

**THE RIGHT TO SELF - DETERMINATION; THE CONSTITUTIONAL
ISSUES IN NIGERIA : THE CASE OF INDIGENOUS PEOPLE OF
BIAFRA (IPOB) IN VIEW***

Abstract

Over the years there have been the reoccurring issues on the exercise of the right to self -determination. Self -determination is the power or ability to make a decision for oneself without influence from outside. It also extends to the right of a people to decide upon its own political status or form of government without outside influence or interference. The right to self-determination is an international right guaranteed to all people. It is a product of one of those trial and error of mankind in the quest for a better sense of living and self-belongingness, and more particularly, a dauntless effort to free himself from any inhibition whatsoever to his divine freedom. It encompasses the sum total of the individual and collective rights, to wit; political, social, cultural, economic, psychological, and civil rights among others. As such the enjoyment of one will require the guaranteeing of the other. The sacrosanct nature of these rights and more especially the right to self-determination informed the global or international codification of same by international bodies including United Nations as the United Nations Declaration on Human and People's Right and by African nations as African Charter on Human and People's Rights. That also informed the direct codification of same as an extant law in Nigeria as African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 (now revised 2010). This research work critically analysed the constitutional issues arising from the exercise of the right to self-determination in Nigeria using the case of IPOB (Indigenous People of Biafra) as a case study. In carrying out this research work, the researcher used the analytical/doctrinal research methodology. For in -depth analysis, the researcher used referential materials, statutes, case laws, textbooks, articles and journals, internet materials, opinion of scholars. At the end of the research, the researcher

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discovered that the right to self-determination is one of the fundamental rights legally recognised and codified in Nigeria under the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 (now revised 2010). As such, the attitude of Nigerian government and its agencies in trying to undermine the exercise of this right by sheer brute or force is not only illegal, unconstitutional, but also contrary to its international obligations. The researcher recommended that the Nigeria government should retrospect in its actions of undermining the exercise of this right to self-determination, if it is committed in all honesty and prudence, to finding lasting solution to the mirage of global conflicts bedeviling man's continued existence in the society.

1.0 Introduction

The history of man is the history of evolution. With the transformation of man into a *homo sapiens* man has continued in the search and quest for a better living and sense of self belongingness. In his quest for better living, he has been involved in different systems of governance, such as slavery, feudalism, monarchism, democracy and so on. Each of these stages were characterised with trial and error; the journey was never a smooth one. However, it must be noted that the common end product or aim of this struggle and counter struggle by man is simply for good governance. Good governance is simply defined as the effective and efficient management of the affairs of a nation for the advancement of the interest of the citizens based on ideals founded on justice, peace, order and harmony. The pursuit for the attainment of this goal has led to the enactment of laws aimed at promoting the common happiness of man¹.

¹ For instance the African Charter on human and People's Rights which has been ratified and domesticated into law in Nigeria and other African countries, United Nations Declaration on Human's Right, Fundamental Rights provision in Chapter Four of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

What then becomes the common drive for this quest for good governance is the need to free man from the shackles of enslavement, limitation or hindrance of any sort to the attainment of his happiness and fulfilment as a man predetermined by nature to excel.

Driven by this mission or goal, he is resolute in rejecting and denouncing any form of imperial sledge hammer that will bulwark the attainment of his happiness. In the face of the numerous obstacles on his road to success, man felt the general need for the creation of state. Thus the social contract theory is linked to the origin of state by social contract². The concept of good governance dated back to the social contract between the state and the people by which the people surrendered some of their rights and powers to the state in consideration for security of lives and properties and the promotion of common good and happiness of the populace. This was the bedrock of the argument of the proponents of the social contract theory of the state. By that social contract the people confer sovereign powers to the state in trust for them for the promotion and protection of their lives, security and safety. Thus, the sovereignty of the state is subject to the superior and overriding sovereignty of the people; the primary donor of its sovereignty³.

Despite conferring the state with powers and sovereignty, the people retain some measures of acceptability, approval, disapproval or rejection of some government policies and decisions. Rejection or disapproval becomes the case when they felt that the government, that is the state, is no longer serving their common purpose, that is to say, good governance, better living and sense of self-belonging.

² This write up is not an absolute endorsement of the absolute truism of the social contract theory. The writer only adopted the social contract theory of state for academic convenience.

³ S. 14(2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

In consequence, the people may form or constitute an antithesis to the existing thesis constituted by the state, and may want to determine their own fate and existence by themselves. This may be characterised by a review of the social contract for a possible continuation or dissolution of the social contract marriage. This common desire by the people to determine their existence by themselves for the purposes of realising their common happiness becomes what is internationally known as the right to self-determination. Upon a successful exercise of the right to self-determination the people will reconstitute themselves into a new thesis. By this they may continue the social contract union, integrate with the existing union (social contract) or modify, disintegrate, alter or repudiate the existing union. A choice of repudiation of the existing social contract will, in most cases if not all, give rise to a new social contract with the creation of new state for the furtherance of their common goal. This was aptly put in the words of the Unrepresented Nations and People's Organization (UNPO) as follows:

I see around me a universal desire by individuals and communities for greater political participation. This makes me optimistic about our ability to shake off old models of politics by domination. A process has begun whereby new international authorities are being created and old sovereignties challenged⁴.

As noted earlier, the process of dissolving or terminating the social contract based on a perceived unjustness or injustice of the state⁵ to form a new state with new social contract is not an easy one.

⁴ The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention", Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998 Organised by the UNESCO Division of Human Rights Democracy and Peace and the UNESCO Centre of Catalonia.

⁵ A state that is ostensibly in breach of the terms of its social contract with the people.

The rigidity or difficulty in the exercise of this power to repudiate is more so in the law or constitution of a state that operates to cloth itself with a rigid indivisibility and indissolubility clause, that is to say, sovereignty clause, for instance, Nigeria constitution. That would amount to someone making trouble with personal god from whom he got his power of existence; a case of a tenant challenging the ownership or title of its land lord⁶. Prof. Ben Nwabueze SAN⁷ opined thus:

The notion of the people as a constituent power and law - maker, with authority not only to make a constitution but, what is more important, to bestow force of law on it, is only an integral part of the wider concept of the people as the repository of the totality of a country sovereignty, constituent power being the crowning point of sovereignty. Therefore, it would be a logical absurdity that a constitution should be superior to or above the people that created it⁸.

This research work is a review of some of the constitutional issues inherent in the legal enforceability or justiciability the fundamental right to self-determination in Nigeria.

2.0 History of the Right to Self Determination

The history of man is the history of evolution. The account of the evolution of man could be divided into two distinct stages of evolutions. The first stage is the historical account of the evolution of man from *homo habilis* to *homo erectus* and then to *homo sapien*.

⁶ A done of power completely resisting and denying the reversionary powers of its donor

⁷ B. Nwabueze , Constitutional Democracy in Africa(Vol2, 1stedn. 2003, Spectrum Books Limited, 101

⁸ Emphasis mine

This first stage is not particularly relevant for this discourse. The second stage deals with the account of the transformation of man from the Dark Stone Age also known as the Ecclesiastic or Metaphysical Era or Era of Determinism to the Philosophical or Rational Era also known as the Era of Enlightenment and then to the Positive Science Era. Each of these Eras is significant to mankind for their peculiarities and historical relevance. Basically the Dark Stone Age Era was a period in the history of man where human faculty or brain was metaphorically akin to a stone, that is to say, partially empty, if not completely empty. During this period it was believed that virtually all human affairs or existence were controlled or regulated by the powers of some supernatural beings and as such are predetermined by nature. This period in the history of man saw, to a large extent the dominance of orthodox religious doctrines that dominated and controlled or regulated human existence. As such, anything that cannot be justified on the religious doctrine is treated as a blasphemy or at best not existing. With time man began to feel the need to use or apply his rational thinking in matters concerning him. Thus the Dark Stone Age gave way to the Enlightenment Era. This development or paradigm shift is recorded in history as the Enlightenment Era or the Philosophical era.

The Enlightenment Era saw the awakening of human mind. It saw the use or application of reasoning, common sense and logic in the analysis of the affairs of mankind. Thus, human affairs were no longer strictly based on the orthodox application of religious doctrines, but rather on the basis of rationality or rational thinking. The success recorded by the Enlightenment Era gave way to the birth of science or positivity. With the emergence of science things are basically subjected to more rigorous tests before they can be accepted as correct or not. Positivity or science basically implore or makes use of some stringent rules of acceptability namely, background of study, hypothesis, observations, experimentation, analysis, finding (s) or conclusion(s), theory, principle or law.

