The Aburi Accord and the Sacred Doctrine of UTI Possidetis: A Panacea for Igbo-phobia?

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ABSTRACT

The quest for self-determination by the people of old Eastern region of Nigeria, historically crystallised in the Biafra movement, represents one of Africa's most protracted and contentious political conflicts. This paper argues that the failure to implement the *1967 Aburi Accord* constitutes a foundational betrayal that legitimises the contemporary grievance, while the subsequent rigid application of the *uti possidetis* principle has served to entrench a state of what can be termed 'Igbo-phobia'—a systemic political, economic, and security marginalisation. Through an international law lens, the paper deconstructs the tension between the right to self-determination and the inviolability of colonial borders. It examines the *Aburi Accord* as a failed historical precedent for a political settlement and analyses the incarceration of Nnamdi Kanu as a symptom of the continued refusal to engage with this underlying grievance. Critiquing the Nigerian state's inflexible unitary-federalism, the paper proposes the transplantation of the United Kingdom's "country within a country" model as a constitutional panacea. This model, offering internal self-determination through a confederal or highly devolved structure, is presented as a viable mechanism to address Igbo-phobia within the framework of a single, yet more flexible, Nigerian sovereignty, thereby fulfilling the spirit of self-determination without derogating from the letter of *uti possidetis*.

Keywords: Aburi Accord, Uti Possidetis, Self-Determination, Igbo-phobia, Biafra, Nnamdi Kanu, International Law, Devolution, United Kingdom Model.

INTRODUCTION

The political landscape of post-colonial Nigeria is haunted by the spectre of the Republic of Biafra and the devastating civil war (1967-1970) that its declaration precipitated. For decades, the official state narrative has been one of "*No Victor, No Vanquished,"* a slogan seemingly observed more in words than action, which has rung hollow in the face of persistent claims of marginalisation by the Igbo people of the South-East. The recent incarceration and trial of Nnamdi Kanu, leader of the Indigenous People of Biafra (IPOB), has re-internationalised this conflict, framing it as a clash between the sacrosanct principle of territorial integrity (uti possidetis) and the fundamental right of a people to self-determination (Heyns and Viljoen, 2019).

This paper posits that the contemporary agitation for Biafra cannot be understood outside the historical prism of the *Aburi Accord of 1967*—a near-forgotten but critical moment where a confederal solution was agreed upon but subsequently abrogated by the Nigerian state. This betrayal is the original sin that fuels the grievance. The paper will argue that the Nigerian state's rigid adherence to a centralised interpretation of *uti possidetis*, combined with systemic practices that constitute Igbo-phobia, has created a cycle of repression and resistance. Using international law as its primary analytical framework, this paper will dissect these concepts before proposing a radical yet pragmatic solution: the transplantation of the United Kingdom's model of a "country within a country" as a constitutional panacea to break the impasse, offering the Igbo people internal self-determination and restoring their faith in the Nigerian project.

Uti possidetis is a principle of international law that holds that newly independent states should retain the pre-independence administrative boundaries as their international borders, converting internal territorial lines

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into final external frontiers to preserve stability and prevent territorial disputes (Encyclopaedia Britannica, 2018).

HISTORICAL CONTEXT: THE GENESIS OF GRIEVANCE AND THE GHOST OF BIAFRA.

The Igbo experience in Nigeria has been marked by a rollercoaster of integration and rejection. Prior to independence, the Igbo were among the most enthusiastic proponents of a unified Nigeria (Achebe, 2012). However, the post-independence politics, marred by ethnic and regional polarisation, culminated in a bloody military coup in 1966 (predominantly led by Igbo officers) and a counter-coup later that year (led predominantly by Northern officers). This was followed by pogroms in Northern Nigeria in 1966 that targeted Igbos, resulting in the deaths of an estimated 30,000 to 100,000 people and creating a massive refugee crisis (Madiebo, 1980; Jacobs, 2017). The failure of the Federal Government under General Yakubu Gowon to guarantee the security and property of Igbos provided the immediate impetus for secession.

