of the right to secede as provided by the constitution. This legislative mechanism will put an end to the use of arms and ammunition in the struggle for secession in Nigeria.

It must be noted that several factors are responsible for the agitation for self-determination in Nigeria. The failure of the federal government to discharge its responsibilities to the people as contained in the constitution of Nigeria remains the chief of these factors. While there are bound to be political approaches to addressing these agitations, constitutionalizing the right to self-determination remains one of the legal reforms by which this incessant demand for self-determination that occasions loss of lives may be controlled. There are concerns that constitutionalizing self-determination may awaken agitations from various ethnic groups with or no grievances. However, the constitutional procedural requirements by which this right may be exercised must sufficiently address this concern. Agitators must be able to establish certain factual situations that must be viable and meet the laid down constitutional requirements. According to Allen Buchanan, the requirement must be stringent so that agitators will only be confronted with the hurdles of meeting the requirement rather than picking guns to fight for the recognition of the right to self-determination.

Based on the findings of this study, the following are recommended solutions to incessant calls for secession in Nigeria:

1. There is a need to draft a new constitution that is people-oriented for Nigeria. This will enable to tackle some of the foundational issues such as inequality in state creation at each region, state autonomy to manage its affairs, equal opportunities for each citizen as well as the eradication of all forms of militarization of certain regions and the use of other state mechanisms to entrench violence and oppression on the innocent citizens
2. Constitutionalising self-determination with clarity on the procedural requirement for secession by any ethnic group.

REFERENCES

Abada IM, Omeh PH, and Okoye IR, 'Separatist Agitation by the Indigenous People of Biafra (IPOB), and National Question in Nigeria' [2020] *Journal of Political Science, Public, and International Affairs* 2 (1) 9-17.

Abdullahi AM, 'Article 39 of the Ethiopian Constitution on Secession and Self-determination: A Panacea to the Nationality Question in Africa?' (1998) *Law and Politics in Africa, Asia, and Latin America* 31(4), 440-455, 443.

Abioye FT, 'Constitution Making, Legitimacy and Rule of Law: A Comparative Analysis' [2011] *The Comparative and International Law Journal of Southern Africa*n 44 (91) 59-79, 72.

Akresh R, Bhalotra S, Leone M, and UO Osili, 'War and Stature: Growing Up during the Nigerian Civil War' [2012] *American Economic Review: Papers & Proceedings* 102(3) 273.

Amah E, 'Federalism, Nigerian Federal Constitution and the Practice of Federalism: An Appraisal' [2017] *Beijing Law Review* 8 (3) 287-310.

Archibugi D, 'Critical Analysis of the Self-determination of Peoples: A Cosmopolitan Perspective' (2003) *Constellations* 10(4) 493.

Augustine AO, 'The Crisis of Multi-Ethnic Federations: A Case of Nigeria' [2019] *Journal of Political Science and Public Affair* 7(1) 1-8

Awolowo O, '*Path to Nigerian Freedom'* (Faber and Faber: London, 1947), 47-48.

Ayua IA and Dakas DCJ, "Federal Republic of Nigeria" in J Kincaid and GA Tarr (eds*). 'Constitutional Origins, Structure, and Change in Federal Countries'* (McGill-Queen's University Press, Montreal & Kingston, 2005) 248.

Babalola D, 'The Efficacy of Federalism in Multi-Ethnic State: Nigeria Experience' [2015] *The Journal of Pan African Studie* 8(2) 76.

Bakare MO, 'Demography and Medical Education among Nigerian Final Year Medical Students-Implication for Regional and Human Resource Development' [2015] *Journal of Health Education Research and Development* 3(3) *1-2.*

Birhanu T, 'The Impact of the Inclusion of Secession Clause in the Federal Democratic Republic of Ethiopian Constitution on the Prospect of Ethiopian Federation' [2017] *International Journal of Scientific and Research* 1(10) 1.

Salmon J, 'Internal aspects of the right to self-determination: Towards a democratic legitimacy principle?', in Christian Tomuschat (ed.), Modern law of self-determination [1993] 253-282 cited in Ahmednasir M. Abdullahi (n 91) 444.

Buchanan A, 'Right to Self-determination and Right to Secede' [1992] *Journal of International Affairs* 45(2) 347-365, 352.

Cassese A, 'Self-determination of Peoples: A Legal Reappraisal' (Cambridge University Press, 1995), 129.

Chukwudi CE, Gberevbie DE, Abasilim UD, and Imhonopi D, 'IPOB Agitations for Self-Determination and the Response of the Federal Government of Nigeria: Implications for Political Stability' [2019] *Academic Journal of Interdisciplinary Studies* 8(3) 179-194.

Crawford J, 'Brownlie's Principles of Public International Law' (8th ed, Oxford University Press, 2012) 647.

Daly SFC, 'A History of the Republic of Biafra: Law, Crime and the Nigerian Civil War', (Cambridge University Press, 2020) 2.

