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WE SEEK JUSTICE, NOT CONFLICT

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WE SEEK JUSTICE, NOT CONFLICT

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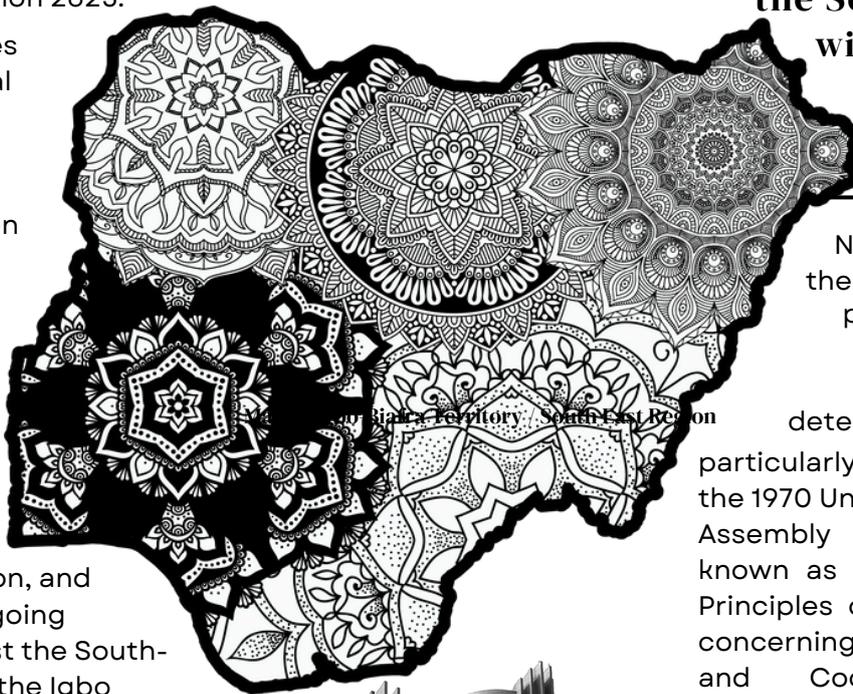
Nigeria's Betrayal: The Case for South-East Remedial Secession

The provided text argues for the remedial secession of the South-East region from Nigeria, asserting that the Nigerian state has consistently violated the safeguard clause of the 1970 UN General Assembly Resolution 2625.

This resolution ties a state's territorial integrity to its adherence to equal rights and self-determination for all its peoples.

The author contends that Nigeria has systematically engaged in political marginalisation, discriminatory resource allocation, and historical and ongoing repression against the South-East, particularly the Igbo ethnic group.

Because internal avenues for redress have been obstructed, the text concludes that the South-East's situation legally justifies external self-determination as a last resort under international law.

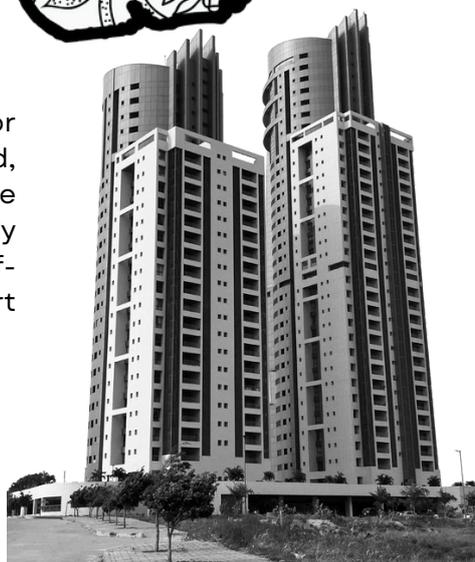


To what extent does Nigeria's approach to the South-East align with international principles of self-determination?

Nigeria's treatment of the South-East region is presented as a direct contravention of international self-determination principles,

particularly those outlined in the 1970 United Nations General Assembly Resolution 2625, known as the "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States". This resolution is a pivotal document that balances the principles of self-determination with territorial integrity.

The core argument is that Nigeria has systematically violated the safeguard clause within Resolution 2625. This clause stipulates that a state's territorial integrity is not absolute but conditional upon its adherence to the principle of equal rights and



self-determination of peoples. A government must represent all its constituent peoples equitably, without discrimination. When a state consistently denies a distinct group the right to participate meaningfully in governance or access fundamental rights, it forfeits the moral and legal protections afforded to its territorial integrity.