This period cemented a deep-seated fear and sense of vulnerability among the Igbo—a feeling of being unwanted and unsafe within the Nigerian polity. The declaration of the Republic of Biafra by Lt. Colonel Chukwemeka Odumegwu Ojukwu on May 30, 1967, was thus framed not merely as an act of political ambition, but as a necessity for survival (Ojukwu, 1969). The subsequent civil war (*which the paper now describes as Igbo genocide*) and its brutal conclusion, including a policy of starvation as a weapon of war, left an indelible scar on the national psyche and the Igbo people specifically, creating a legacy of grievance that remains potent till this day (Nwachukwu, 2021).

Genocide is the intentional act committed to destroy, in whole or in part, a national, ethnic, racial or religious group; it is recognised as an international crime in the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention, 1948)

The large-scale international relief mobilization and the existence of some efforts to provide aid are cited as inconsistent with a coordinated state policy of extermination, though they do not negate responsibility for harm (Iheke, 2020)

Some historians warn against retroactively applying the legal term “genocide” to complex civil wars without rigorous proof, arguing that conflating mass death from blockade and famine with legally defined genocide risks conceptual imprecision (Anthony, 2014).

Alternative explanations emphasise state weakness, ethnic polarisation, political rivalry and policy failures (including failure to protect citizens) as proximate causes of mass death rather than an articulated plan to destroy the Igbo people (Ogbonna, 2025; Nigerian Journal article, 2024).

The Nigerian Civil War (1967–1970) was often described by the federal government as a “police action” to frame the conflict as a limited internal security operation aimed at restoring constitutional order and territorial integrity rather than as a full-scale international war (Ukpabi, 1975) . Framing it this way served political and legal purposes: it authorised the use of military force under domestic law, signalled an intention to contain the fighting within Nigeria’s borders, and sought to delegitimise the secessionist claim by treating it as criminal insurrection rather than a separate belligerent polity (Omeni, 2022).

Contemporaneously, the label also reflected institutional practice; the Nigerian Army and Police collaborated in operations intended to suppress the secessionist movement and reassert federal authority, reinforcing the depiction of the campaign as an internal policing task rather than interstate warfare (Buhari, 2019).

Internationally, portraying the conflict as a domestic police action limited the diplomatic fallout and complicated formal declarations about the legality of external intervention or recognition of the secessionist entity.

In short, calling the conflict a “police action” was both descriptive of certain internal security features and instrumental as a political-legal frame used by the federal authorities to justify military measures and to deny the secessionists the status of a lawful belligerent or sovereign state (Ukpabi, 1975; Omeni, 2022) .

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Several non-Igbo scholars, commentators and organisations have described the 1966–1970 events in Nigeria — including the anti-Igbo massacres and the Nigeria–Biafra War — as genocide or used the term "Biafran genocide" to characterise the mass killing and famine that affected Igbo people (Daly, 2023; Korieh, n.d.; Eke, 2025).

THE ABURI ACCORD: A BETRAYED COVENANT AND ITS LEGAL SIGNIFICANCE

In January 1967, as the nation teetered on the brink of war, Nigeria's Supreme Military Council met in Aburi, Ghana, to seek a peaceful resolution. The Aburi Accord, reached after two days of negotiation, was a masterpiece of compromise, designing a confederal structure for Nigeria (Akinyemi, 1974).

The key agreements included:

· Decentralisation of the Army: The army was to be regionalised, with commands subject to control by Regional Governors (St. Jorre, 1972).

· Fiscal Autonomy: Regions would retain all revenues, only contributing a fixed amount to the central government for defined common services.

· A Weak Federal Center: The Supreme Military Council, not the Federal Military Government, became the supreme organ of state, and its decisions required unanimous consent (Nwabueze, 1972).

From an international law perspective, the Aburi Accord was more than a political agreement; it was a *sui generis interstate compact* that could have formed the basis for a radical reconfiguration of the Nigerian state, moving it from a federation to a confederation (Shaw, 2008). Ojukwu returned to the East and began implementation, treating it as a binding agreement. However, the Gowon-led government in Lagos, under pressure from a civil service opposed to decentralisation, reneged. The accord was diluted into "Decree No. 8," which recentralised power and stripped it of its confederal essence (Kirk-Greene, 1971).