At each of these stages in the history or evolution of man certain things were common then which were the promotion, protection of life and the betterment of human lives and sense of self belonging or fulfilment. As a rational being he is adjudged to possess such innate qualities to make free choices in furtherance of his professed goals or desires. He is at liberty to make decisions concerning or affecting his existence. This is basically what is commonly known as the concept of self -determination, as against metaphysical determination; although there may be some obvious interrelationship between them. That equally underscores the basis of the modern theory of criminal responsibility based on choice or free will. Professor Okonkwo SAN remarked that: all legal system have to some degree or other incorporated the simple moral idea that no one should be convicted of a crime unless some measures of subjective fault can be attributed to him”⁹. There are basically divergent views among scholars on the modern history of the right to self-determination. These discrepancies were not essentially an irreconcilable one. However the writer will adopt, for this purpose, the historical account of the right to self-determination as given by Hurst Hannum in his article “Legal Aspect of Self-Determination”, but before then, the history of Self Determination will be incomplete without the contributions of early political thinkers. Before the emergence of modern system of governance or democracy, the world or society was particularly under the control of mostly regimented and crude system of political governance like imperialism, slavery, feudalism and so on. With the emergence of the Enlightenment Era and the dawn of great political thinkers these crude system of governance began to give way to a more refined system of governance. This development is not unconnected with the views expressed by the early political thinkers on the nature of the state such as John Locke, Jean Rousseau, Aristotle, Plato, and Baronde

⁹ CO Okonkwo, Criminal Law in Nigeria ,(2nded, Spectrum Law Series, 2009), p66.

Montesquieu and so on. Most of their political views were expressed on the theories of state based on a social contract with the main or sole purpose of enhancing the social wellbeing of the populace. The social contract theory was among the precursor of what later became known as revolution cum nationalism. The result of World British Colonists in North America during the mid-1770s (known as American Revolution) was seen as the first expression or assertion of the right of national and democratic self-determination. The revolutionists were particularly inspired by John Locke's enlightened writings of the previous century and the explicit invocation of national law, natural rights of man, consent of and sovereignty by the people governed¹⁰ Thomas Jefferson further promoted the notion that the will of the people was supreme especially through authorship of the United States Declaration of independence which inspired Europeans throughout the 19th century¹¹.

Thus the French Revolution which came later after the American Revolution was similarly motivated and legitimized the idea of self-determination on that old world continent¹² “.According to Hurst Hannum the most recent account of the history of the right to self-determination was credited to the former U.S.A (United State of America) president Woodrow Wilson¹³. A month after his famous Fourteen Points” speech to the United States Congress in January 1928 (in which he did not specifically use the term self-determination), he proclaimed thus: Self Determination “is not a mere phrase. It is an imperative principle of action which statesmen will henceforth ignore at

¹⁰ <https://enm.wikipedia.org/wiki/self-determination>.assessed on 30th May 2019

¹¹ *Ibid*

¹² *Ibid*

¹³ The researcher opted to address this as the recent account of the history of the right to self-determination as there been over the ages predispositions of man to emancipate himself from the shackles of slavery or any shackles of enslavement.

their peril...” In spite of the injunctions of Woodrow Wilson, attempts to turn self-determination from a mere phrase “into a binding norm did not occur until for over 40 years . The re-awaking of the spirit in making the right to self -determination a binding law came about following the deaths of tens of millions in two major wars¹⁴. While the Covenant of the League of Nations did indirectly address the principle of self-determination¹⁵ in the system of mandates that it established then, the identification of the mandates and implementation of the same was wholly dependent on politics, not law. Thus in most of the territorial adjustments that followed the end of World War I, winners and losers were determined by the political calculations and perceived needs of the Great Powers rather than on the basis of which groups had the strongest claims to self-determination¹⁶. At that time¹⁷ the scope of the principle of self-determination was analysed by two groups of international experts appointed by the League of Nations to examine the case of the Åland Islands¹⁸. Both group of experts observed that self-determination had not obtained the status of international law¹⁹. However, the second group of experts termed the scope of self-determination as one found on a principle of justice and of liberty expressed by a vague and general formula which has given rise to the most varied interpretations and differences of opinion²⁰.

¹⁴ The First World War of 1914-1918 and the Second World War of 1939-1943.

¹⁵ Without particularly using the word self-determination

¹⁶ <https://enm.wikipedia.org/wiki/self-determination>.assessed on 30th May 2019.

¹⁷ Between the period of 1918 to1945

¹⁸ A culturally and linguistically Swedish territory that wished to reunite with its cultural motherland, Sweden, rather than remain part of the new Finnish state, which became independent of the Russian Empire in December 1917.

¹⁹ That was before the United Nations Declaration on Human and Peoples’ Rights. By virtue of Article 1(2) of Chapter 1 of the United Nations Charter self-determination had obtained the status of international law. See also, Article 20 of the African Charter on Human and People's Rights.

²⁰ The Aaland Islands Question, Report presented to the Council of the League by the Commission of Rapporteurs, League of Nations Doc. B.7.21/68/106 (1921) at 27

The Commission of experts also suggested that:“...at least under extreme oppression, a kind of self-determination by Åland citizens might be possible "as an altogether exceptional solution, a last resort when the State lacks either the will or the power to enact and apply just and effective guarantees²¹”. However as decolonization progressed, “the vague "principle" of self-determination found in the Charter soon evolved into a "right" to self-determination. This evolution of the right to self-determination culminated in the decade between 1960 and 1970 Declaration on the Granting of Independence to Colonial Countries and Peoples ("Declaration on Colonial Independence"). The Declaration was adopted by the UN General Assembly in 1960. The adoption was premised, inter alia, on the need for stability, peace, and respect for human rights. The Declaration on the Granting of Independence to Colonial Countries and Peoples (Declaration of Colonial Independence) also solemnly proclaims the necessity of bringing to a speedy and unconditional end of colonialism in all its form and manifestations. It declared that all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. It further declared that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence²². According to the learned writer, the "principle" of self-determination is mentioned only twice in the United Nations Charter in the context of developing "friendly relations among nations" and in conjunction with the principle of "equal rights... of peoples²³. The reference to "peoples" clearly encompasses groups beyond states and includes at least non-self-governing territories "whose peoples have not yet attained a full measure of self-government”²⁴.

²¹ 21. *Ibid*

²² <https://enm.wikipedia.org/wiki/self-determination>.assessed on 30th May 2016

²³ Arts. 1(2),United Nations Declaration on Human and People's Right 1948

²⁴ *Ibid*, art. 73.

3.0 What is Self-Determination?

Both the African Charter on Human and Peoples Right and United Nations Declaration on Human and People's Rights guaranteed the rights of peoples to self-determination. Unfortunately none of them defined the term self-determination. To this end the opinion of legal scholars and other relevant referenced materials or source would be expedient. Self-determination is the power or ability to make a decision for oneself without influence from outside. It is the right of a nation or people to determine its own form of government without influence from outside²⁵. It is the right of a people to decide upon its own political status or form of government without outside influence on interference²⁶. Article 20 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act Cap A9, Laws of the Federation of Nigeria, 2004 provides:

All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political statues and pursue their economic and social development according to the policy they have freely chosen. Speaking about the right to self-determination Sunday Times 2008 observed thus. Cutting a particular dull class or going to the beach with friends on an especially beautiful spring day restores their sense of freedom of self-determination²⁷. Self-determination has equally been used interchangeably or synonymously with freedom, self-government, independence, sovereignty, home rule, self-sufficiency, liberty, emancipation among others.

²⁵ <https://www.collinsdictionary.com/lenglish/self-determination> assessed on 30th day of May , 2016

²⁶ *Ibid*

²⁷ *Ibid*

Self-determination may be used in two senses, internal and external. On the one hand internal self-determination is the right of the people of a state to govern them without outside interference. On the other hand external self-determination is the right of peoples to determine their own political status and to be free of alien domination, including formation of their own independent state²⁸. It can simply be used in the sense of liberty or freedom autonomy or independence. The right to self-determination is not unconnected with the emergence of industrial revolution and the birth of nationalism. During and after the industrial revolution of the 18th and 19th century (American and French Revolutions) many groups of peoples or individuals felt and recognised their shared history, geographical or territorial inter relatedness, language and customs. Thus nationalism emerged as a uniting factor or ideology not only between competing powers, but also for groups that felt subordinated or disenfranchised inside larger states, to assemble their views or reactions against imperialism or dictatorship of any sort and to free themselves or pursue or assert their common independence or sovereignty/autonomy over a geographical territory²⁹.

4.0 Legal Justiciability or Enforceability of the Right to Self Determination as a Fundamental Human Right in Nigeria.

The African Charter on Human and People's Rights stemmed from a perceived global necessity to strengthen and consolidate human rights. It serves as a landmark pronouncement of the collective aspiration and decision of Africa in lending their voice to the numerous voices on the need to strengthen and expand human rights. Some of these rights could be summarised as political, religious, social, economic, civil and cultural among others.

