

A Post-Script on the Impact of the Nigerian Civil War (1967–1970) and its Contribution to the Evolution of International Humanitarian Law

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ABSTRACT

This article examined the impact of the Nigerian Civil War (1967–1970) on the evolution of International Humanitarian Law (IHL) governing non-international armed conflicts. It analyzed the humanitarian crisis that arose during the conflict, particularly mass starvation, civilian casualties, and restrictions on humanitarian relief, and evaluated the adequacy of the legal framework applicable at the time, especially Common Article 3 of the 1949 Geneva Conventions. The study adopted a doctrinal research methodology, relying on treaty provisions, customary international humanitarian law, judicial decisions, scholarly literature, and historical materials to assess the conflict's contribution to the evolution of contemporary IHL. It further examined how the humanitarian consequences of the war informed the adoption of the 1977 Additional Protocols, strengthened legal protections for civilians, reinforced the prohibition of starvation as a method of warfare, and contributed to the progressive development of customary international humanitarian law. The article argued that although the Nigerian Civil War was not the sole catalyst for subsequent legal reforms, it constituted an important experiential reference point in the doctrinal and normative evolution of the law governing non-international armed conflicts. It concluded by recommending measures to strengthen the enforcement, domestication, and implementation of International Humanitarian Law obligations in Nigeria and other jurisdictions confronting contemporary internal armed conflicts.

Keywords: Nigerian Civil War, International Humanitarian Law, Non-International Armed Conflicts, Customary International Humanitarian Law, State sovereignty

INTRODUCTION

The Nigerian Civil War (1967–1970), also known as the Nigeria–Biafra War, stands as one of the most consequential non-international armed conflicts (NIACs) of the post-colonial era. The conflict began following the secession of Nigeria's Eastern Region under Lieutenant-Colonel Chukwuemeka Odumegwu Ojukwu, who proclaimed the Republic of Biafra on 30 May 1967¹. The Federal Government regarded the declaration as an act of rebellion, and major hostilities commenced in early July 1967². The war persisted until January 1970, when Biafra capitulated and reintegration into Nigeria was secured³. Beyond its political and territorial

¹ C C Wigwe *International Humanitarian Law*. (1st edn, Ghana; Readwide Publishers, 2020) 335

² Ibid

³ Encyclopaedia Britannica, 'Nigerian Civil War' (2023) Britannica, available at: <https://www.britannica.com/topic/Nigerian-civil-war> accessed 18 February 2026

implications, the conflict became one of the first post-independence African civil wars to attract sustained global humanitarian attention⁴.

A defining feature of the war, repeatedly emphasized in historical and legal scholarship, is that its catastrophic toll was driven less by conventional battlefield lethality than by famine and disease associated with blockade dynamics, siege conditions, and the collapse of food production and distribution systems. Mortality estimates vary across sources, but widely cited figures range between one and three million deaths, with a substantial proportion attributed to starvation and malnutrition. The Nigerian Civil War is therefore frequently treated as a paradigmatic case study in “hunger in war,” illustrating how deprivation strategies and restricted humanitarian access can devastate civilian populations in internal conflicts.

At the time the conflict unfolded, the international legal framework governing non-international armed conflicts was comparatively underdeveloped. While the 1949 Geneva Conventions were in force, the principal treaty provision applicable to civil wars was Common Article 3⁵, which established minimum humanitarian guarantees but lacked detailed regulation of issues such as starvation, humanitarian relief operations, and protection of objects indispensable to civilian survival⁶. The Nigerian Civil War thus exposed the practical limitations of relying on minimalist treaty regulation in the face of complex humanitarian emergencies within sovereign states.

While the Nigerian Civil War has generated extensive scholarship from historical, political, and humanitarian perspectives, comparatively less attention has been devoted to its enduring doctrinal significance for the development of International Humanitarian Law governing non-international armed conflicts.⁷ This article contributes to that body of scholarship by examining how the conflict exposed legal deficiencies relating to starvation, humanitarian access, civilian protection, and relief operations, and how those experiences informed the subsequent evolution of legal protections applicable to non-international armed conflicts.

The conflict exposed a profound tension between the traditional Westphalian conception of absolute state sovereignty and the emerging imperative of humanitarian accountability. It highlighted the extent to which strict adherence to non-intervention could conflict with the protection of civilian populations during internal armed conflicts.⁸ During the conflict, the Federal Government of Nigeria (FGN) held tightly to a strict, traditional view of sovereignty. They believed that the secession was entirely an internal rebellion and that any external aid sent without their explicit permission was an unlawful intrusion into Nigeria's domestic affairs.

On the other side, international aid groups and a shocked global public operated under a different belief: that a government's right to sovereign non-interference depends entirely on its willingness and ability to keep its civilians alive. By cutting off food and medical channels, the conflict became a historic flashpoint where the rigid walls of state power crashed directly into a growing global demand for human safety. This intense standoff in Nigeria laid the foundational groundwork for modern legal frameworks, like the Responsibility to Protect (R2P), which firmly establish that state sovereignty cannot be used as a shield to justify mass civilian neglect or deprivation.