Sui generis interstate compact is a compact between two or more states that is treated as legally and functionally unique rather than fitting standard categories of treaties or ordinary agreements; it combines bespoke institutional rules, tailored obligations, and durable political arrangements designed to address specific cross-border problems, and is judged by its particular aims and structure rather than by ordinary treaty doctrine (Siniver, 2024); the term highlights the compact's "of its own kind" character and limited comparability with other instruments (LegalClarity Team, 2025)

The failure to implement the Aburi Accord is the cornerstone of the Biafran argument. It demonstrates that a negotiated, peaceful settlement within the framework of one Nigeria was not only possible but was achieved and then sabotaged (Uwazurike, 1990) and (Daly, 2023). This historical fact provides a powerful moral and legal counter-narrative to the state's claim that secession was an unwarranted act of rebellion. It suggests that the Nigerian state, in its current centralised form, was preserved not by consent but by the failure to honour a fundamental political covenant.

UTI POSSIDETIS JURIS: THE SACRED DOCTRINE AND ITS DISCONTENTS.

The Principle in International Law

Uti possidetis juris is a principle of customary international law that mandates that newly independent states should inherit the administrative borders of the preceding colonial territory (Shaw, 2003). The International Court of Justice (ICJ) in the Frontier Dispute (Burkina Faso/Republic of Mali) case affirmed its status, stating that its primary aim is to "secure respect for the territorial boundaries which existed at the time of independence" (ICJ, 1986, p. 565). This principle was adopted by the Organisation of African Unity (OAU) in 1964 to prevent endless border conflicts by freezing the colonial boundaries (OAU Resolution 16(1), 1964).

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Uti Possidetis vs. Self-Determination: The African Dilemma

The central conflict arises from the tension between *uti possidetis* and the right to self-determination, enshrined in Article 1 of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The *UN Declaration on Principles of International Law (1970)* clarifies that self-determination should not be construed as authorising action that would dismember the territorial integrity of sovereign states acting in compliance with the principle of equal rights and self-determination.

For Nigeria and the African Union, this means that the right to self-determination for the Igbo people is interpreted as internal self-determination—the right to autonomous governance, cultural preservation, and equitable resource sharing within the borders of Nigeria (Adebayo, 2020). The demand for external self-determination (secession) is viewed as an attempt at the violation of principles of *uti possidetis* and a threat to the territorial integrity of the state.

Secession is the unilateral withdrawal of a territory and its population from an existing state with the aim of creating a new independent state; in international law it is understood as a factual and political process whose legality depends on context (for example, decolonisation or occupation) and on whether the secessionist entity satisfies the conditions of statehood and gains effective control or international recognition (Thürer and Burri, 2009; Christakis, 2012).

However, international law is not static. The case of South Sudan, Kosovo, and the ICJ's Advisory Opinion on Kosovo (2010) demonstrate that unilateral secession is not explicitly prohibited under international law, even if it is not expressly permitted. The ICJ held that declarations of independence are not illegal per se. Furthermore, the "safeguard clause" or "remedial secession" theory posits that if a *people* are subjected to extreme persecution and are denied meaningful internal self-determination, a right to external self-determination may crystallise (Cassese, 1995). Pro-Biafra advocates argue that the post-war marginalisation and ongoing Igbo-phobia meet this high threshold, a claim the Nigerian state vehemently denies (Ibeanu, 2018).

IGBO-PHOBIA: ANATOMY OF A SYSTEMIC CONDITION

The term "Igbo-phobia" is used here to describe a pattern of systemic discrimination and prejudice that transcends individual acts of bias.

Taken together, the qualitative and reporting-based evidence shows a pattern of socio-political grievance (perceived exclusion from federal appointments and investment) combined with a securitised state response to political activism; scholars and commentators argue that when these two phenomena co-exist and are persistent they form the empirical substrate for claims of systematic Igbo-phobia (Oblong Media, 2025; EUAA COI Report, 2025).