Nigeria's actions are argued to demonstrate a clear pattern of systemic exclusion and repression that negates its claim to legitimate sovereignty over the South-East. These actions fall into several categories:



- **Political Marginalisation:**

The Nigerian Constitution mandates equitable representation, yet the Igbo people are consistently and deliberately underrepresented in key federal positions, including leadership roles in the military, security agencies, judiciary, and economic ministries. This structural bias undermines the representativeness required by Resolution 2625.



- **Discriminatory Allocation of Resources and Development:**

Despite the South-East's significant economic contributions, it consistently receives the lowest share of federal budgetary allocations and suffers from deliberate neglect in infrastructural development, such as the long-delayed Second Niger Bridge. This disparity constitutes structural repression and violates the principle of equal development, a cornerstone of internal self-determination.

- **Historic and Continuing Repression:**

The post-Biafran War policies, like the "£20 policy" and the "Abandoned Property Decree," were designed to impoverish and marginalise the Igbo population. In contemporary times, pro-Biafra movements face relentless state-sponsored violence,

including arbitrary arrests, torture, and extrajudicial killings, as documented by human rights organisations. This pattern is systemic and suppresses Igbo aspirations for justice and autonomy, directly violating international human rights standards.

- **Denial of Internal Self-Determination:**

Internal self-determination entails the right of all peoples to participate meaningfully in governance and exercise cultural, political, and economic autonomy within the state. Nigeria has consistently resisted calls for restructuring to grant greater regional autonomy and has responded with militarisation and the criminalisation of advocacy groups, instead of engaging in dialogue.



The designation of non-violent organisations as "terrorist" entities exemplifies the state's refusal to address Igbo grievances through constitutional means, leaving no viable path to internal self-determination.

These persistent failures to uphold its obligations under international law, particularly the failure to ensure internal self-determination and equitable representation for the South-East, are presented as justifying the invocation of remedial secession as a legal and moral remedy. Remedial secession is described as an exceptional principle grounded in international law, activated when a state consistently denies a distinct group fundamental rights and access to internal self-determination, and when internal avenues for redress have been systematically obstructed. The South-East's experience is argued to unequivocally align with the criteria for remedial secession.

Under what circumstances is remedial secession justified in international law?

Remedial secession is legitimised in international law as an exceptional principle and a measure of last resort when a state fundamentally fails to uphold its obligations to a distinct group within its borders. It is not an arbitrary demand but a carefully defined response to extreme and sustained injustice.



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The primary legal foundation for remedial secession lies in the 1970 United Nations General Assembly Resolution 2625 (the "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States"). This resolution balances the principles of self-determination and territorial integrity.

Here are the key elements that legitimise remedial secession in law:

- **Violation of the Safeguard Clause:**

The central justification stems from a state's violation of the safeguard clause within UNGA Resolution 2625.

This clause states that a state's territorial integrity is not absolute but conditional. It is protected only if the state is "conducting themselves in compliance with the principle of equal rights and self-determination of peoples" and possesses "a government representing the whole people belonging to the territory without distinction as to race, creed or colour". When a state systematically fails to meet these conditions, it forfeits the moral and legal protections afforded to its territorial integrity.





Systematic Exclusion and Oppression:

Remedial secession becomes legitimate when a state systematically excludes or oppresses a particular group, denying them fundamental rights and meaningful participation in governance. This includes instances where a group is:

- Systematically excluded from political participation.
- Subjected to gross human rights violations.
- Facing sustained repression, political exclusion, and a lack of viable internal solutions.

• Denial of Internal Self-Determination:

The principle is invoked when a state consistently denies a distinct group its right to internal self-determination. Internal self-determination involves the right of all peoples to participate meaningfully in governance and exercise cultural, political, and economic autonomy within the state's framework.

• Absence of Credible Internal Remedies:

A crucial condition is that meaningful avenues for redress within the state have been systematically

obstructed or ignored. This implies that internal mechanisms for resolving grievances have proven ineffective or have been met with hostility, coercion, or suppression.

Legal precedents and scholarly opinions further underscore these justifications:

- The 1998 Reference re Secession of Quebec by the Supreme Court of Canada is a landmark case that acknowledged unilateral secession could be justified if a people are systematically excluded from political participation, subjected to gross human rights violations, and denied meaningful remedies within the state.
- International jurist Antonio Cassese argued that remedial secession becomes operative when a group faces sustained repression, political exclusion, and a lack of viable internal solutions.