This work examines the Nigerian Civil War as a “post-script” in the historical evolution of International Humanitarian Law (IHL). It argues that although the war did not singularly determine the adoption of the 1977 Additional Protocols, it contributed meaningfully to the normative and institutional environment that strengthened the regulation of non-international armed conflicts⁹. By revealing the inadequacy of existing

⁴ Wigwe C C, (n1)

⁵ Geneva Convention 1949, Common Article 3

⁶ International Committee of the Red Cross (ICRC), ‘The Geneva Conventions of 1949 and Their Additional Protocols’ (2014), available at: <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols> accessed 18 February 2026.

⁷ M Bradley, *The Politics and Everyday Practice of International Humanitarianism* (Oxford University Press 2023) ch 2, ‘Nigerian Civil War, 1967–1970; C Achebe, *There Was a Country: A Personal History of Biafra* (1st edn, UK: Penguin Books, 2012).

⁸ H Okorie, ‘Interrogating the Interplay Between State Sovereignty and National Security Under International Law’ (2026) 21 (2) *Abia State University Law Journal* 151 available @

<https://www.journals.ezenwaohaetorc.org/index.php/ASULJ/article/download/4148/4250> accessed 11th July, 2026

⁹ Additional Protocols 1977

protections in situations of mass civilian deprivation, the conflict intensified global reflection on civilian protection, humanitarian access, and starvation as a method of warfare. In doing so, it became an important experiential reference point in the gradual consolidation of more detailed IHL norms applicable to internal armed conflicts. The scope of this article is confined to examining the Nigerian Civil War through the lens of International Humanitarian Law. It does not attempt to provide a comprehensive political or military history of the conflict except where such discussion is necessary to contextualize the legal analysis.

Understanding the Nigerian Civil War through this legal-historical lens allows for a deeper appreciation of how humanitarian crises shape the development of international law. The tragedy of Biafra did not merely test the limits of the post-war legal order; it helped expose its vulnerabilities and contributed to the subsequent strengthening of legal protections for civilians in non-international armed conflicts.

CONCEPTUAL AND LEGAL FRAMEWORK OF INTERNATIONAL HUMANITARIAN LAW

International Humanitarian Law (IHL), also known as the law of armed conflict, constitutes the body of treaty and customary rules that regulates the conduct of hostilities and seeks to limit the suffering caused by armed conflict. Its foundational objectives are twofold: first, to protect persons who are not, or are no longer, participating in hostilities, such as civilians, the wounded, detainees, and prisoners of war, and second, to restrict the means and methods of warfare¹⁰. These objectives are grounded in core principles including humanity, distinction, proportionality, and military necessity¹¹.

The primary treaty foundations of modern IHL are the Geneva Conventions, adopted in the aftermath of the Second World War. While the Geneva Conventions provide detailed protections in international armed conflicts, their regulation of non-international armed conflicts (NIACs) was originally limited to Common Article 3¹². Common Article 3 is frequently described as a “mini-convention,” as it establishes minimum humanitarian guarantees applicable in internal armed conflicts. It prohibits violence to life and person, cruel treatment, torture, outrages upon personal dignity, hostage-taking, and passing of sentences without due judicial process¹³.

However, Common Article 3 was deliberately drafted in general terms, reflecting states’ reluctance in 1949 to internationalize the regulation of internal conflicts. The sovereignty sensitivities surrounding civil wars meant that the treaty architecture for NIACs remained minimalist. It did not contain detailed provisions on humanitarian relief operations, protection of civilian infrastructure indispensable to survival, or explicit prohibitions on starvation as a method of warfare.

The legal landscape changed significantly with the adoption of Additional Protocol I and Additional Protocol II. While Additional Protocol I primarily regulate international armed conflicts, Additional Protocol II was the first treaty instrument dedicated exclusively to non-international armed conflicts. It expanded protections for civilians, strengthened judicial guarantees, and addressed issues such as collective punishment, protection of medical units, and regulation of humanitarian relief operations. Crucially, both Protocols articulated clearer prohibitions on starvation of civilians as a method of warfare and protected objects indispensable to civilian survival¹⁴.

In parallel with treaty development, customary international humanitarian law evolved to fill gaps and reinforce protections applicable in both international and non-international conflicts. The consolidation of customary norms concerning civilian immunity, humanitarian access, and starvation further strengthened the regulatory framework governing civil wars.

¹⁰ H Okorie. *Law of Armed Conflict: Principles and Concepts (International Humanitarian Law)* (1st edn, Lagos; Princeton & Associates Publishing Company Limited, 2021)

¹¹ Ibid

¹² (n5)

¹³ Ibid

¹⁴ H Okorie, (n8)

Against this doctrinal backdrop, the Nigerian Civil War unfolded at a transitional moment in IHL history. It occurred before the adoption of the 1977 Additional Protocols, at a time when treaty regulation of NIACs remained limited and underdeveloped. The humanitarian realities of the conflict, particularly famine, siege dynamics, and contested relief operations, therefore tested the adequacy of Common Article 3 in unprecedented ways. The war's significance lies in how these experiences contributed to the broader movement toward strengthening IHL protections in non-international armed conflicts¹⁵.