Most readily available contemporary sources are qualitative, press-based, civil-society reports and COI/security briefs rather than comprehensive, standardised statistical datasets disaggregated by ethnicity and region. Contemporary advocacy and journalistic material are valuable for documenting lived experience and incident patterns but require triangulation for causal attribution of state intent (EUAA, 2025; Refugee Documentation Centre, 2025).

Political and Economic Marginalisation

Politically, the Igbo have been systematically excluded from the highest echelons of power since the end of the war. No Igbo has been elected President, and key security and revenue-generating ministries are rarely headed to individuals from the South-East (Nwankwo, 2021). Economically, the region suffers from severe federal neglect. Critical infrastructure like the Enugu-Onitsha Expressway and the Second Niger Bridge have been subjects of political bargaining for decades. The federal allocation formula is perceived to short-change the South-East, which has the least number of states and Local Government Areas—the primary units for revenue sharing (Okeke, 2019).

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Persistent perceptions of economic exclusion: Several analyses and opinion surveys report a widespread belief among Igbo communities that the South-East receives comparatively less federal attention in national projects, appointments and federal infrastructure allocation, contributing to narratives of deliberate marginalisation (Oblong Media, 2025; Authority, 2024).

Under-conversion of demographic weight into national office-holding: Commentators and regional advocacy groups note that despite significant population and economic contribution, the South-East has struggled in recent electoral cycles to convert numbers into proportionate occupancy of high federal offices and party leadership positions, which fuels claims of political marginalisation (Daily Post, 2025).

Publicised incidents—such as contested Senate or federal executive recognitions and the perceived side-lining of prominent Igbo figures—have been widely reported and used to argue that institutional access is unequal for Igbo politicians and civil servants (Gatekeepers News; Authority, 2025).

The formation of new regional political movements and organised "Igbo agenda" dialogues indicate a political response to perceived chronic under-representation and the desire to redress it through collective political action (Daily Post, 2025; Authority, 2025).

Economic indicators and human development gaps (qualitative): Regional reporting and policy briefs highlight unequal development outcomes across Nigerian regions (infrastructure, industrial investment, and regional job creation), with the South-East often cited among areas complaining of slow federal investment and delayed projects—factors invoked to substantiate claims of economic *side-lining* (Oblong Media, 2025; Forum of Federations commentary).

Security and Extra-Judicial Violence

The security situation in the South-East is volatile. The Nigerian military's Operation Python Dance, deployed in the region, has been accused of gross human rights violations, including extra-judicial killings and torture (Amnesty International, 2016). Furthermore, non-state actors from other regions, such as Fulani herders, have been implicated in violent attacks on Igbo farming communities, with the state often appearing unable or unwilling to provide protection (Human Rights Watch, 2018). This creates a pervasive sense of insecurity that mirrors the pre-civil war pogroms, reinforcing the argument for a separate, self-policed homeland.

Escalating insecurity and violent incidents in the South-East: Security reporting and risk assessments document rising violent incidents across the region (including communal attacks, kidnappings and clashes between state forces and non-state armed groups), producing internally displaced persons and community insecurity (Convexin Security Report, 2025; Guardian, 2025).

Allegations of targeted operations, disappearances and heavy-handed security responses: Civil society groups, women's organisations and local media have reported alleged killings, disappearances and forced relocations linked to security operations in parts of the South-East; these reports have prompted calls for independent inquiries and are cited as evidence of discriminatory security practices (Vanguard, 2024; Vanguard/IWA reporting, 2025).

Political detainees and suppression of separatist activism: Documentation compiled by refugee and country-of-origin research bodies and press coverage highlight arrests, prosecutions and detention of figures associated with pro-Biafra activism; these actions are presented by critics as evidence of criminalisation of distinct Igbo political expression (Refugee Documentation Centre, 2025; Oblong Media, 2025).