²⁸ <https://enm.wikipedia.org/wiki/self-determination>.assessed on 30th May 2016

²⁹ *Ibid*

Nigeria constitution equally made provisions for some of these fundamental rights. Chapter IV of the Constitution provided for the Fundamental Rights³⁰ ranging from section 33 to section 46, in the following orders:

- a. Right to Life³¹.
- b. Right to Dignity of Human person³²
- c. Right to personal Liberty³³
- d. Right to Fair Hearing³⁴
- e. Right to Private and Family Life³⁵
- f. Right to Freedom of Thought, Conscience and Religion³⁶
- g. Right to Freedom of Expression and the Press³⁷
- h. Right to Peaceful Assembly and Association³⁸
- i. Right to Freedom of Movement³⁹
- j. Right to Freedom from Discrimination⁴⁰
- k. Right to Acquire and own Immovable Property anywhere in Nigeria⁴¹
- l. Compulsory Acquisition of Property⁴²
- m. Section 45 provided for restriction on and derogation from Fundamental Right while section 46 conferred special jurisdiction on the High Court to hear fundamental right matters.

³⁰ 1999 Constitution of the federal Republic of Nigeria (as amended)

³¹ *Ibid* S.33

³² *Ibid* S.34

³³ *Ibid* S.35

³⁴ *Ibid* S.36

³⁵ *Ibid* S.37

³⁶ *Ibid* S.38

³⁷ *Ibid* S.39

³⁸ *Ibid* S.40

³⁹ *Ibid* S.41

⁴⁰ *Ibid* S.42

⁴¹ *Ibid* S.43

⁴² *Ibid* S.44

With greatest respect, the Fundamental Rights as provided by the Constitution in Chapter IV is grossly inadequate. The bulk of what could have constituted complementary or supplementary provisions of the Constitution on Fundamental Rights was contained in Chapter II of the Constitution which deals with the Fundamental Objectives and Directives Principles of State Policy. Over the years, there has been irreconcilable differences among legal minds and scholars over the status of Chapter II of the Constitution, that is to say, whether the provisions of Chapter II is legally enforceable in court or not. However, the scope of this research work does not extend to an inquiry into the legal enforceability or otherwise of the provisions of Chapter II of the Constitution. But it must be observed that the uncertainty and confusion trailing the legal enforceability or otherwise of Chapter II of the Constitution has contributed, in no lesser way, to the current political calamity be devilling Nigeria. Until something is done to this present crisis the professed millennium goals on eradication of poverty and every form of social injustice will be nothing other than a fierce tiger on a tissue paper. Be that as it may, section 12 of the Constitution⁴³, although negatively worded, gives way for the incorporation of international treaties and/or conventions into Nigeria legislations. Section 12 of the constitution provides thus: “(1) No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly”⁴⁴ Obviously, Section 12 of the Constitution give leverage to the enactment of international treaties and convention into Nigeria law in line with the legislative powers conferred on the National Assembly by Section 4 of the Constitution⁴⁵.

⁴³ *Ibid*

⁴⁴ *Ibid* S.12.

⁴⁵ *Ibid* S. 4

A successful incorporation of international treaties and conventions into Nigeria legislation will, no doubt, give same the full force of law. In pursuance of the legislative powers of the National Assembly guaranteed by Section 12 of the Constitution to enact international treaties and/or conventions into law, the National Assembly enacted the synchronized collective African aspirations embedded in the African Charter on Human and People's Rights into law as “African Charter on Human and Peoples” Right (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 (now revised in 2010)”. It cannot be argued that it was as a result of the perceived gross inadequacy, uncertainties and lacuna inherent in the Constitution as it relates to fundamental rights and the need to step up to international benchmark on human rights that brought into fore the present specific legislation as a slight relief or panacea. The African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act⁴⁶ is comprised of two sections, that is to say, section 1 and section 2. Section 1 provides for the Enforcement of the Provisions of African Charter on Human and Peoples' Rights while section 2 provides for the Short Title⁴⁷. Section 1 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act provides thus:

As from the commencement of this Act, the provisions of the African Charter on Human and Peoples' Rights which are set out in the Schedule to this Act shall, subject as hereunder provided, have force of law in Nigeria and shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive or judicial powers in Nigeria”⁴⁸.

⁴⁶ African Charter on Human and People's Rights into law as African Charter on Human and Peoples” Right (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 (now revised in 2010)

⁴⁷ *Ibid*

⁴⁸ *Ibid*. S .1;Emphasis mine

The provisions of Section 1 of the African Charter mandatorily, as a point of duty, mandated all authorities in Nigeria to give full recognition, effect and apply the provisions of the African Charter on Human and Peoples' Rights contained in the Schedule to the Act. Further to this, Article 62 of the Charter equally mandatorily requires each state party to undertake to submit every two years from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the charter⁴⁹. With this observation in mind, it is correct to say that the bulk of the Human and Peoples' Right are contained in the Schedule to the Act. The Schedule is comprised of about 68 Articles on human and peoples' rights and incidental provisions which are not unconnected to the provisions on human and peoples' rights⁵⁰. The provisions of these Articles as enumerated in the Schedule to the African Charter are salutary. However, the major focus of this research work is on Article 20 which provided specifically for the Right to Self Determination of People. Article 20⁵¹ of the schedule provides:

1. All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self - determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen
2. Colonised or oppressed people shall have the right to free themselves from the bonds of domination by resorting to any means recognised by the international community.
3. All people shall have the right to the assistance of the States Parties to the present charter in their

⁴⁹ *Ibid* arte. 62

⁵⁰ *Ibid*

⁵¹ *Ibid*

liberation struggle against foreign domination, be it political, economic or cultural⁵² .

Obviously Article 20 of the African Charter on Human and Peoples (Ratification and Enforcement) Act conferred on all peoples the right to existence and the unquestionable and inalienable right to self-determination. A voyage to the meaning of the word “unquestionable” and “inalienable ” would be helpful for the proper understanding of the provisions of the Article. The word “inalienable” simply means something that is yours forever; that cannot be taken away from you. Something that refers to a natural right that cannot be revoked by an outside force⁵³. On the other hand, something is said to be unquestionable if it is absolutely unchallengeable, not able to be doubted or questioned.

It is common ground that the African Charter on Human and People's Rights is a special legislation that was specifically enacted to promote, facilitate, expand, supplement or complement human rights in line with the global practice of enhancing human and peoples’ rights⁵⁴. In the case of *General Sani Abacha & Ors v. Chief Gani Fawehinmi* the Court of Appeal, Per Musdapher JCA (as he then was) held thus:

“the provisions of the Charter are in a class of their own and do not fall within the classification of the hierarchy of Laws in Nigeria in order of superiority as enunciated in *Labiya v. Anretiola* (1992) 8 NWLR (Pt. 258) 139. It seems to me that the learned trial judge

⁵² Emphasis mine

⁵³ <https://www.vocabulary.com/dictionary/inalienable>

⁵⁴ African Charter on Human and People's Rights into law as African Charter on Human and Peoples’ Right (Ratification and Enforcement) 54 Act, *op cit*

acted erroneously when he held that the African Charter contained in Cap10 of the Laws of the Federation of Nigeria 1990 is inferior to Decrees of the Federal Military Government. It is common place, that no Government will be allowed to contract out by local legislation, its international obligations⁵⁵. In my view, that notwithstanding the fact that Cap10 was promulgated by the National assembly in 1983, it is a legislation with international flavour and the ouster clause contained in Decree No 107 of the 1993 or No12 of 1994 cannot affect its operation in Nigeria... While the Decrees of the Federal Military Government may override other municipal laws, they cannot oust the jurisdiction of the Court whenever properly called upon to do so in relation to matter pertaining to human rights under the African Charter. They are protected by the International Law and the Federal Military Government is not legally permitted to legislate out of its obligation⁵⁶.

Similarly by a separate resounding concurring judgment in *General Sani Abacha v. Chief Gani Fawehinmi*⁵⁷, Per Pats –Acholonu JCA (as he then was) stated as follows:

⁵⁵ Emphasis mine

⁵⁶ *General Sani Abacha v. Chief Gani Fawehinmi* Suit CA/L/141/1996 (judgment delivered in 12/12/1996). Per Mohammed JCA (as he then was) also observed that a state, which is a party to a treaty, will not be permitted to legislate locally out of its obligation.