Dent M, 'Ethnicity and Territorial Politics in Nigeria" in G. Smith, (ed.), Federalism: The Multiethnic Challenge' (London & New York: Longman, 2015) 128-153.

Ebai SE, 'The Right to Self-Determination and the Anglophone Cameroon Situation', (2009) *International Journal of Human Rights,* 13(5) 635-637.

Eboh PC, 'Right to Self-determination; the Constitutional Issues: The Case of Indigenous People of Biafra in View' [2015] *Unizik Law Journal 13,* 1-53.

Ediagbonya M, 'Nigerian Constitutional Development in Historical Perspective, 1914-1960*'* [2020] *American Journal of Humanities and Social Sciences Research* 2017] 242-24.

Eme OI and Okeke MI, 'Buhari Presidency and Federal Character in Nigeria: A Human Needs Theory Perspective'[2017] *International Journal of Philosophy and Social-Psychological Sciences* 3(1) 74-90, 74.

Emokpae LA, 'Self-Determination in Nigeria: Issues and Prospects' [2023] *International Journal of Research Publication and Reviews* 4(10) 3390-3399, 3397.

Eze KU and Okeke GN, 'The Right of People to Self-Determination and the Principle of Non-interference in the Domestic Affairs of a State' (2013) NALSAR Law Review, 7(1) 145.

Farmer A, 'Towards a Meaningful Rebirth of Economic Self-Determination: Human Rights Realisation in Resource-Rich Countries' [2006] *International Law and Politics* 418-472.

Hanna RM, 'Right to Self-Determination in In Re Secession of Quebec' [1999] *Mayland Journal of International Law* 23(1) 218-221.

Hannum H, 'Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights' (2nd ed, University of Pennsylvania Press 1990) 27.

Ibeano O, N Orji and CK Iwumadi, 'Biafra Separatism: Causes, Consequences and Remedies' [2016] *Institute for Innovations in Development* [2016] 1-60.

Igwe OW, Bereprepofa A and Anthony O, 'The Right to Self-Determination under the Contemporary International Law: The Case of Minority Groups in Nigeria' [2020] *International Journal of Innovative Legal and Political Studies* 8(1) 59-62.

Ihonvbere JO, 'How to make an Undemocratic Constitution: The Nigerian Example' [2000] *Third World Quarterly* 21(3) 343-366 at 344.

Ikpeze OVC, 'Constitutionalism and Development in Nigeria: The 1999 Constitution and Role of Lawyers' [2010] *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 1, 228.

Ioana C, 'Secession in Theory and Practice: The Case of Kosovo and Beyond' (2010) *Goettingen Journal of International Law* 2(2) 531-587.

Jacob RI, 'A Historical Survey of Ethnic Conflict in Nigeria' (2012) *Asian Social Science* 8(4) 13-29.

Kanu IA, 'Philosophy, Self-Determination, Peace and Intercultural Co-Existence in Nigeria: An Igwebuike Perspective' (2022) *Unizik Journal of Religion and Human Relations* 14(1) 118.

Kreptul A, 'The Constitutional Right of Secession in Political Theory and History' [2004] *Journal of Libertarian Studies* 17 (4) 39–100 3,

Lanovoy V, 'Self-determination in International Law: A Democratic Phenomenon or an Abuse of Right' [2015] *Cambridge Journal of International and Comparative Law*, 4(2) 388-404.

Lugard SB, Zachariah M & Ngufuwa TM, 'Self-Determination as a Right of the Marginalized In Nigeria: A Mirage or Reality?' [2015] *Journal of International Human Rights Law* 1(1) 127-158, 137.

Malachy CE and Nwobi FO, 'Integration policies as structures of disintegration: The Political Economy of Nationhood and Resource Control in Nigeria'[2014] *Journal of African Studies and Development* 6(8)6(8) 148-155.

McCorquodale R, 'Self-Determination: A Human Rights Approach' (1994) *International and Comparative Law Quarterly* 43(4) 857–885.

Mrabure KO, 'The Right to Self-Determination Under International Law: The Current Biafra Struggle' (2015) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence 6,* 66-74.

Nafziger EW, 'The economic impact of the Nigerian Civil War' [1972] *Journal of Modern African Studies,* 10(2) 223-245.

Norman W, "Domesticating Secession" (2003) *Nomos* 45, 193-237, 216.

Norman W, 'Secession and (Constitutional) Democracy' in *Democracy and National Pluralism* (ed.) F. Requejo (London: Routledge, 2001).

Nwubu C, "Ethnic Identity, Political Integration, and National Development: The Igbo Diasporas in Nigeria" The [1975] *Journal of Modern African* 13(3) 399.

Obah-Akpowoghaha NG, 'The Challenge of Federalism and Its Implications for the Nigerian State' [2017] *International Journal of Politics and Good Governance* Quarter III 8(8.3) 1-24.