NNAMDI KANU AND THE IPOB PHENOMENON: SYMPTOM, NOT CAUSE

The Legal Ordeal of Nnamdi Kanu: A Case Study in Repression

Nnamdi Kanu's rise to prominence is a direct consequence of the unresolved grievances outlined above. His radio broadcasts and rhetoric, while often inflammatory, tapped into a deep well of disillusionment (Ejiofor,

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2021). His legal ordeal raises serious questions under international law. His extraordinary rendition from Kenya in 2021, condemned by the United Nations Working Group on Arbitrary Detention (2022), constitutes a gross violation of international law, specifically the *prohibition on arbitrary detention* and the *principle of non-refoulement*.

His trial on charges of treason and terrorism under Nigerian law is seen by many as politically motivated, aimed at silencing a dissenting voice rather than administering justice. The prolonged detention and the state's refusal to abide by court orders for his release on bail undermine the rule of law and lend credence to the argument that the Nigerian state is unwilling to engage in political dialogue, preferring repression instead (Ozekhome, 2023).

The principle of non-refoulement prohibits a State from returning or transferring a person from its territory or areas under its control to another State where there are substantial grounds for believing the person would face a real risk of persecution, torture, or other cruel, inhuman or degrading treatment or punishment (OHCHR, 2020; UNHCR, 1997).

International Human Rights Law and the Rights of Dissent

Under international human rights law, everyone has the right to freedom of opinion, expression, and assembly (Articles 19 and 20, UDHR; Article 19, ICCPR). While states can impose limitations for national security, these must be necessary and proportionate (UN Human Rights Committee, 2011). The branding of IPOB as a terrorist organisation, while treating similar groups in other regions with kid gloves, is viewed as a disproportionate and discriminatory application of the law, further evidence of Igbo-phobia (International Crisis Group, 2021).

REIMAGINING SOVEREIGNTY: THE UNITED KINGDOM'S 'COUNTRY WITHIN A COUNTRY' MODEL

The fundamental problem of the Nigerian state is its "indivisible and indissoluble" constitution, which forecloses the kind of political experimentation needed to manage its immense diversity. A potential panacea lies in looking beyond the African context to the constitutional pragmatism of the United Kingdom.

The constitutional declaration that Nigeria is “one indivisible and indissoluble” closes off formal avenues for negotiated territorial experimentation such as asymmetric devolution, staged autonomy or legally sanctioned “state-within-state” arrangements that might better manage the country’s size and diversity (Federal Republic of Nigeria, 1999).

Nigeria’s scale, multilingual character and colonial boundary legacy make a rigid indivisibility rule especially problematic: English functions as the official lingua franca across dozens of major languages and ethno-regional identities, regions differ markedly in demography and economic structure, and the colonial origins of internal borders weaken the fit between institutions and social realities—factors that increase demand for locally tailored governance that a strict indivisibility clause frustrates (Forum of Federations, 1999; Historical Nigeria, 2024).

The Aburi Accord shows both the promise of negotiated settlement and the fragility of agreements that lack enforceable legal scaffolding: senior Nigerian and regional leaders reached understandings in January 1967 that might have opened space for compromise, yet the Accord’s repudiation and failure of domestic implementation demonstrate how informal bargains can be reversed when constitutional structures do not provide credible routes for institutionalising asymmetry (Etire and Ota, 2023; Baptiste, 1971).

The United Kingdom’s uncodified, pragmatic constitutional practice offers relevant comparative lessons because it has produced de facto “state-within-state” effects—through statutory asymmetric devolution for Scotland, Wales and Northern Ireland—without a single entrenched textual prohibition on experimentation; that flexibility permits differentiated arrangements while preserving overall continuity and creates political channels for bargaining and adjustment (Forum of Federations, 1999).

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Transplantation of UK-style pragmatism to Nigeria has potential merits and clear limits. Merits include creating legal, enforceable pathways for asymmetric powers that reduce the incentive for violent secession, institutionalising dispute-resolution and implementation mechanisms to prevent post-agreement sabotage, and embedding protections for language and resource-sharing to lower grievance-driven pressures (Prasher, 2025; BarristerNG, 2021).