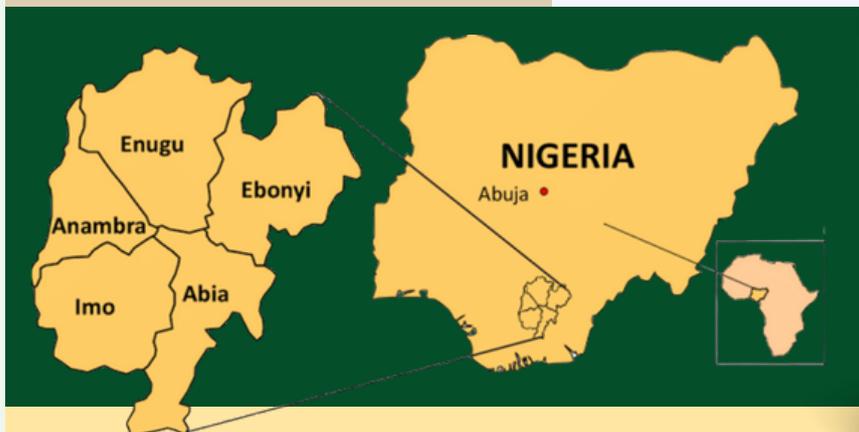
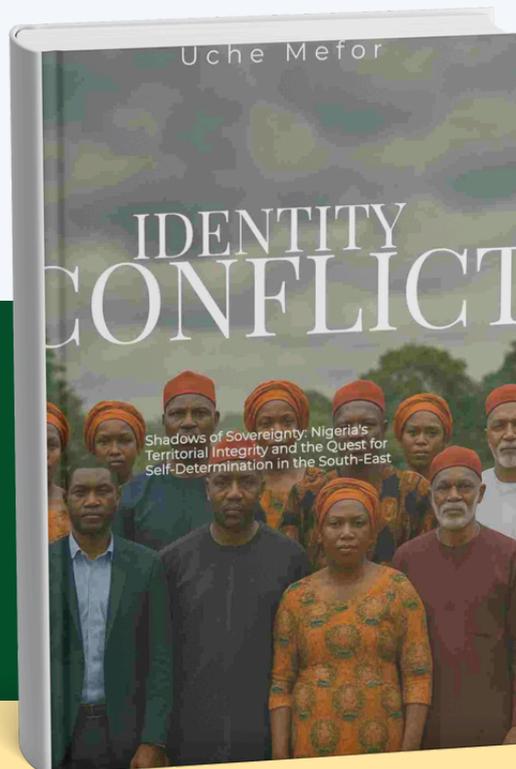


- The African Commission on Human and Peoples' Rights, in *Katangese Peoples' Congress v. Zaire* (1995), reinforced that secession can become a legitimate recourse when a state's actions result in systematic and unremedied violations of human rights.

In essence, remedial secession is a principled response to a state's betrayal of its constitutional and international obligations, particularly when it fails to uphold the principles of equality and self-determination for a distinct group within its borders, leaving no other viable path for redress.

What are the violations by the Nigerian state?

The Nigerian state is accused of systematically violating international law and principles of self-determination through its treatment of the South-East region, particularly regarding the Igbo ethnic group. These violations are presented as directly contravening the safeguard clause of the 1970 United Nations General Assembly Resolution 2625.



The patterns of systemic violation by the Nigerian state include:

- **Political Marginalisation of the South-East:**

Despite constitutional mandates for equitable representation (Section 14(3) of the 1999 Nigerian Constitution), the Igbo people have been consistently and deliberately underrepresented in key federal positions.

This includes leadership roles in the military, security agencies, judiciary, and economic ministries, with appointments often disproportionately favouring other regions. This structural bias undermines the representativeness required by Resolution 2625 and fuels demands for self-determination.

- **Discriminatory Allocation of Resources and Development:**

The South-East, despite its significant economic contributions, receives the lowest share of federal budgetary allocations compared to other geopolitical zones. This is described as a deliberate policy of neglect leading to underdevelopment. A notable example is the Second Niger Bridge, which faced decades of delays and underfunding. Other federal investments in infrastructure like roadways, rail networks, healthcare, and power infrastructure also show a clear disparity, prioritising other regions. This systemic economic disenfranchisement violates the principle of equal development and constitutes structural repression.

- **Historic and Continuing Repression:**

The repression of the Igbo people dates back to the Biafran War (1967–1970), with post-war policies like the "£20 policy" and the "Abandoned Property Decree" designed to impoverish and marginalise the population by seizing assets and livelihoods. In contemporary times, pro-Biafra movements face relentless state-sponsored violence, including arbitrary arrests, torture, and extrajudicial killings.



British Pounds:

Reports from organisations like Amnesty International and Human Rights Watch have documented instances of security forces targeting activists with excessive force, illustrating a systemic pattern of suppressing Igbo aspirations for justice and autonomy, in direct violation of international human rights standards.