With this legal framework established, the analysis now turns to the historical and structural foundations of the Nigerian Civil War and the humanitarian crisis that rendered it a pivotal episode in the evolution of International Humanitarian Law.

Theoretical Framework: Legal Constructivism and the Norm Life Cycle

To understand how the practical horrors of the Nigerian Civil War actually changed international treaty law, we must look through the lens of legal constructivism and the "Norm Life Cycle" model developed by scholars Martha Finnemore and Kathryn Sikkink¹⁶. Legal constructivism argues that international laws are not static, pre-existing rules. Instead, they are constantly shaped and reshaped by historical crises, state actions, and shifting human morals. The way rules evolve in internal wars follows this exact process through three clear stages¹⁷:

i. Norm Emergence: This is when "norm entrepreneurs" (like human rights advocates and aid workers) point out a severe gap in protection. In this case, the mass starvation and the targeting of relief operations in Nigeria served as a massive shock that exposed the fatal weaknesses of Common Article 3.¹⁸

ii. Norm Cascade: The graphic, globally televised images of the Biafran famine created massive international outrage. This shifted the conversation from a local African war to a universal human crisis, creating the intense global pressure needed to force states to negotiate the 1977 Additional Protocols.

iii. Norm Internalization: This final stage happens when a rule becomes so widely accepted that it is no longer questioned. It becomes hard law, codified into treaty articles (like Articles 14 and 54 of the Protocols) and written into state military manuals.¹⁹

The Nigerian Civil War was not just a political event; it was the vital catalyst that accelerated this entire life cycle, turning moral outrage into binding international legal duties.

THE NIGERIAN CIVIL WAR AND THE HUMANITARIAN CRISIS

Nature and Legal Classification of the Conflict

The Nigerian Civil War is properly classified under international law as a non-international armed conflict (NIAC). It involved protracted armed violence between the Federal Government of Nigeria and an organised secessionist authority that exercised effective control over territory in the Eastern Region between 1967 and 1970. Although the doctrinal clarity surrounding NIAC classification was less developed at the time of the conflict, subsequent jurisprudence has articulated precise criteria.

In *Prosecutor v Tadić*, the ICTY Appeals Chamber defined a non-international armed conflict as existing "whenever there is protracted armed violence between governmental authorities and organized armed

¹⁵ C C Wigwe, (n1),

¹⁶ M Finnemore, and K Sikkink, 'International Norm Dynamics and Political Change.' *International Organization*, (1998), (52),(4), 887–917.

¹⁷ Ibid

¹⁸ Geneva Convention 1949, Art.3

¹⁹ D P Forsythe. 'The Red Cross and the Nigerian Civil War: A Case Study in Humanitarian Activism'. *International Organization*, (1972) (26) (4), 611–634.

groups.²⁰ This definition, now widely accepted, confirms that the Nigeria–Biafra conflict squarely satisfied the threshold requirements of intensity and organization.

At the time, however, the only universally recognized treaty framework governing such conflicts was Common Article 3 of the 1949 Geneva Conventions²¹. Common Article 3 provided a humanitarian minimum but lacked detailed regulation concerning methods of warfare, protection of civilians from effects of hostilities, and humanitarian access arrangements. The Nigerian Civil War therefore unfolded within a legally minimalist regime.

The absence of judicial adjudication during the conflict further underscores its historical importance. The war was never litigated before an international tribunal, reflecting the dominance of sovereignty-based approaches to internal conflicts in the 1960s. This absence of judicial oversight illustrates the structural enforcement gap that later developments in international criminal law sought to address.

Humanitarian Consequences: Famine, Displacement, and Relief Under Fire

Contemporary and subsequent scholarship consistently identifies famine and malnutrition not direct battlefield violence, as the defining humanitarian features of the war²². Mortality estimates vary, but credible academic analyses place total deaths in the range of approximately one to three million, with a substantial proportion attributed to starvation and related disease. The crisis is frequently described as “massive,” and the Nigerian Civil War has become a paradigmatic case study of conflict-induced hunger²³.

Blockade and siege dynamics severely disrupted food production, transportation networks, and access to agricultural zones. The collapse of civilian food systems rather than sustained high-intensity battlefield killing, became the principal driver of civilian mortality. Refugee flows intensified vulnerability: millions were displaced into camps where malnutrition, overcrowding, and disease spread rapidly²⁴.

Contemporaneous humanitarian briefings documented severe conditions in refugee settlements, describing children suffering advanced malnutrition, families rendered homeless by destroyed infrastructure, and populations dependent on external relief for survival. The visibility of skeletal, malnourished children became globally iconic and transformed public perception of civil wars²⁵.

These humanitarian conditions triggered relief operations on an unprecedented scale in a politically charged environment. By late 1968, reports in the International Review of the Red Cross described relief efforts operating “on a vast scale,” providing daily assistance to hundreds of thousands of civilians on federal territory and sustaining airlift operations into Biafra carrying thousands of tons of food and medical supplies²⁶. At certain stages, approximately 800,000–850,000 individuals in Biafra were reportedly receiving daily food allocations wherever distribution remained possible²⁷.