⁵⁷ *Supra*

“By not merely adopting the Africans Charter but enacting it into our organic law, the tenor and intendment of the preamble and section seem to vest that Act with a greater vigour and strength than mere decree for it has been elevated to a high pedestal⁵⁸”

The Preamble to the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act succinctly summarised the background objectives of the Act with the following provisions:

Preamble

The African States members of the Organisation of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights". Recalling Decision 115 (CXV) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17th to 20th July, 1979 on the preparation of "a preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organisation of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples"; Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa and to

⁵⁸ Emphasis mine

promote international co-operation having due regard to the Charter of United Nations and the Universal Declaration of Human Rights; taking into consideration the virtues of their historical tradition and the values of African civilisation which should inspire and characterise their reflection on the concept of human peoples' rights; recognising on the one hand, that fundamental human rights stem from the attributes of human beings, which justifies their international protection and on the other hand that the reality and respect of peoples' rights should necessarily guarantee human rights; considering that the enjoyment of rights and freedom also implies the performance of duties on the part of everyone; convinced that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights; conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism , neo-colonialism, apartheid, Zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinion⁵⁹; reaffirming

⁵⁹ Emphasis mine

their adherence to the principles of human and peoples' rights and freedom contained in the declarations, conventions and other instruments adopted by the Organisation of African Unity, the Movement of Non-Aligned Countries and the United Nations; firmly convinced of their duty to promote and protect human and peoples' rights and freedom taking into account the importance traditionally attached to these rights and freedom in Africa;

Similarly, the Preamble to the United Nations Declaration on Human and People's Right succinctly summed up the global objectives of the Declaration in the following words:

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

These Preambles of both the United Nations Charter and African Charter

underlines the primary objects of the African Charter on Human and Peoples' Rights and the United Nations Charter as a unanimous resolution of Africa and the international community to promote the economic, social, cultural and political rights of all people. It is trite law of canon of interpretation that in order to ascertain the intention or intendment of the legislation in respect of any enactment the court may have recourse to internal and external aids of interpretation, taking into consideration the historical antecedent and the professed objectives of the legislation, the recital, marginal notes, preambles and other relevant materials. In the case of *Ugu v. Tabi*, the Supreme Court held:

Whenever there is ambiguity and the intention of the legislators is unclear as to the mischief the law is supposed to obviate, the Court can look outside the statute for aid to construction. The previous legislation repealed or amended, the mischief in the previous law sought to be cured by the legislature or law maker, the history of the social, economic or political changes that the legislature sought to address, will come in handy as aid to construction⁶⁰.

Similarly, in *Texaco Panama Inc. v. Shell PDCN Ltd*, the Supreme Court speaking about the interpretation of statute held:

It is now well settled that the cardinal principle of interpretation of statutes is that where the ordinary plain meaning of the words used in a statute are very clear and unambiguous, effect must be given to those words without resorting to any intrinsic or external aid.

⁶⁰ *Ugu v. Tabi* (1997) 7 NWLR (Pt. 513) 368 SC

The duty of the court under those circumstances is to interpret the word strictly, giving them intended meaning and effect. It is however true ... that where such literal interpretation, may result in any ambiguity or injustice, the court may seek internal aid from other parts of the statute itself or external aid from interpretation given to a provision which is in pari material with the statute under construction⁶¹.

It has been repeated elsewhere in this work that the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 (now revised 2010) is a special legislation with special legislative savour. It was a legislative reaction or response to the insufficiency of the fundamental rights provisions in the Constitution of the Federal Republic of Nigeria 1999 (as amended) in other to step up to its international or global treaties, agreement or resolution in pursuing the course of humanity and human existence through the enhancement of human rights. Put differently, the perceived need to promote global peace, the sanctity of human life and existence informed the resolve of the international communities in enacting or agreeing to some treaties or conventions on human rights⁶². To express their commitments in the course of promoting human rights and existence many state actors enacted some of these international treaties or conventions into laws as domestic laws to give them strong legislative force. Speaking about the nature of a treaty, its force and effect, Prof. Ben Nwabueze, observed thus:

⁶¹ *Texaco Panama Inc. v. Shell PDCN Ltd* (2002) 5NWR (Pt759) 209 SC, See also *Mobil oil Nig Ltd v. Federal Board of Inland Revenue* (1977)3 SC 53@74

⁶² Per Musdapher JCA (as he then was) *General Sani Abacha v. Chief Gani Fawehinmi supra*. Per Mohammed JCA (as he then was) also observed that a state, which is a party to a treaty, will not be permitted to legislate locally out of its obligation.

A treaty between two or more sovereign states is a contract, and is exactly of the same nature as a contract between two or more individuals; they differ only in the respect that a treaty derives its binding force and effect from international law, and a contract between individuals, from municipal law. The basis of the binding force of a treaty as a contract is agreement and the recognition given to agreements between states in international law as a law creating fact –*pacta sunt servanda*”⁶³

Like the researcher has observed earlier in this work, the legal basis for application of international treaties or conventions entered into by Nigeria with other international state actors is by a direct adoption or enactment of same into domestic law⁶⁴. However, this is without prejudice to any international remedies or other municipal remedies available to the other parties or state actors in enforcing the international agreements, treaties and/or conventions and their attendant duties and responsibilities. Prof. Ben Nwabueze SAN noted as follows:

“It may be noted that the question to be considered under this head does not arise where the method of transformation is used, since when a treaty is transformed, its stipulations lose their character as treaty stipulations and become transformed into ordinary statutory or legislative provisions. The transformation statute is entirely at par with other statutes enacted by the same legislature⁶⁵”

⁶³ B Nwabueze, *op cit*, p.85

⁶⁴ See S.12 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

⁶⁵ *Ibid*, p. 92

The researcher has earlier observed that it was this historic needs that persuaded the Nigeria government into enacting the African Charter as a domestic law pursuant to section 12 of the Constitution. Moreover, the African Charter on Human and Peoples' Rights has already enjoined state parties to take necessary steps into giving effect to the provisions of the Charter. Article 1 of the Charter provides thus: "The member states of the organization of African Unity parties to the present Charter shall recognise the rights, duties and freedom enshrined in this Charter and shall undertake to adopt legislative⁶⁶ or other measures to give effect to them".

Speaking about the duty imposed on the member states to give legislative prominence to the African Charter, Prof. Ben Nwabueze observed thus: "with this distinction in mind, the obligation casted on ratifying is to "recognise the rights, duties and freedoms enshrined in the charter and (to) undertake to adopt legislative or other measures to give effect to them"⁶⁷.

The enactment of the African Charter on Human and Peoples Rights as a municipal law in Nigeria is not without cause. The strong wordings of the legislation are salutary and instructive. The Act not only enacted Peoples' Rights but, it also mandated for the ratification and enforcement of same. A community reading of the provisions of the African Charter is aimed towards enhancing and facilitating human rights. These rights are complementary to each such that an effective enjoyment of one will require the guaranteeing of the other. The Unrepresented Nation and People's Organization in its report on "The Implementation of the Right to Self Determination as a Contribution to Conflict Prevention" remarked as follows:

⁶⁶ Emphasis mine.

⁶⁷ *Ibid*, p 69

“The inclusion of the right to self-determination in the International Covenants on Human Rights and in the Vienna Declaration and Programme of Action, referred to above, emphasizes that self-determination is an integral part of human rights law which has a universal application. At the same time, it is recognised that compliance with the right of self-determination is a fundamental condition for the enjoyment of other human rights and fundamental freedoms, be they civil, political, economic, social or cultural⁶⁸”

It is a settled principle of law that in interpreting a statute, the court is enjoined to read the sections or provisions of the legislation jointly; not isolated or “cherry picking” reading⁶⁹. The researcher is of the strong view that the perceived gross inadequacy of the provision of Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended) on Fundamental Rights and the disagreement among scholars on the status of Chapter II of the Constitution that deals with Fundamental Objectives and Directive Principles of State Policy⁷⁰ brought about the current enactment of the African Charter on Human and Peoples’ Rights as a domestic law to make up the lacuna. In *Ugwu v. Ararume*⁷¹, the Supreme Court held as follows:

⁶⁸ The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention”, Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998 Organised by the UNESCO Division of Human Rights Democracy and Peace and the UNESCO Centre of Catalonia.

⁶⁹ See *Ifezue v. Mbadugha*(1984) 5 SC; *Obafemi Awolowo v. Shehu Shagari* (1979) all NLR 120

⁷⁰ Which contains reasonable chunks of what would have qualified as fundamental rights

⁷¹ *Ugwu v. Ararume* (2007) 12 NWLR (pt. 1048)3678 SC

“The duty of a judge therefore is to adopt such interpretation that will enable the suppression of the mischief and to promote the remedy within the intent or intention of the statute⁷². To arrive at a reasonable construction of a statute, the judge is entitled, following the Rule in Heydon's case, to consider how the law stood when the statute was passed, what the mischief was for which the old law did not provide, and the remedy which the new law has provided to cure that mischief⁷³”.