Ogowewo TI, 'Why the Judicial Annulment of the Constitution of 1999 is Imperative for the Survival of Nigeria's Democracy' [2000] *Journal of African Law* 44(2) 135.

Ojukwu SD and Okoli OD, 'A Critical Appraisal of The Right of Self Determination Under International Law' (2021) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 12(1) 131.

Okeke CE, 'Implementation of Self-Determination in Africa through Secession: An Appraisal of the Legal Hurdles' [2021] *African Journal of Criminal Law and Jurisprudence 6* 175.

Okolo PO, 'Influence of the Federal Character Principle on National Integration in Nigeria' [2014] *American International Journal of Contemporary Research* 4(6)121-138.

Okpanachi E and Garba A, 'Federalism and Constitutional Change in Nigeria' [2010] *Federal Governance* 7(1) 1-14.

Olawale JB, 'Questions and Answers on Advanced Level Government (Constitutions) (Jola Publishing Company, Ilesa, Nigeria, 1982) 24-25.

Oluyemi O, 'Suggestible Consequences of the Militarisation Self-Determination Movements in Nigeria: A Case Study of Yoruba Separatist Movements' (2022) *Journal of Humanities and Social Sciences Studies* 4(4) 250.

Oluyemi OA, 'Militarisation and State Terrorism: A Case Study of Nigerian Military Security Approach' (2023) *International Journal of Social Science Research and Review* 6(5) 296-307.

Omemma DA, 'Marginalisation and Restructuring in Nigeria: An Exploration' [2019] *South East Political Review* 4 (1) 15-28, 20.

Omotola JO, 'Democracy and constitutionalism in Nigeria under the Fourth Republic, 1999-2007' [2008] *Africanna* 2(2) 6.

Onimisi T, H Ku S, Ismail MM, and MM Mohd Nor, 'Federal Character Principles: A Conceptual Analysis' [2018] *International Journal of Social Science and Humanities Research*, 6(2) 172-177.

Onwubiko JN, 'The Biafra Self-Determination Question: Challenges and Prospects' [2023] *African Journal of Comparative and International Law* 31(1).

Quane H, 'The United Nations and the Evolving Right to Self-Determination', (1998) *International Comparative Law Quarterly* 47(3) 537-572.

Silas AS, 'An Assessment of the Theory of Self-Determination in the Resolution of Ogoni People's Struggle in Nigeria under International Law' [2022] *African Journal of Politics and Administrative Studies* 15(1) 3.

Sterio M, 'Self-Determination and Secession Under International Law" (2015) *New Framework' ILSA Journal of International and Comparative Law* 21(2) 103.

Sterio M, 'The Right to Self-determination Under International Law: "Selfistan", Secession and the Rule of Great Powers (Routledge, 2013) 1-224.

Suberu R and Agbaje A, 'The Future of Nigeria's Federalism' In Kunle Amuwo (eds), *Federalism and Political Restructuring in Nigeria* (Ibadan: Spectrum, 1998) 335.

Sunday A and Muhammad SL, 'Interrogating Criminal Label and Scourge of Insecurity in Contemporary Nigeria' [2021] *KIU Journal of Humanities and Social Sciences* 7(4) 63-67.

Tanyi PL, Odo CO, Omeje AE & Ugwuanyi CA, 'Ethnic Agitations and Threat of Secession in Nigeria: What Can Social Workers Do?' [2021] *Journal of Social Work in Developing Societies* 3(2) 29-45, 39.

Tyungu G and Koko G, 'Restructuring, Secession and True Federalism: Ethnic Agitations and the Deepening Crises of Nigerian Federalism' [2018] *World Journal of Research and Review* 7(1) 23-27.

Ubi OS, 'The Causes of Political Instability in Nigeria' [2017] *African International Journal of Contemporary Research* 4(6) 12-23.

Udeh CO, Edeh HC, Eyikorogha Q, Ekoyo PN, and Obiagu UC, 'Banditry-herdsmen Activities in Nigeria and National Development' [2021] *Covenant University Journal of Politics and International Affairs* 9(2), 3732-3752.

Udeh C, Ezenwa OEC and Ovaga O, 'The Lopsided Appointments of Buhari's Administration; Federal Character Principle and National Integration in Nigeria' [2023] *International Journal of Innovative Legal & Political Studies* 11(2*)* 59-72.

Van Den Driest S, 'Pro-Democratic Regime Change and the Right to Political Self-Determination: A Case Study of Iraq' (Nijmegen, the Netherlands: Wolf Legal Publishers, 2009) 1.

Weldehaimanot SM, 'The ACHPR in the Case of Southern Cameroons', (2012) *SUR-International Journal on Human Rights,* 9(16) 89.

Wimmer A & Cederman LE, 'Ethnic Politics and Armed Conflict: A Configurational Analysis of a New Global Data Set' [2009] *American Sociological Review*, 74(2) 316-337.