The Defunct Biafran Pounds:

- **Denial of Internal Self-Determination:**

The Nigerian state has consistently denied the South-East its right to internal self-determination, which involves meaningful participation in governance and cultural, political, and economic autonomy within the state.

Calls for restructuring the federal system to grant greater regional autonomy have been met with resistance, militarisation, heavy-handed surveillance, and the criminalisation of advocacy groups. The designation of non-violent organisations as "terrorist" entities without due process is cited as an example of the state's refusal to address Igbo grievances through constitutional means. Proposals for devolution of power have been ignored, leaving no viable path to internal self-determination and strengthening the case for remedial secession.

These violations are not isolated incidents but form a coherent, long-standing pattern of discrimination, leading to the conclusion that Nigeria has failed to uphold its obligations under international law, thereby justifying the case for remedial secession.



What is the safeguard clause?

The safeguard clause is a crucial component of the 1970 United Nations General Assembly Resolution 2625 (the "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States"). It serves as a foundational element that codifies principles governing peaceful coexistence and cooperation among states, specifically balancing the competing imperatives of self-determination and territorial integrity.

Here's a breakdown of the safeguard clause:

- **Conditional Territorial Integrity:**

The clause explicitly states that a state's territorial

integrity is not absolute but conditional. This means that the protection afforded to a state's borders and political unity is contingent upon its behaviour towards its own people.

- **Conditions for Protection:**

A state's territorial integrity is safeguarded only if it is "conducting themselves in compliance with the

principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour".

• Purpose and Implications:

- It underscores that a state's sovereignty is contingent upon its adherence to principles of inclusivity, equality, and internal self-determination.
- It acts as a critical check against authoritarianism and ethnic domination within states.
- It implies that a government must represent all its constituent peoples equitably, without discrimination based on ethnicity, religion, or other identities.

• Consequence of Violation:

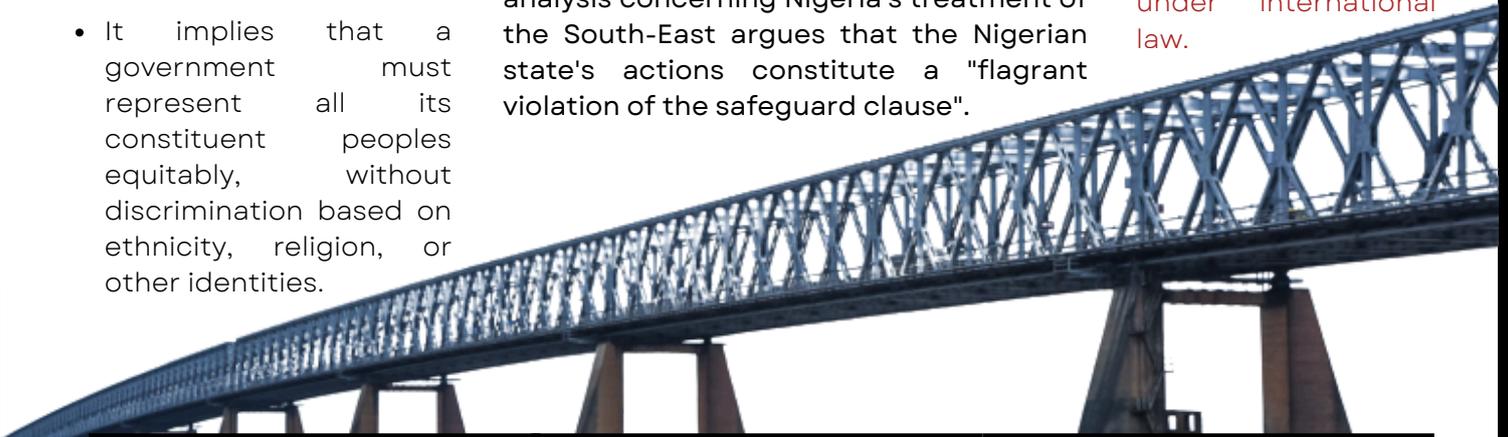
When a state systematically excludes or oppresses a particular group, thereby failing to meet these conditions, it forfeits the moral and legal protections afforded to its territorial integrity. In such instances, the oppressed group may legitimately claim the right to remedial secession, as the state has failed to uphold the "social contract that underpins its sovereignty".

For states like Nigeria, which are multi-ethnic and have experienced historical and structural inequalities, the safeguard clause provides a legal framework for assessing the legitimacy of claims to indivisible sovereignty and whether a case for remedial secession is justified. The analysis concerning Nigeria's treatment of the South-East argues that the Nigerian state's actions constitute a "flagrant violation of the safeguard clause".