Thus, it is the duty of the judge to construct the words of a statute and give those words their appropriate meaning and effect⁷⁴. In extensor and by way of analogy, speaking on the sacrosanct nature of Fundamental Rights and the Fundamental Human Right Procedure Rules, the Supreme Court in the case of *Abia State University v. Anyaibe* held thus; “The legal effect is that once it is shown that the Rules are made under powers conferred by the Constitution, they would have the same force of laws as the Constitution itself⁷⁵”. The apex court went further to say:

“As I have already indicated an action under the Fundamental Rights (Enforcement Procedure) Rules, 1979 is peculiar action... Since the Rules have force of law as the Constitution itself, it overrides the provisions of any other enactment which seeks to provide “an alternative.⁷⁶”

⁷² See *Savannah Bank of Nig Ltd v. Ajilo* (1989) 1NWLR(pt97) 305

⁷³ See *Wilsow v. AG of Bendel State* (1985)1NWLR (pt4)572

⁷⁴ See *Adejumo v. The Military Governor of Lagos State* (1972)3SC45

⁷⁵ *Abia State University v. Anyaibe* (1996) 3NWLR (Pt 439)646

⁷⁶ *Supra*

These points x-rayed above settles with finality the issue of the legality and constitutionality of the exercise of the right to self-determination in Nigeria. The Constitution of the Federal Republic of Nigeria (as amended) equally guaranteed the right of individuals to peaceful assembly and freedom of association⁷⁷ and the right to freedom of expression and the press⁷⁸. Like stated severally in this work, these rights complement the others such that an enjoyment of one would as a matter of natural and legal necessity require the guaranteeing of the other rights. At this junction, the writer would make a small voyage to the case of the IPOB (Indigenous People of Biafra). IPOB (Indigenous People of Biafra) led by Prince Nnamdi Kanu, is a non-violent, peaceful association or mass movement with the general missions or objectives, inter alia, of promoting and preaching peace and at the same time advocating for the rights and fundamental freedom of Indigenous People of Biafra in particular and the society in general⁷⁹. It is one the largest non-violent mass movement in the modern world. Speaking about the peaceful and non-violent nature of IPOB as a mass movement, the leader of IPOB (Indigenous People of Biafra), Nnamdi Kanu, said in an interview was quoted to have said the followings in reply to the questions thrown at him that, the Indigenous People of Biafra will never resort to armed conflict or rebellion, notwithstanding the killings, arrest and arbitrary detention of its members⁸⁰. He went further to say: “IPOB is a peaceful mass movement. It is nonviolent and our people carry no arms...There is no record of where people fought or engage in open altercation in any IPOB gatherings ...We are the most disciplined, well -behaved mass movement anywhere on the face of the planet...⁸¹”.

⁷⁷ See S .40 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

⁷⁸ *Ibid*, S. 39.

⁷⁹ <https://www.ipobgovernment.org/our-mission/assessed> on the 15thday of June, 2016

⁸⁰ <https://theeagleonline.ng/ipob-non-violent-peaceful-mass-movement-kanu/amp/assessed> on the 15th day of June, 2016

⁸¹ *Ibid*

He equally advised the Nigerian government to adopt a peaceful approach, debate and dialogue rather than threat and killing in dealing with the members of this group⁸². By a concurrent finding on the nonviolent nature of IPOB and the unjustified killings of the members by the Nigeria government, M.K. Ibrahim, the Country Director of Amnesty International Nigeria said:

“Opening fire on peaceful IPOB supporters and bystanders who clearly posed no threat to anyone is an outrageous use of unnecessary and excessive force and resulted in the multiple deaths and injuries⁸³. In one incident one person was shot dead after the authorities burst in on them while they slept⁸⁴”

Taking the case of IPOB (Indigenous People of Biafra) as a case study, contrary to the general insinuations, it is rather the use of military personnel or forces to quell or suppress their peaceable and peaceful exercise of their right to self-determination that is illegal and unconstitutional. By a largely misconceived and outrageous proscription order the Nigeria government and the governors of the South Eastern part of the country hurriedly purported to proscribe and describe as illegal the activities of the mass movement under the umbrella of IPOB (Indigenous People of Biafra)⁸⁵. Surprisingly, the same Federal Government of Nigeria has not taken any step to proscribe as illegal or unlawful the rampaging activities of the Herdsmen and Boko Haram

⁸² *Ibid*

⁸³ Emphasis mine

⁸⁴ <https://www.amnesty.org/en/latest/news/2016/06/nigeria-killing-of-unarmed-pro-biafra-supporters-by-military-must-be-urgently-investigated/> assessed on the 15th day of June, 2016

⁸⁵ Terrorism (Prevention) (Proscription Order) Notice No. 85, 2017, Vol 104 of the Federal Republic of Nigeria Official Gazette.

who are ranked internationally as among the world's deadliest terrorist groups. Instead the Federal Government of Nigeria has rather continued to spoon feed these groups with its ineptitude decisions. It is rather glaring to a blind man that Nigeria government has decomposed and stinking debris in its cupboard; an unwholesome and ardent manifestation of crude hypocrisy and a practical narrations of man's inhumanity to man.

To this end, it must be stated that the purported proscription of IPOB (Indigenous People of Biafra) by the several or joint proclamation(s) or order (s) of the Federal Government of Nigeria and the Executive Governors of the South Eastern part of Nigeria (under the auspices of South East Governors Forum) is illegal and unconstitutional⁸⁶. It is a very poor and uncivilized usurpation of the powers of the legislature as the competent law making institution as guaranteed by the Constitution under the doctrine of separation of power⁸⁷. As such the purported proscription order or proclamation made by the President of Nigeria or by the joint executive governors of the South Eastern part of Nigeria is, to the extent of the inconsistency, null and void and of no effect⁸⁸. It is legally immaterial that the said act, order or proclamation is condoned, gazetted or even ratified by the legislature unless by the due process of legislative law making process⁸⁹. Also, it is a trite law that the Act, Order or Law of the legislature, in this case the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 (now revised 2010), cannot be repealed, amended or varied by an executive proclamation, order or act, in this case the proscription order as such would amount to an unconstitutional

⁸⁶ See S.1(1) & (3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

⁸⁷ *Ibid*, S.4.

⁸⁸ *Ibid*, S.1(1) & (3).

⁸⁹ *Ibid*, Chapter V, Part I & II

usurpation of the power the legislature to make, amend or vary laws made by it by the due process of law⁹⁰. Further to this, one would also be right to submit that South East Governors Forum is not a juristic or legal person known to the Nigeria law and as such, neither can it make, amend nor vary laws by whatever guise. As such any purported order or proclamation made by it cannot stand based on the reasoning that it cannot offer what it does not have⁹¹. Also, by the trite principle of law in the locus classicus case of *Macfoy v. UAC Ltd*⁹² you cannot place something on nothing and expect it to stand; it will fall like packs of helpless cards. Thus, the proscription order or proclamation is standing on void earth and must abate or collapse without much ado.

5.0 The Scope of the Right to Self Determination as a Fundamental Right

The right to self-determination cuts across other fundamental rights. Self-determination itself is human right and a prerequisite to the full and effective enjoyment of other human rights⁹³. Some of these rights could be political, economic, civil, social or cultural. A realisation or the satisfaction of one or more of these rights would definitely require the guaranteeing of the other rights. The right to self-determination could also be expressed in the psychological needs of self-fulfilment and self-esteem. This is because people generally like to be in control of their own lives and destinies⁹⁴.

⁹⁰ *Ibid*, S.4.

⁹¹ Nemo dat quod non habet

⁹² *Macfoy v. UAC Ltd* (1961)3WLR 1405; (1962) AC 158

⁹³ The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention“, Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998 Organised by the UNESCO Division of Human Rights Democracy and Peace and the UNESCO Centre of Catalonia

⁹⁴ 94. <https://positivepsychologyprogram.com/self-determination-theory/>

Like as the researcher noted earlier, the right to self-determination include cultural, linguistic and communication rights together with economic and communication, social, psychological and political rights. The employment of one depends on the other and as such must be taken as collective rights and not as individual or separate rights. Therefore, if we are committed to preserving the wealth of our diversity, we must have ethical or moral principles, juridical instruments capable of advancing both the cultural rights and political rights of all communities⁹⁵. The scope of the right to self-determination is wide; it encompasses the sum total of individual or collective struggle against oppression of any sort be it in the form of slavery, feudalism, Nazism, absolutism, totalitarianism, tyranny, fascism, apartheid, colonialism or military dictatorship and so on. Driven by these great needs of man to emancipate himself from all shackles of oppression, he is relentless about the struggle and would never give up on it. Patrick Henry in his powerful speech on freedom, liberty, revolution and slavery was quoted to have said thus: “is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death⁹⁶!