However, humanitarian operations were conducted amid grave operational hazards. Reports documented attacks on medical facilities and relief infrastructure. An ICRC-administered hospital at Awo Omamma was reportedly attacked from the air in December 1968 despite being clearly marked with protective emblems, resulting in deaths and injuries. The ICRC formally protested the incident as a violation of the Geneva Conventions. Relief aircraft themselves were not immune from danger; in June 1969, an ICRC aircraft

²⁰ *Prosecutor v Tadić* (Jurisdiction Decision) IT-94-1-AR72 (ICTY Appeals Chamber, 2 October 1995)

²¹ Geneva Conventions of 12 August 1949, Common Article 3.

²² J J Stremlau, *The International Politics of the Nigerian Civil War, 1967–1970* (Princeton University Press 1977).

²³ M K Osadare & O Adesewa, *Application of International Humanitarian Law Standards in Nigeria’s Counterinsurgency Efforts* *ABUAD Law Journal* (2025)

²⁴ M Desgrandchamps, ‘Organising the Unpredictable: The Nigeria–Biafra War and its Impact on the ICRC’ (2012) 94(888) *International Review of the Red Cross* 1409.

²⁵ A Nwotite, *International Humanitarian Law and the Use of Starvation as a Method of Warfare: Positive Duties on the Parties to the Conflict*, *ABUAD Law Journal* (2023) 11(1) 17–44

²⁶ *Ibid*

²⁷ A Nwotite(n25)

engaged in food delivery was shot down, hampering operations and highlighting the fragility of humanitarian corridors in civil war settings²⁸.

These episodes illustrate a central problem: medical protection, relief access, and humanitarian neutrality are particularly vulnerable in NIACs. The Nigerian Civil War revealed how relief efforts could become politicized, targeted, or obstructed in the absence of clearer regulatory standards.

Modern jurisprudence has since clarified that attacks directed against civilians or civilian objects constitute serious violations of IHL. In *Prosecutor v Galić*, the ICTY confirmed that acts of terror against civilian populations during siege warfare may amount to war crimes²⁹. Although decided decades later, such jurisprudence demonstrates how conduct associated with siege and deprivation tactics would today be subjected to stringent legal scrutiny.

Pre-1967 Legal Framework of Blockades and the Nigerian Variance

Before 1967, the laws governing blockades were almost completely restricted to wars between separate nations. These rules were written in the Paris Declaration of 1856 and the unratified London Declaration of 1909³⁰. Under these traditional rules, a lawful blockade required three things: a formal announcement to neutral nations, an effective naval force to physically block the coast, and equal treatment for all foreign ships. Crucially, these laws did not apply to internal civil wars unless a government formally recognized the rebel group as an independent "belligerent" a political status the FGN explicitly refused to give Biafra to prevent internationalizing the war.

When the FGN launched its complete land, sea, and economic blockade in June 1967, it took traditional naval warfare mechanics and used them inside its own domestic borders. Because international law back then did not have clear rules against starvation in internal sieges, Nigeria was able to frame the entire blockade as a lawful internal customs operation and a domestic security matter, rather than an international act of war³¹. This move completely challenged traditional legal thinking. It exposed a massive gap in international law: a state could legally starve a breakaway territory under the flag of internal security without technically breaking the existing international laws governing naval sieges between sovereign states.

The Geography of Deprivation: Uli Airstrip and the Joint Church Aid Airlift

To fully appreciate the severe operational challenges of delivering aid during the war, one must look at the physical layout of the blockade. By mid-1968, federal forces had pushed the Biafran enclave into a tight, landlocked circle. This cut off all normal trade, leaving millions of trapped civilians entirely reliant on external relief flights. Because the FGN banned daylight relief flights, arguing they could be used to smuggle weapons, humanitarian agencies had to run secret nighttime flights³².

The heart of this relief effort was an improvised runway deep in the bush, codenamed Uli Airstrip (or "Airstrip Annabelle"). Uli was not an actual airport; it was a wide, straight stretch of regular public road with no radar, no control towers, and no permanent runway lights.

Operating under a coalition called Joint Church Aid (JCA), volunteer pilots flew heavy cargo planes completely dark from nearby islands like São Tomé. They skimmed low over the trees to avoid federal anti-aircraft guns before dropping onto the unlit runway, which was lit up with torches for only a few seconds

²⁸ ICRC Reports (1968–1969)

²⁹ (n14)

³⁰ Paris Declaration Respecting Maritime Law, 16 April 1856, 115 Parry's T.S. 1; London Declaration Concerning the Laws of Naval War, 26 February 1909, 208 Parry's T.S. 338.

³¹ J Strelau, *The International Politics of the Nigerian Civil War, 1967–1970*. (1st edn, ^{Princeton}: Princeton University Press, 1977); Oxford Academic. Famine Blockades and the Nigerian Civil War. In *The Logistics of Postcolonial Intrastate Conflict* (Chap. 2). (Oxford University Press, 2024)

³² A Oron 'The Logistics of the Biafran Airlift: A Study in Humanitarian Emergency Response.' *Journal of Humanitarian Logistics and Supply Chain Management*, (2018), (8) (3) 310–328

during touchdown. By 1969, Uli became one of the busiest airports in Africa, landing up to 50 planes a night and delivering roughly 250 metric tons of food and medicine every single evening. The JCA airlift kept an estimated 1.5 million people alive, highlighting the deep friction between absolute military blockades and non-state humanitarian networks.