Does the South-East case actually meet the criteria for remedial secession?

Yes, Uche Mefor has compellingly and unequivocally argued with evidence that the South-East case meets the criteria for remedial secession under international law. This conclusion is based on the Federal Republic of Nigeria's persistent failure to uphold its obligations, particularly under the 1970 United Nations General

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The core argument is that Nigeria has engaged in a "flagrant violation of the safeguard clause" of UNGA Resolution 2625, which is a critical condition for its territorial integrity. The safeguard clause stipulates that a state's territorial integrity is conditional, not absolute. It is protected only if the state "conducts themselves in compliance with the principle of equal rights and self-determination of peoples" and possesses "a government representing the whole people belonging to the territory without distinction as to race, creed or colour". The sources argue that Nigeria has failed to meet this condition through systemic exclusion and oppression of the Igbo people.

Here's how the South-East case aligns with the criteria for remedial secession:

Political Marginalisation of the South-East:

The Nigerian Constitution (Section 14(3)) mandates

equitable representation, but the South-East has been "consistently and deliberately marginalised in the political sphere".

The Igbo people are underrepresented in key federal

positions, including leadership roles in the military, security agencies, judiciary, and economic ministries, demonstrating a "structural bias".

Appointments in successive administrations show a clear pattern of exclusion, disproportionately favouring other regions in high-level armed forces positions and key economic portfolios. This undermines the representativeness required by Resolution 2625 and fuels alienation.

Discriminatory Allocation of Resources and Development:

The South-East "consistently receives the lowest share of federal budgetary allocations" compared to other geopolitical zones, despite its significant economic contributions.

This disparity is described as a "deliberate policy of neglect that perpetuates underdevelopment".

Examples include decades of delays and underfunding for the Second Niger Bridge and lagging development in roadways, rail networks, healthcare, and power infrastructure. This constitutes "structural repression" and violates the principle of equal development, a cornerstone of internal self-determination.

Historic and Continuing Repression:

Post-Biafran War policies, such as the "£20 policy" and the "Abandoned Property Decree," were designed to "impoverish and marginalise the Igbo population" and legalise the seizure of their assets.

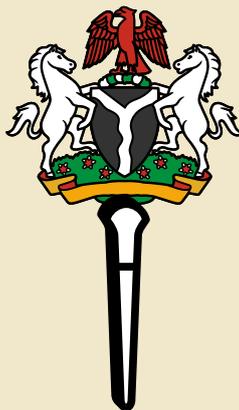
In the contemporary times, pro-Biafra movements face "relentless state-sponsored violence," including arbitrary arrests, torture, and extrajudicial killings. Reports from organisations like Amnesty International and Human Rights Watch document the excessive force used against activists, illustrating a "systemic" suppression of Igbo aspirations.

Denial of Internal Self-Determination:

The Nigerian state has "consistently denied the South-East its right to meaningful participation in governance and exercise cultural, political, and economic autonomy" within the state.

Calls for restructuring or greater regional autonomy have been met with resistance, militarisation, heavy-handed surveillance, and the "criminalisation of advocacy groups".

Non-violent organisations have been designated as "terrorist" entities without due process. Proposals for devolution of power have been "ignored or shelved," leaving the South-East with "no viable path to internal self-determination". This intransigence violates both Nigeria's constitutional commitments and international law.



Absence of Credible Internal Remedies:

A crucial condition for remedial secession is the lack of viable internal solutions. The sources repeatedly highlight that the Nigerian state has demonstrated a "consistent unwillingness to address these

grievances through internal mechanisms".

Proposals for constitutional reform, regional autonomy, or equitable resource allocation have been met with "indifference or outright hostility".

This reliance on "coercion, militarisation, and legal suppression" rather than dialogue or reform satisfies the conditions for remedial secession outlined in international jurisprudence.

Legal precedents, such as the 1998 Reference re Secession of Quebec by the Supreme Court of Canada and rulings by the African Commission on Human and Peoples' Rights (e.g., Katangese Peoples' Congress v. Zaire, 1995), support that unilateral secession may be justified when a people are systematically excluded from political participation, subjected to gross human rights violations, and denied meaningful remedies within the state. The South-East's experience is argued to align "unequivocally" with these criteria.

Therefore, Uche Mefor's conclusion that Nigeria's systemic marginalisation, historical grievances, and the absence of internal remedies for the South-East collectively meet the threshold for remedial secession of the South-East zone or region as articulated in international law (but this is only if the South-East is able and willing to do so).



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