He went further to say “if we wish to be free, if we mean to preserve inviolate those inestimable privileges for which we have been so long contending, if we mean not to basely to abandon until the glorious object of our contest shall be obtained, we must fight...⁹⁷”

Patrick Henry remarks, to a large extent, represent the extent of the spirit of an individual or groups exercising his or their right to self-determination. In such a situation, an honest and prudent government or

⁹⁵ *Ibid*

⁹⁶ <https://www.hisatory.org/almanack/life/politics/giveme.cfm> assessed on 3rd June 2017

⁹⁷ <https://www.hisatory.org/almanack/life/politics/giveme.cfm> assessed on 3rd June 2017

society would rather retrospect to find out the causes, whether remote or immediate, of the agitation and make positive amends. The Emir of Kano, Emir Sanusi speaking about the restructuring of the corporate Nigeria in his paper delivered in 1999 on “Marginalising the Igbos could lead to a 2nd Civil War⁹⁸” observed as follows:

“...having said that, this nation must realise that Igbos have more than paid for their foolishness. They have been defeated in war, rendered paupers by monetary policy fiat, their properties declared abandoned and confiscated, kept out of strategic public sector appointments and deprived of public service. The rest of the country forced them to remain in Nigeria and has continued to deny them equity⁹⁹. The Northern Bourgeoisie and the Yoruba Bourgeoisie have conspired to keep the Igbo out of the scheme of things. In the recent transition when the Igbo solidly supported the PDP (People's Democratic Party) in the hope of an Ekwueme presidency, the North and South-West treated this as a Biafra agenda. Every rule set for the primaries, every gentleman's agreement was set aside to ensure that Obasanjo, not Ekwueme emerged as the candidate. Things went as far as getting the federal government to hurriedly gazette a pardon. Now, with this government, the marginalisation of the Igbo is more complete than ever before.

⁹⁸ <https://www.thetrentonline.com/marginalising-igbos-sanusi-lamido/assesses> on 3rd June 2017

⁹⁹ Emphasis mine.

The Igbos have taken all these quietly because, they reason, they brought it upon themselves. But the nation is sitting on a time-bomb.

After the First World War, the victors treated Germany with the same contempt Nigeria is treating Igbos. Two decades later, there was a Second World War, far costlier than the first. Germany was again defeated, but this time, they won a more honourable peace. Our present political leaders have no sense of History, there is a new Igbo man, who was not born in 1966 and neither know nor cares about Nzeogwu and Ojukwu. There are Igbo men on the street who were never Biafra's. They were born Nigerians, are Nigerians, but suffers because of actions of earlier generations. They will soon decide that it is better to fight their own war, and may be find an honourable peace, than to remain in this contemptible state in perpetuity...¹⁰⁰

The prophetic revelations of Emir Sanusi rather came into more limelight since 2014 till to day with the emergence of IPOB (Indigenous of People of Biafra) under the leadership of Prince Nnamdi Kanu. The popularity and relevance of this group of freedom agitators is not unconnected with the radio evangelism of Nnamdi Kanu and his supporters and his case with the Nigeria government.

Although before now, there have been similar movements over the years by a group known as MASSOB (Movement for the Actualisation of the

¹⁰⁰ Emphasis mine though this quote may seem lengthy, however the research deemed it necessary to reproduce same verbatim because of its significance to the subject under discussion.

Sovereign State of Biafra) of the South East led by Ralph Uwazurike in 1999, the Niger Delta movements of the South South, the Oduduwa movements of the South West among others.

As far as Nigeria is concerned, these are the most trending cases of the exercise of the right to self-determination. However, it must be noted that the exercise of the right to self-determination is not new in Nigeria. The most significant of this exercise of the right to self-determination was during the period of 30th of May, 1967 -1970 when the Eastern part of Nigeria seceded from the union or marriage of one Nigeria following the unjust and dishonest rescission of the Aburi Accord by Yakubu Gowon who was then the Nigeria Military Head of State ,to create the Sovereign state of Biafra which resulted in the most heinous Biafra genocide. It is also a historical fact that the independence of Nigeria in 1960 was a direct consequence of the exercise of the right to self-determination wherein Nigeria gained independence from its British colonial master. Before then Nigeria was under the imperial sledge hammer of British colonial rule. Another similar point to this was the referendum conducted in 1959 and 1961 respectively by which the Northern part of Cameroon became part of Nigeria. Unfortunately, in the recent time, Nigeria has taken the most infamous and inglorious decision in the denial of the process that ushered it independence in the first place and also brought the Northern part of Cameroon within its territorial sovereign power. However, these were not without some excruciating and tremendous costs which have contributed to the present political, economic, psychological, social and cultural crisis be devilling Nigeria. Emir Sanusi equally warned against this backdrop or development when he stated thus: “ ...if this issue is not addressed immediately, no conference will solve Nigeria problems¹⁰¹”.

¹⁰¹ <https://www.thetrentonline.com/marginalising-igbos-sanusi-lamido/assesses> on 3rd June 2017

The right to self-determination is a universal and international right guaranteed to all people. By virtue of that right all people are free to determine their political status and freely pursue their economic, political, social and cultural developments. The inclusion of the right to self-determination in the United Nations Charter marks the universal recognition of same as a fundamental principle for the maintenance of friendly relations and global peace¹⁰². Other international and regional instruments equally recognised this right. For instance, Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States adopted by the UN General Assembly in 1970, the Helsinki Final Act adopted by the Conference on Security and Co-operation in Europe (CSCE) in 1975, the African Charter of Human and Peoples' Rights of 1981, the CSCE Charter of Paris for a New Europe adopted in 1990, and the Vienna Declaration and Programme of Action of 1993¹⁰³. Similarly, the right to self-determination has been affirmed by the International Court of Justice in the Namibia case, the Western Sahara case and the East Timor case, in which its erga omnes character was confirmed. Furthermore, the scope and content of the right to self-determination has been elaborated upon by the UN Human Rights Committee and the Committee on the Elimination of Racial Discrimination and by the scholarly opinions of numerous renowned international jurists¹⁰⁴. As noted elsewhere in this work, the general object of state or government is good governance. The promotion and enhancement of the well-being of the governed underscore the very relevance of state. By the social contract theory, the governed donated some of its sovereign powers to the state in exchange for the protection of

¹⁰² *Op cit*, The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention", Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998 Organised by the UNESCO Division of Human Rights Democracy and Peace and the UNESCO Centre of Catalonia

¹⁰³ *Ibid*

¹⁰⁴ *Ibid*

life, sense of self belongingness, safety and promotions of the civil, political, social, economic and cultural well-being of the governed¹⁰⁵. Prof. Ben Nwabueze SAN opined thus:

“The notion of the people as a constituent power and law-maker, with authority not only to make a constitution but, what is more important, to bestow force of law on it, is only an integral part of the wider concept of the people as the repository of the totality of a country's sovereignty, constituent power being the crowning point of sovereignty. Therefore, it would be a logical absurdity that a constitution should be superior to or above the people that created it”¹⁰⁶.

Thus, any state or government that runs short of the objects with which it was created at the first place will be in a complete breach of its undertakings to the governed. Being the source of the general power of the state, the governed reserved the reversionary powers to revoke, amend, suspend or modify the powers it donated to the state. This in simplest terms, connotes the underlying general sovereignty the people from whom the state derives its sovereignty. Section 14 (2) (a) of the 1999 Constitution eloquently provides thus: “It is hereby, and accordingly, declared that sovereignty belongs to the people of Nigeria from whom the government through this Constitution derives all its powers and authority¹⁰⁷”. In reiterating the sovereign power of the people, Prof. Ben Nwabueze SAN¹⁰⁸ observed that:

¹⁰⁵ S. 14(2) (b) of the 1999 Constitution (as amended), *op cit*

¹⁰⁶ B. Nwabueze SAN, *loc cit*, p 101

¹⁰⁷ 14(2) (b) of the 1999 Constitution (as amended), *op cit*

¹⁰⁸ *Ibid*

“ a constitution, as a device for limiting power, may be notionally supreme, but it cannot, logically or in point of actual physical power relation, be superior to or above the people who make it and bestow on it the force of law. By the famous definition of it by Thomas Paine in his Rights of Man (1789), which is generally acknowledged as valid, constitution is not an act of government but of a people constituting a government. If a constitution is the source from which government derives its existence and power, it cannot, logically, be an act of the government; government cannot create itself .As the act by which a frame of government is constituted for a people, a constitution has to be an original act of the people¹⁰⁹”.