Legal Deficiencies Exposed by the Conflict

The Nigeria–Biafra crisis exposed at least four major deficiencies in the regulation of non-international armed conflicts.

First, Common Article 3, while foundational, functioned as a minimum floor rather than a comprehensive framework. It did not provide detailed rules governing the conduct of hostilities or the protection of civilians from indirect effects of warfare such as deprivation, displacement, and infrastructure collapse. The conflict demonstrated that large-scale humanitarian crises in NIACs required more granular regulation. Later jurisprudence confirmed that serious violations of Common Article 3 may constitute war crimes, as held in *Prosecutor v Akayesu*³³. Yet in the late 1960s, enforcement mechanisms were practically non-existent.

Second, the association of the war with mass starvation underscored that explicit treaty prohibitions on starving civilians as a method of warfare emerged relatively late in IHL development. Although humanitarian principles existed, there was no clear and comprehensive treaty articulation in 1967 prohibiting starvation tactics in NIACs. The famine therefore sharpened doctrinal attention to starvation and survival-object protections³⁴.

Third, humanitarian access in civil wars proved legally and politically contested. Because the conflict was internal rather than international, sovereignty concerns constrained external intervention. Contemporary commentary noted that the “civil” character of the war complicated UN and governmental relief efforts. This highlighted how non-intervention norms could operate as practical barriers to humanitarian assistance³⁵.

Fourth, the operational experience revealed institutional and political limits of neutrality. Relief agencies were forced to navigate allegations, propaganda, airlift negotiations, and accusations of partisanship. The conflict therefore catalyzed debate within the humanitarian sector regarding silence, advocacy, and the ethics of public denunciation.

These deficiencies collectively formed part of the normative background against which later IHL reforms would take shape.

CONTRIBUTION OF THE NIGERIAN CIVIL WAR TO THE EVOLUTION OF INTERNATIONAL HUMANITARIAN LAW

Reframing Internal Wars as Core IHL Problems

A central contribution of the Nigerian Civil War lies in how it reframed civil wars as central humanitarian law challenges rather than purely domestic security matters insulated by sovereignty. The conflict demonstrated that internal wars could produce humanitarian devastation comparable to interstate conflicts. This realization paralleled broader post-World War II patterns in which most armed conflicts were non-international in character.

The war thus strengthened the political plausibility of extending detailed legal protections to NIACs. It intensified awareness that the minimalist architecture of 1949 was insufficient for the realities of post-colonial internal conflicts.

³³ *Prosecutor v Akayesu* ICTR-96-4-T (ICTR Trial Chamber, 2 September 1998)

³⁴ J M Henckaerts, and L Doswald-Beck. *Customary International Humanitarian Law*. (Cambridge: Cambridge University Press, 2005.)

³⁵ Ibid

Influence on the Additional Protocols Framework

The adoption of the 1977 Additional Protocols must be understood within a broader reform arc, but the Nigeria–Biafra experience formed part of the demonstrative pressure that supported reform.

Additional Protocol II was groundbreaking because it was devoted exclusively to NIAC regulation. It expanded protections for civilians, strengthened judicial guarantees, addressed collective punishment, and provided clearer rules regarding humanitarian relief operations.

Within Protocol II, civilian protection is articulated explicitly: the civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. This directly responds to the types of harm seen in Nigeria–Biafra, not only direct violence, but deprivation, displacement, and terror resulting from the broader effects of hostilities³⁶.

Nevertheless, a critical limitation must be acknowledged. Protocol II applies only where organized armed groups operate under responsible command and exercise territorial control sufficient to implement the Protocol. It does not apply to all forms of internal violence. Thus, the Nigerian Civil War contributed to a partial but significant treaty solution, leaving many NIACs governed primarily by Common Article 3 and customary law.

Codification of Starvation Prohibitions and Protection of Survival Objects

Perhaps the most legally salient connection between Nigeria–Biafra and IHL evolution lies in the prohibition of starvation.

The war's famine became globally emblematic of conflict-induced hunger. Public horror at mass child malnutrition sharpened doctrinal attention to starvation as a method of warfare³⁷. Later treaty provisions explicitly prohibited starving civilians and prohibited attacking or destroying objects indispensable to civilian survival, including foodstuffs, crops, water installations, and agricultural areas.

These rules were codified in Additional Protocol I (Article 54) and Additional Protocol II (Article 14). Subsequently, customary international humanitarian law consolidated these prohibitions, affirming starvation of civilians as a method of warfare and attacks on indispensable survival objects as unlawful in both international and non-international armed conflicts.

Recent developments in international criminal law further reflect this trajectory. The amendment to Article 8 of the Rome Statute in 2019 extended criminalization of starvation to NIAC contexts³⁸. This progression illustrates how lessons drawn from earlier conflicts continue to shape accountability frameworks decades later.

The Nigerian Civil War thus did not create starvation prohibitions in isolation, but it became a paradigmatic example illustrating why such prohibitions were necessary³⁹.

