



## ADVANCING THE NEED FOR REPARATION FOR VICTIMS OF THE NIGERIA–BIAFRA ARMED CONFLICT

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### ABSTRACT

*The Nigeria–Biafra armed conflict (1967–1970) remained one of the most devastating episodes in West African history, marked by widespread violations of international humanitarian law, mass atrocities, starvation, displacement, and lasting socio-economic dislocation. More than five decades after the war, victims and affected communities continue to live with unresolved grievances, unacknowledged suffering, and the absence of a comprehensive reparative framework. This study critically examined the normative, historical, and institutional dimensions of reparations for victims of the conflict, interrogating the extent to which Nigeria’s legal and political structures have engaged with the principles of accountability, restorative justice, and victim-centred redress. Drawing from international legal standards, including the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, customary international humanitarian law, and comparative post-conflict reparation mechanisms, this work highlighted the legal basis for reparations as well as their moral and political imperatives. The abstract analysed key categories of harm suffered by victims, including mass civilian casualties, loss of property, sexual violence, forced displacement, and systematic starvation used as a war tactic. It argued that despite Nigeria’s transition to civilian rule and several national initiatives such as the Oputa Panel and limited regional restitution programmes, the country had not implemented a comprehensive, state-endorsed reparations policy. The continued marginalisation of war-affected communities, particularly in the South-East, reveals deep structural gaps in recognition, accountability, memorialisation, and economic rehabilitation. The study proposed a multi-layered reparations model consisting of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence. It further recommended institutional reforms and a victim-focused mechanism grounded in truth-seeking, historical acknowledgement, and inclusive policy development. Ultimately, it argued that meaningful reparation was essential not only for healing historical wounds but also for strengthening national cohesion, promoting transitional justice, and preventing future conflict in Nigeria.*

**KEYWORDS:** *Accountability, Armed conflict, International humanitarian law, Justice, Reparation, Victims.*

### 1. INTRODUCTION

The Nigeria–Biafra armed conflict (1967–1970) stands as one of the most violent and transformative episodes in post-colonial African history. The war, triggered by political instability, ethnic tension, the



failure of the Aburi Accord, and the secession of the Eastern Region as the Republic of Biafra, resulted in catastrophic humanitarian consequences and widespread violations of international humanitarian law (IHL). Conservative estimates suggest that more than one million civilians, primarily children, died from starvation, disease, and direct violence, making the conflict one of the deadliest civil wars of the 20th century.<sup>1</sup> The deliberate blockade of food and humanitarian supplies to the Biafran enclave, systematic destruction of civilian infrastructure, mass displacement, and episodes of extrajudicial killings constituted grave breaches under the Geneva Conventions of 1949, which Nigeria had ratified in 1961.<sup>2</sup> Yet, despite the scale and gravity of the atrocities, the post-war policy of “No Victor, No Vanquished,” though intended to promote national unity, failed to establish any formal mechanisms for accountability, truth-seeking, or reparative justice for victims.<sup>3</sup>

Reparation, whether through restitution, compensation, rehabilitation, satisfaction, or guarantees of non-recurrence, is a well-established principle of both international human rights law and IHL. The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation affirm that states bear the primary obligation to address gross violations committed within their jurisdiction, irrespective of the time elapsed.<sup>4</sup> Comparative post-conflict experiences in countries such as Rwanda, Sierra Leone, Colombia, and South Africa demonstrate that reparations are essential for restoring the dignity of victims, rebuilding fractured societies, and reinforcing the rule of law.<sup>5</sup> In Nigeria, however, structural silence, political sensitivities, and the absence of a transitional justice framework have impeded any systematic effort to address the harms suffered by individuals and communities during the conflict. Although the Oputa Panel (1999–2001) provided an avenue for truth-telling and recommended reparative measures, its findings were never fully implemented by the federal government, and the specific grievances of war-affected Eastern communities were insufficiently addressed.<sup>6</sup>

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<sup>1</sup> Chimamanda Ngozi Adichie, *Half of a Yellow Sun*, 2006; see also John de St. Jorre, *The Nigerian Civil War* (Hodder & Stoughton 1972) 450–455; International Committee of the Red Cross (ICRC), “Biafra: 50 Years After” (2017) documenting humanitarian casualties.