The learned Constitutional Law scholar went further to observe as follows:

“The characterization of the people as “the laws” underlines the point about illimitability of the sovereign power inherent in a sovereign people. The logic that a thing, like the constitution of a country, cannot be superior to or above its maker or creator also means, by the same logic that the people, as the repository of a country's sovereignty and the maker of its constitution, is not only superior to and above the constitution, but also has the power to unmake or change it. If a constitution is the creation of the people, not by virtue of any law enabling it in that behalf, but by virtue of the sovereign power inherent in it, then,

¹⁰⁹ B. Nwabueze SAN, *op cit*, p 101

it must have power, equally unlimited and illimitable by law, to unmake or undo what it created (i.e the constitution); the power derives from, and sovereign inherent in the people as an independent political community. That is what is usually referred to as the people's right of revolution, its right to jettison or do away with the constitution...¹¹⁰. It is generally agreed among both political theorists and constitutional lawyers that in a situation of tyranny, arbitrariness, abuse of power, violation or denial of its right to govern itself, etc, a people can in exercise of its sovereign power, overturn the constitution-law does not come into the matter, since the power being so exercised, like the power to make a constitution in the first place, lies outside the realm of law in the narrow positive sense. Thus, Professor Sir Karl Popper in his great work, *The Open Society and its Enemies* (1966), affirms the right of a people to jettison the constitution under a tyranny which makes reform without violence impossible. The working of democracy, he continues, rests largely upon the understanding that a government which attempts to misuse its powers and to establish itself as a tyranny (or which tolerates the establishment of tyranny by anybody else) out laws itself, and the citizens have not only the right but also a duty to consider the action of such government as a crime, and its members as a dangerous gang of criminals”¹¹¹.

¹¹⁰ Emphasis mine

¹¹¹ B. Nwabueze SAN, *op cit*, p.102

It is not inconceivable that revolution could take the form of self-determination. Nothing breeds conflict in the society more than political exclusion, cultural repression, the denial of rights of peoples and political marginalization. The case of IPOB (Indigenous People of Biafra) , MASSOB (Movement for the Actualisation of the Sovereign State of Biafra) and other agitators or groups like Niger Delta agitators is simply that of a predetermination by a certain group of people to dominate them. For example the issue of appointment of government officials, citing of government projects and holding of political powers, the insecurity and mayhem of the herdsmen and boko haram sects of the Northern part of Nigeria that were tolerated to the point of impunity are testimonies of the uncountable cases of abuses, violations and extermination in Nigeria. Also, the exhibition of complete and absolute tribalism, religion bigotry, politics of crushing of a political enemy in Nigeria cannot in the mean be an observance of the general undertaking to ensure good governance by the state.

The principle of self-determination outlines not just the duty of states to respect and promote the right, but also imposes an obligation on states to refrain from any forcible action which deprives peoples of the enjoyment of such a right. In specific terms, the use of sheer brute or force to prevent or quell a group of people from peaceably and peacefully exercising their fundamental right of self-determination is regarded as illegal and has been consistently condemned by the international community¹¹². The obligations resulting from the principle of self-determination have been recognised as *erga omnes*, namely existing towards the international community as a whole. The International Court of Justice (ICJ) has recently reiterated the *erga omnes* status of the general principle of self-determination in its “Advisory Opinion on the Wall” .

¹¹² <https://www.diakonia.se/en/IHL/The-Law/International-Law1/IL--Self-Determination/>

In addition to this, some scholars and commentators have indicated that the principle self-determination has acquired the status of *juscogens*—a peremptory norm of international law and as such must be observed by the international community as a whole¹¹³.

6.0 The Right to Self -Determination as an Instrument for the Promotion of Global Peace

It is a generally accepted notion that conflict is inevitable in the society. This is because human beings are not casted with the same mould. Basically speaking , no human being is the same as the other, although there may be some common similarities or traits among them. These similarities could be a by-product of nature (biological hereditary) or nurture (environment) among others. These may extend to similarity of purpose or goal, common or collective drives and so on. Aside these striking similarities there are the overwhelming differences among human beings, that is to say, personality differences. Adversely and ironically so, nature and nurture could be a veritable cause of individual differences; even identical twins may possess different trait and aspirations .Such difference becomes very much pronounced in groups or a larger society. Aside the influence of nature and nurture on human affairs there could be some other possible causes of differences, be it individual, personal, or collective differences.

Some other causes of differences could be sociological or social, political, value, cultural, economic, religion, goal-oriented or motivation and so on. At the end people may agree or disagree with a particular view either for genuine or innocent, negligent or reckless, mischievous or malicious reasons. Whatever may have informed their opinion or be the case, at the end conflict is bound to arise among them.

¹¹³ <https://www.diakonia.se/en/IHL/The-Law/International-Law1/IL--Self-Determination/>

This conflict may not only tear them apart but rather shatter their individual and/or collective existence¹¹⁴. Some of these differences may not be unconnected with the quest of man for a better sense of belongingness. Committed to the quest for the betterment of his life, man has indulged in so many activities. Counter productively, the more he advances in his search for a better sense of belongingness the more conflict may abound. At the end he is confronted with two antithetical needs, the need to advance further to better his life at the one end and the need to resolve conflict from his exploits at the other end. However, these distinct or cross needs are not at a water fight compartment or on irreconcilable parallel lines; they can be synthesized. Thus, a solution to one may as well correspondingly be a solution to the other and vice versa.

With these objectives in mind and in his commitment to find an everlasting peace or solution to the mirage of crisis be devilling his continued existence in the society, man has experimented on different or so many things like war (tribal or international), dialogue, negotiation, agreement, treaties, conventions, reconciliations, courtroom justice and so on. Also in keeping with these common objectives various organisations have been established both locally and internationally with the goals of ensuring or finding global peace. Some of these international organizations are African Union (AU), United Nations Educational, Scientific and Cultural Organization (UNESCO), Economic Community of West African States (ECOWAS), United Nations Organization (UNO), Amnesty International and so on. At the domestic level, we have such bodies like Niger Delta Development Commission (NDDC), Institute for Peace and Conflict Resolution, Conflict Prevention and Peace Building Initiatives and so on.

¹¹⁴ Although sometimes it may bring about some innovative ideas in some rare cases

Contrary to the argument that acceding to claims for self-determination may precipitate conflict, Nobel Peace Laureate Jose Ramos-Horta and Carlose Spottomo (Secretary General of the Spanish UNESCO Commission) have maintained that more frequently it is the refusal to apply the right to self-determination that causes conflict and war. They also pointed out that constructive and effective implementation of these rights has resolved conflicts in the past and can prevent the occurrence of new conflicts in the future¹¹⁵.

The significance of the recognition and implementation of the right to self-determination in conflict resolution cannot be glossed over. The Director General of UNESCO to the International Conference on the Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention remarked:

"The subject of this conference seems to me to be especially important for the international community. So many of today's conflicts take place within states where communities are aspiring to greater recognition of their cultural and political identity. We must study these situations in detail and decide to what extent international texts on the right to self-determination are really suited to today's circumstances and are able to prevent this sort of conflict¹¹⁶".

¹¹⁵ The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention", Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998 Organised by the UNESCO Division of Human Rights Democracy and Peace and the UNESCO Centre of Catalonia.

¹¹⁶ *Ibid*

It is mostly crude and unconventional for any government to try to use the instrumentality of force to silence the call for the exercise of right of self-determination. The Unrepresented Nations and Peoples Organization stated it aptly in the following words:

“The third idea I think we should keep in mind is the notion that the right to self-determination is a specific contribution to building a culture of peace. The world is tired of violence and wars. There is growing recognition that war is a poor means indeed of resolving conflicts. We aspire to something better¹¹⁷. Therefore it is not utopian to believe that in a few decades we might abolish war, in the same way that at other moments of human history we have rejected slavery, fascism and totalitarianism. Concepts of security must change. Until now we thought that investment in arms was the key to security. Now we know that our real enemies are poverty, ignorance, the destruction of the environment - that is, the violation of human rights¹¹⁸”.

On the other hand, it is a notorious fact that people would go at any length to assert their right to freedom or liberty whenever the occasion demands even at the expense or pains of death . Patrick Henry in his most celebrated speech “Give Me Liberty or Give Me Death!” at the Second Virginia Convention in March 20, 1775 at inland at Richmond said:

¹¹⁷ Emphasis mine.

¹¹⁸ *Ibid*, “The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention”, Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998 Organised by the UNESCO Division of Human Rights Democracy and Peace and the UNESCO Centre of Catalonia

“It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!¹¹⁹”.