Clarifying Humanitarian Relief Norms in NIAC

The war also influenced the development of clearer humanitarian relief frameworks. Protocol II recognizes that where civilians suffer undue hardship owing to lack of supplies essential for survival, relief actions of an exclusively humanitarian and impartial nature may be undertaken subject to conditions.

³⁶ Y Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*. (3rd ed. Cambridge: Cambridge University Press, 2019.)

³⁷ ICRC, *Customary International Humanitarian Law*, vol I: Rules (Cambridge University Press 2005) Rules 53–56.

³⁸ Rome Statute of the International Criminal Court (as amended 2019)

³⁹ M Sassòli. *International Humanitarian Law: Rules, Controversies, and Solutions*. (Cheltenham: Edward Elgar, 2019).

Customary IHL reinforces this through obligations requiring parties to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.

The Nigeria–Biafra airlift demonstrated both the necessity and vulnerability of relief corridors. Attacks on aircraft and hospitals underscored why later IHL development emphasized respect for medical units, humanitarian personnel, and protected emblems. At the same time, sovereignty safeguards embedded in Protocol II illustrate the enduring political friction between humanitarian necessity and state control.

Professionalization of Humanitarian Action

Beyond treaty law, the Nigerian Civil War marked a turning point in humanitarian institutional development. It forced the International Committee of the Red Cross to coordinate one of its largest relief operations since World War II and exposed managerial and operational weaknesses that prompted structural reforms.

The conflict also contributed to the emergence of a new generation of humanitarian organizations willing to engage publicly with alleged violations. The founding of Médecins Sans Frontiers in the aftermath of Biafra symbolized this shift from strict confidential diplomacy toward a model that incorporated public advocacy.

This transformation indirectly shaped the ecosystem in which IHL operates. Humanitarian actors generate information, influence public expectations, and strengthen normative pressure for compliance. The war accelerated this shift.

The Biafran Crisis as an Institutional Turning Point for the ICRC

The Nigerian Civil War brought about a major, permanent shift in how the International Committee of the Red Cross (ICRC) operates. For nearly a century, the ICRC had stuck to a quiet, traditional approach. They relied entirely on a country's permission and kept all their reports strictly confidential to maintain access to war zones⁴⁰. However, trying to run a massive relief operation in a highly charged post-colonial civil war broke this old model⁴¹.

In Nigeria, the ICRC was caught in a political crossfire. The FGN openly accused the Red Cross of violating its sovereignty and helping rebels, while Biafran leaders manipulated relief schedules for international media attention, using images of starving children to win global sympathy⁴². This delicate system shattered in June 1969 when a marked ICRC relief plane was shot down by Nigerian forces, killing three aid workers and forcing the ICRC to temporarily stop its flights.

This failure caused a deep split in the humanitarian world. Angry with the ICRC's absolute silence and strict neutrality while people starved, a group of French doctors working in the Biafran enclave broke away from the organization. In late 1971, they founded Médecins Sans Frontières (Doctors Without Borders), introducing a new type of aid that combined medical treatment with public denunciation (*témoignage*). This split forced the ICRC to modernize. It overhauled its logistics, re-evaluated the limits of absolute silence, and learned that in internal civil wars, relying simply on a government's good faith was no longer enough to save lives⁴³.

The Crystallization of Customary IHL and the Role of *Opinio Juris*

Beyond formal treaties like the 1977 Additional Protocols, the experiential lessons of the Nigerian Civil War heavily influenced the growth of Customary International Humanitarian Law, rules that bind all states and

⁴⁰ D P Forsythe, 'The Red Cross and the Nigerian Civil War: A Case Study in Humanitarian Activism.' *International Organization*, (1972), (26) (4) 611-634

⁴¹ ML Desgrandchamps, 'Organising the unpredictable': The Nigeria-Biafra war and its impact on the ICRC' (2012) 94 (888) *International Review of the Red Cross* 1409

⁴² A Oron 'The Logistics of the Biafran Airlift: A Study in Humanitarian Emergency Response.' *Journal of Humanitarian Logistics and Supply Chain Management*, (2018), (8) (3) 310–328

⁴³ ML Desgrandchamps, (n41)

rebel groups regardless of whether they have signed a specific treaty. Customary law requires two main elements: widespread state practice and *opinio juris* (the legal belief by states that an action is required by law)⁴⁴.

During the 1967–1970 conflict, the global moral shock over mass starvation and attacks on marked hospitals catalyzed a major shift in how states spoke about internal conflicts. Even though the FGN vigorously defended its blockade as an internal security matter, its operational decisions reflected a growing awareness of humanitarian boundaries.⁴⁵ For instance, the FGN routinely permitted the ICRC to supervise certain aid pathways and publicly insisted that its restrictions were meant to stop arms smuggling, not systematically deny food to civilians. This public justification shows a critical early expression of *opinio juris*: an implicit admission by a sovereign state that the intentional, unmitigated starvation of domestic civilians was no longer legally acceptable on the world stage.⁴⁶

Decades later, when the ICRC published its landmark study on Customary International Humanitarian Law, the rules directly mirrored the protection gaps exposed in Biafra. Specifically, Rule 53 (the absolute prohibition of starvation as a method of warfare) and Rule 55 (the obligation to allow and facilitate rapid, unimpeded access for humanitarian relief) were recognized as customary rules binding in both international and non-international armed conflicts⁴⁷. The experiences of the Nigerian Civil War served as the primary historical evidence demonstrating that internal sieges can no longer be shielded by the excuse of domestic sovereignty.