Limits and risks stem from the UK model's reliance on long-standing political conventions, elite consensus and institutional trust that Nigeria's post-colonial cleavages and weaker party and bureaucratic norms do not readily replicate; uncritical transplantation could produce elite capture of devolved powers or uneven perceptions of fairness that increase centrifugal pressures (Prasher, 2025; BarristerNG, 2021).

Practical, context-sensitive modes of adaptation include enabling statutory asymmetric devolution for consenting regions, piloting "state-within-state" experiments with sunset and review clauses, creating strong intergovernmental enforcement and monitoring bodies to guarantee implementation, and combining legal reform with broad, inclusive negotiation to build popular legitimacy—steps that would convert episodic bargains like Aburi into sustainable constitutional practice while guarding against fragmentation (Etire and Ota, 2023; Forum of Federations, 1999).

Devolved Governance in Scotland, Wales, and Northern Ireland

The UK is a unitary state but operates as a de facto union of four countries. The Scotland Act 1998, Government of Wales Act 2006, and Northern Ireland Act 1998 devolved significant powers to these constituent nations (Bogdanor, 2001). Scotland, for instance, has its own Parliament with primary legislative powers over key areas including health, education, justice, and policing. It has a distinct legal and education system and varying tax-raising powers (McHarg et al., 2016). This model allows Scotland to express its distinct political and cultural identity while remaining part of the larger, more powerful United Kingdom. The 2014 independence referendum was possible because the UK Parliament, in its sovereignty, temporarily granted the legal power for it to be held via the Edinburgh Agreement (2012).

A Proposed Model for Nigeria: Constitutional Transplantation (Recommendations)

Transplanting this model to Nigeria would require a fundamental constitutional overhaul. A new "Nigerian Union Act" could be enacted, reconceptualising Nigeria as a union of six or more "Constituent Countries" (e.g., the South-East Country, the South-West Country, the Northern Country etc.), based on the current geo-political zones.

Under this model, the South-East Country would have:

· A Regional Parliament: With primary legislative authority over internal affairs: state police, education, healthcare, infrastructure, and culture.

· Fiscal Autonomy: Control over its resources and tax base, contributing an agreed percentage to the federal center for defence, foreign affairs, and currency.

· A Distinct Legal System: The ability to maintain and develop its own customary and civil legal traditions, subject to an overarching federal bill of rights.

· A State Police Force: To address the critical issue of local security and community policing.

The Federal Government would retain exclusive competence over defence, foreign policy, macro-economics, and citizenship. This model directly addresses the failure of the Aburi Accord by constitutionally entrenching the confederal principles that were agreed upon but abandoned. It offers the Igbo people the internal self-determination they seek—control over their security, economy, and political destiny—without requiring secession, thus respecting the *uti possidetis principle* in a functional, rather than a merely coercive, manner.

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This paper further recommends piloting “state-within-state” experiments (using the south-east geopolitical zone) with sunset and review clauses, creating strong intergovernmental enforcement and monitoring bodies to guarantee implementation, and combining legal reform with broad, inclusive negotiation to build popular legitimacy as stated above (Etire and Ota, 2023; Forum of Federations, 1999).

CONCLUSION: PANACEA OR PIPE DREAM?

The agitation for Biafra is not an aberration but a logical, if extreme, response to a history of betrayal, systemic marginalisation, and state repression. The Aburi Accord stands as a haunting monument to a road not taken—a peaceful, confederal solution that was within grasp. The doctrine of *uti possidetis*, while providing stability, has been weaponised to justify a rigid, centralised state that fails to accommodate its most disillusioned constituents.

Nnamdi Kanu is a symptom of this deep-seated malaise; his incarceration treats the symptom while ignoring the disease. A lasting solution requires a courageous re-imagination of the Nigerian state. The United Kingdom's "country within a country" model presents a viable, pragmatic panacea. It offers a constitutional framework to manage diversity through devolved power, turning the concept of a "country within a country" from a separatist slogan into a governance reality. Whether this is a panacea or a pipe dream depends entirely on the political will of Nigeria's ruling elite to finally confront the ghost of Aburi and build a union based not on force, but on consent and equitable partnership.

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