At least, if not for anything, people are mostly motivated by the satisfaction of being the alpha and omega of their lives and a perceived need to finding an eternal psychological self-fulfilment and belongingness at the end. The Declaration of Arbroath is apt on this point when it stated as follows:“It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom—for that alone, which no honest man gives up but with life itself¹²⁰”.

A proper implementation of the right to self-determination as a dynamic and on -going process could serve to prevent future conflicts in the society. It is necessary to explore or inquire into whether the law political structures inherited from the past could be replaced by more rational and

¹¹⁹ <https://wwstory.org/almanack/life/politics/giveme.cfm> assessed on 6th June, 2017.Emphasis mine.

¹²⁰ https://en.wikipedia.org/wiki/Give_me_liberty,_or_give_me_death!assessed on 6th June, 2017

equitable one's that takes into account the needs and aspirations of the governance¹²¹. To this end new and more suitable political structures must be developed. Also, everything possible must be done to ensure that immediate political interests of states do not compromise the collective aspiration of all people for freedom and other legitimate interests or rights. As such, there must be a room established for negotiation among all the parties involved so that conflict is prevented and peaceful solution found¹²². It is a historical truth that no ideology however stupid has been able to be conquered, destroyed or annihilated by sheer brute or force. Instead, an ideology could be conquered with superior, sound and logical arguments through the instrumentalities of debate, dialogue, peaceful atmosphere, inclusive participation, consultation and reintegration.

Obviously, by guaranteeing and implementing the rights of people to self-determination, we shall be contributing enormously to the prevention of conflict and as well bringing solution to the many present and future conflicts in the society. Therefore, it is important in the face of the political changes taking place around the world that serious attention is given to the issue of self-determination and cultural identity of people¹²³. It is also suggested that an entirely new initiative be undertaken within the United Nations and other international organizations to address the questions of derogation of people's rights including their rights to self-determination, if the world is in all honesty minded to advancing global peace¹²⁴. The looming crisis in Nigeria especially the on-going agitation for Biafra Independence and the brother crisis in

¹²¹ The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention", Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998 Organised by the UNESCO Division of Human Rights Democracy and Peace and the UNESCO Centre of Catalonia

¹²² *Ibid*

¹²³ *Ibid*

¹²⁴ *Ibid*

Cameroon call for a serious and immediate international attention and specific pronouncement. Some countries have indeed exercised the right to self-determination including Nigeria in 1960 when it gained independence from Britain and between 1959 and 1961 when some part of Cameroun resolved to join Nigeria by a referendum. Most recent of the exercise of this right is the one that saw the creation of Eritrea, Czechoslovakia and the referendum of Scotland in 2014, the one that is still on –going between Spain and Catalonia and that of Britain (Brexit) and European Union, and so many others. Therefore, it will amount to an act of domestic and international fraud to deny or treat as irrelevant the right to self -determination of the people of the South Eastern part of Nigeria and others agitating for a referendum on Biafra specially when same has claimed millions of lives and properties of the people of this part of Nigeria between the periods of 1967-1970 in the second highest genocide in the history of the modern world. Nigeria should, as a matter of prudence and honesty, borrow a leaf from the Catalonian Law 19/2017 of 6th September, 2017 on Self Determination and Referendum. Further to this, the United Nations, as a point of duty is, morally and legally, bound to observe its specific objects and purposes on promoting global peace enumerated in Article 1 of Chapter 1 of its Charter to wit: *inter alia*,

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal

peace¹²⁵;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends

7.0 Conclusion, Findings and Recommendation

7.1 Conclusion

Self-determination is the power or ability to make a decision for oneself without influence from outside. It is the right of a nation or people to determine its own form of government without influence from outside. It also extends to the right of a people to decide upon its own political status or form of government without outside influence or interference . The right to self-determination is an international right guaranteed to all people . It is a product of one of those trial and error of mankind in the quest for a better sense of living and self-belongingness, and more particularly, a dauntless effort to free himself from any inhibition whatsoever to his divine freedom. It encompasses the sum total of the individual and collective rights, to wit; political, social, cultural, economic, psychological, and civil rights among others. As such the enjoyment of one will require the guaranteeing of the other. The sacrosanct nature of these rights and more especially the right to self-determination informed the global or international codification of same by international bodies including United Nations as the United Nations Declaration on Human and People's Rights and African nations as

¹²⁵ Emphasis mine

African Charter on Human and People's Rights. That also informed the direct codification of same as an extant law in Nigeria as African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 (now revised 2010). It has strongly been argued and submitted that the right to self-determination is a vital instrument of ensuring global peace and prevention of global conflicts. Premised on this point, the Nigeria government is advised to have a rethink on many of its decisions and policies that undermines the exercise of the right to self-determination.

7.2 Finding and Recommendation

The researcher adopts the salutary findings and recommendations of the conference of the Unrepresented Nations and Peoples Organizations¹²⁶ and would reproduce same verbatim¹²⁷. The aforesaid conclusions, findings and recommendations of the conference of the Unrepresented Nations and Peoples Organizations are set forth below:

Conclusions and Recommendations of the Conference

The participants to the Conference reached and adopted the following conclusions on 27 November 1998, after extensive and profound debate: The principle and fundamental right to self-determination of all peoples is firmly established in international law, including human rights law, and must be applied equally and universally.

The peaceful implementation of the right to self-determination in its broad sense is a key contribution to the prevention and resolution of conflicts, especially those which involve contending interests of existing states and peoples, including indigenous peoples, and minority communities.

¹²⁶ *Ibid*

¹²⁷ Although lengthy, it is necessary that to reproduce same for a proper understanding of same.

In this respect it is important to understand self-determination as an on-going process of choice for the achievement of human security and fulfillment of human needs with a broad scope of possible outcomes and expressions suited to different specific situations. These can include, but are not limited to, guarantees of cultural security, forms of self-governance and autonomy, economic self-reliance, effective participation at the international level, land rights and the ability to care for the natural environment, spiritual freedom and the various forms that ensure the free expression and protection of collective identity in dignity.

Self-determination is achieved by fully participatory democratic processes among the people who are seeking the realisation of self-determination, including referenda where appropriate. Effective prevention of conflicts must be pro-active and requires immediate and committed action. It is imperative to prevent all actions by any relevant actors, which include governments, international and other organizations, individuals and corporations, which may result in the denial of the exercise of the right to self-determination, such as demographic aggression or manipulation, cultural assimilation and the destruction of the natural environment of importance to the survival of peoples.

The development of a universal sense of respect for cultural and national diversity and a deeper understanding of self-determination is essential to the promotion of peace in all parts of the world. In order to foster this culture of self-determination, special attention should be given to the potential positive role of the media and to the development of self-determination education and its inclusion in human rights education.

Recommendations: The Conference Recommends:

To the United Nations:

- To pro-actively engage itself in the prevention and resolution of

conflicts involving states and peoples or minority communities. In doing so the United Nations should respect and promote the implementation of self-determination in the broad sense affirmed by this conference, as a means to advance peace with justice;·

- To create an effective mechanism within the United Nations to assist in the resolution of self-determination claims and conflicts;
- To create a permanent forum of peoples within the United Nations system which would have consultative status with the UN.

To UNESCO:

- To undertake further work on the right to self-determination and to consider preparing special publications on the subject;
- To place special emphasis on the positive role of self-determination within the framework of its programmes of the culture of peace, democratisation and cultural pluralism and to incorporate this in UNESCO's national programs of culture of peace and reconciliation.

To Intergovernmental and Regional Organisations

- To place self-determination on the agenda of those organisations and to take account of the work of the United Nations on the rights of indigenous peoples and include them in their activities.

To Non-Governmental Organisations

- To promote the right to self-determination, support those peoples struggling for its implementation and to raise specific cases before the United Nations Commission on Human Rights and other appropriate bodies.

Decisions of the Conference.

- To promote the utilisation of existing mechanisms of the United Nations and other organisations to promote a better understanding

and broader application of the right to self-determination in an effort to promote peace and justice and, in particular,

- To raise the question of self-determination and the issues discussed at this and future conferences at the United Nations Commission on Human Rights.
- In order to build on and continue the work of this Conference, to create an expert working group on self-determination which would meet every year before the discussion by the UN Commission on Human Rights of its agenda item relating to self-determination.
- To organise regional meetings on self-determination and related subjects.
- To explore the possibility of publishing a periodical publication on self-
- To create an E-mail list of the conference participants to maintain communication among them on developments in the field of self-determination and to exchange useful documents on the subject.
- The Conference further decides that these Conclusions and Recommendations will be transmitted to the Secretary General of the United Nations, the Director General of UNESCO, the Chairperson of the UN Commission on Human Rights, the Chairperson of the Working Group on Indigenous Populations, and will be published as part of the final report of the Conference.