Domestic Implementation: The Post-1970 Nigerian Legal and Military Architecture

In evaluating the long-term impact of the civil war on Nigeria itself, the domestic incorporation of international humanitarian law rules remains an ongoing mix of formal doctrine and enforcement gaps. Following the end of hostilities in 1970, the Nigerian military recognized the critical need to professionalize its operational code and align its internal rules with international standards.

This effort led to the formal creation of the Nigerian Army International Humanitarian Law Manual (1994), issued directly by the Directorate of Legal Services. This operational manual formally introduces core IHL concepts, such as the principle of distinction, protection of non-combatants, and respect for medical personnel, into the basic training and doctrine of the Nigerian Armed Forces. Furthermore, Nigeria is a state party to the 1949 Geneva Conventions and has ratified both the 1977 Additional Protocols and the Rome Statute of the International Criminal Court.

However, a major legal gap remains in how these international laws are brought into local courts. Under Section 12 of the 1999 Constitution of the Federal Republic of Nigeria, no international treaty has the force of law domestically until it is explicitly enacted into law by the National Assembly. While the original 1949 Geneva Conventions were domesticated via the Geneva Conventions Act, the 1977 Additional Protocols, which explicitly criminalize starvation tactics and internal blockade excesses, have not yet been fully domesticated through a specific act of parliament⁴⁸. This creates a severe structural gap: while a Nigerian soldier can be disciplined internally under military law for violating IHL manuals, domestic civilian courts

⁴⁴ J-M Henckaerts and L Doswald-Beck, *Customary International Humanitarian Law Volume 1: Rules* (Cambridge University Press, 2005) 35,

⁴⁵ L Heerten, & A D Moses, *The Nigeria–Biafra war: postcolonial conflict and the question of genocide*. *Journal of Genocide Research*. (2014) (1) available @ <https://www.tandfonline.com/doi/full/10.1080/14623528.2014.936700> accessed 13th July, 2026

⁴⁶ C Nwonye, 'State Practice and the Evolution of Customary International Humanitarian Law: A Historical Assessment of the Nigerian Civil War' (2019) 11 (2) *Nigerian Journal of International Law* 94 available @ <https://ihl-databases.icrc.org/ru/customary-ihl/v2/rule53> accessed 13th July, 2026

⁴⁷ J-M Henckaerts and L Doswald-Beck, *Customary International Humanitarian Law Volume 1: Rules* (Cambridge University Press 2005) Rule 53, 186 and Rule 55, 193.

⁴⁸ K Balarabe, 'Africa and the Domestic Implementation of the Geneva Conventions and Additional Protocols: Problems and Solutions'. *Journal of African Law*, (2022) (66) (2), 175–199. Available @ <https://doi.org/10.1017/s0021855322000109> accessed 13th July, 2026

lack the direct statutory power to prosecute war crimes, such as the deliberate denial of humanitarian access, in internal security operations.

Critical Appraisal: Catalyst, Not Sole Cause

It would be historically inaccurate to attribute the evolution of modern NIAC regulation solely to the Nigerian Civil War. The Additional Protocols emerged from a broader reform movement shaped by multiple decolonization conflicts.

However, the Nigeria–Biafra crisis functioned as an intensifier and demonstrator. It concentrated famine, displacement, siege dynamics, and contested humanitarian access into a globally visible humanitarian tragedy. Its contribution therefore lies not in singular causation but in catalytic influence.

CONCLUSION AND RECOMMENDATIONS

Conclusion

The Nigerian Civil War's enduring significance for International Humanitarian Law lies in its concentration of several core NIAC challenges: mass civilian starvation, displacement, contested humanitarian access, and attacks on medical and relief infrastructure.

In doctrinal terms, subsequent IHL developments speak directly to the categories of harm revealed during the conflict: expanded civilian protection in NIACs, explicit prohibitions on starving civilians and attacking survival objects, and clearer (though conditional) relief frameworks.

In institutional terms, the war transformed humanitarian practice, professionalized large-scale relief coordination, and catalyzed debates over neutrality and advocacy.

Yet the post-script remains sobering. Despite legal maturation, allegations of starvation tactics and obstruction of humanitarian access persist in contemporary conflicts. The evolution of law does not guarantee compliance.

Recommendations

National Statutory and Constitutional Reform

First, domestic incorporation of IHL should move beyond grave-breach frameworks to include explicit criminalization of starvation tactics and unlawful obstruction of humanitarian relief in NIAC contexts⁴⁹. To bridge this legal gap effectively, the National Assembly must formally domesticate the 1977 Additional Protocols via an explicit statute.⁵⁰ This legislative step is critical to satisfy Section 12 of the 1999 Constitution, giving local civilian courts the direct jurisdiction to prosecute modern war crimes, such as the weaponization of famine or the blocking of relief channels.

Institutionalization of Operational Frameworks

Second, national operational frameworks should institutionalize clear humanitarian access procedures consistent with customary obligations to allow and facilitate relief. The Ministry of Defense, in coordination with national regulatory bodies, must draft strict, predictable operating procedures that decouple civilian welfare from tactical military blockades. This guarantees that counter-insurgency or counter-terrorism

⁴⁹ NW Nwotite, 'International Humanitarian Law and the Use of Starvation as a Method of Warfare: Positive Duties on the Parties to the Conflict' (2023) 11 (1) *ABUAD Law Journal* 12. Available @ https://www.researchgate.net/publication/375971446_International_Humanitarian_Law_and_the_Use_of_Starvation_as_a_Method_of_Warfare_Positive_Duties_on_the_Parties_to_the_Conflict accessed 12th July, 2026

⁵⁰ J Eluyode, 'Enforcement of International Humanitarian Law in Nigeria' (2015) 15 (2) *African Human Rights Law Journal* 402. Available @ <https://www.ahrli.up.ac.za/james-eluyode-j> accessed 12th July, 2026

operations cannot be used as an administrative pretext to arbitrarily restrict neutral humanitarian movement or cut off civilian access to essential markets and medical care.

Military Training and Command Responsibility

Third, protection of medical and humanitarian missions should be reinforced through training, dissemination, and command responsibility structures. Broad, structural education on the rules of armed conflict should be built directly into the foundational curriculum across all ranks of the armed forces. Furthermore, military commanders must be held strictly accountable under the doctrine of command responsibility if forces under their operational control deliberately target marked hospitals, destroy water distribution systems, or bombard authorized relief operations⁵¹.

Strengthening National Compliance Infrastructure

Fourth, national IHL committees should be strengthened with adequate resources and authority to monitor implementation gaps. Rather than functioning as purely advisory bodies, these state committees must be granted independent monitoring access to verify that active field operations align with theoretical military manuals. They should act as a transparent regulatory bridge, issuing annual compliance reviews and working alongside civil society groups to identify protection systemic failures.

Elevating Regional and Continental Enforcement Mechanisms

Fifth, international and regional institutions should treat starvation and denial of humanitarian access as early-warning triggers for accountability mechanisms, consistent with the growing recognition that starvation may constitute a war crime.

The African Union (AU): The AU should actively utilize Article 4(h) of its Constitutive Act, which formally establishes the right of the Union to intervene in a Member State in respect of grave circumstances, namely war crimes, to treat the systematic, state-enforced starvation of a domestic population as an immediate trigger for continental diplomatic or legal intervention.⁵²

The ECOWAS Sub-Regional Architecture: ECOWAS should explicitly expand its Warning and Response Network (ECOWARN) indicators beyond conventional troop movements to track civilian human security parameters, treating the disruption of food production, the targeting of crop zones, or the sealing of humanitarian corridors as explicit, early-warning triggers for regional mediation or judicial scrutiny.⁵³

Contemporary Application to Modern African Conflicts

Finally, the critical historical lessons of the Nigeria–Biafra war must be directly applied to contemporary internal armed conflicts across the continent, including the Lake Chad Basin, Sudan, and the Democratic Republic of Congo⁵⁴. State parties must recognize that the absolute, Westphalian defense of domestic

⁵¹ JE Okpe, 'The Complementary Jurisdiction of the International Criminal Court' (2020) 12 (1) *University of Ibadan Law Journal* 268; AA Muhammad, 'Violation of International Humanitarian Law by Parties to the Conflict: A Case Study of the Nigerian Security Forces' (2018) 6 (2) *International Journal of Business & Law Research* 54.

<http://www.runlawjournals.com/index.php/runjjil/article/viewFile/19/17> accessed 14th July, 2026

⁵² B Kioko, 'The Right of Intervention Under the African Union's Constitutive Act: From Non-Interference to Non-Intervention' (2003) 85 (852) *International Review of the Red Cross* 807; see also Constitutive Act of the African Union 2000, art 4(h).

⁵³ V O Ayeni, 'The ECOWAS Conflict Prevention Framework and Human Security Challenges in West Africa' (2021) 9 (1) *Journal of International Humanitarian Legal Studies* 114; see also Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security 1999, ch IV <https://ecowarn.ecowas.int/> accessed 12th July, 2026

⁵⁴ CI Okoli, 'The Nigeria-Biafra War and Modern Armed Conflicts in Africa: Rethinking State Sovereignty and International Humanitarian Law' (2022) 10 (2) *Nigerian Journal of International Affairs* 45; see also TA Imobighe, 'The Impact of Internal Conflicts on Regional Security in Africa' in IO Smith (ed), *Essays on Human Rights and Humanitarian Law* (2018) 112. Available at https://www.researchgate.net/publication/334509700_Nigeria-Biafra_Civil_War_and_Law_of_Armed_Conflict_Published_in_2014_Journal_of_Society_for_Peace_Studies_and_Practice accessed 12th July, 2026

sovereignty can no longer serve as a blank check to justify civilian deprivation. Modern operational frameworks must ensure that civilian populations are strictly insulated from the direct and indirect effects of internal warfare, preserving the foundational human rights floor regardless of the political or territorial nature of the conflict.