<sup>2</sup> Geneva Conventions of 1949; Nigeria’s ratification: United Nations Treaty Collection, Status of Treaties, Geneva Conventions (1949).

<sup>3</sup> Federal Military Government of Nigeria, *Post-War Policy Address*, 1970 (“No Victor, No Vanquished” speech by General Yakubu Gowon).

<sup>4</sup> United Nations General Assembly, “Basic Principles and Guidelines on the Right to a Remedy and Reparation,” A/RES/60/147 (2005).

<sup>5</sup> A. Greiff, “The Role of Reparations in Transitional Justice,” in *The Handbook of Reparations* (Oxford University Press 2006) 1–20; Sierra Leone Truth and Reconciliation Commission Report (2004).

<sup>6</sup> Human Rights Violations Investigation Commission (Oputa Panel), Final Report (2002), vols. 1–4; Amnesty International, “Nigeria: Lack of Implementation of the Oputa Panel Report” (2004).



Today, more than five decades after the conflict, victims and their descendants continue to endure unresolved trauma, socio-economic marginalisation, and intergenerational deprivation. Properties abandoned during the war were never fully restituted; survivors of sexual violence and displacement remain without recognition; and many families of the deceased lack official acknowledgement or memorialisation of their loss.<sup>7</sup> The persistence of these historical injustices fuels regional grievances, undermines trust in state institutions, and complicates contemporary debates about marginalisation, security, and national cohesion in Nigeria.<sup>8</sup> A comprehensive reparation framework is therefore crucial not only as a matter of legal obligation, but also as a moral and political imperative for national reconciliation.

This study examines the legal foundations, historical realities, and contemporary relevance of reparations for victims of the Nigeria–Biafra armed conflict. It analyses existing national responses, highlights gaps in accountability and victim recognition, and proposes a multi-layered reparation model aligned with international standards. Ultimately, it argues that without addressing the lingering wounds of the conflict, Nigeria’s pursuit of sustainable peace, justice, and nation-building remains incomplete.

This study examines the normative, historical, and institutional dimensions of reparations for victims of the Nigeria–Biafra armed conflict, critically interrogating the extent to which Nigeria’s legal and political frameworks have operationalized the principles of accountability, restorative justice, and victim-centred redress. The Nigeria–Biafra conflict (1967–1970) resulted in widespread violations of international humanitarian law, including mass starvation, indiscriminate bombardment of civilians, displacement, and destruction of property, leaving millions of victims with enduring social, economic, and psychological harms.<sup>9</sup> Despite the formal cessation of hostilities and post-war policies such as the “No Victor, No Vanquished” approach and the £20 compensation scheme, historical evidence indicates that these measures were largely symbolic and failed to adequately address the multidimensional needs of victims.<sup>10</sup> From a normative perspective, international law, including the UN Basic Principles on the Right to a Remedy and Reparation, enshrines victims’ rights to restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition,<sup>11</sup> principles that remain largely unrealized within Nigeria’s domestic legal and policy frameworks. Institutionally, while bodies such as the National Human Rights Commission (NHRC) and the judiciary are legally empowered to administer

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<sup>7</sup> Chinua Achebe, *There Was a Country: A Personal History of Biafra* (Penguin 2012) chapters 12–15; C. Obi, “Memory, Identity and the Biafran Experience” (2014) *African Affairs* 113(453).

<sup>8</sup> Augustine Ikelegbe, “The Politics of Marginalisation and Exclusion in Nigeria” (2017) *Journal of Modern African Studies* 55(3).

<sup>9</sup> John de St. Jorre, *The Nigerian Civil War* (Hodder & Stoughton 1972) 450–455.

<sup>10</sup> Federal Military Government of Nigeria, “Address to the Nation: No Victor, No Vanquished” (*supra*).

<sup>11</sup> Max Siollun, *The Nigerian Civil War: History and Memory* (2021) 120–125; UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation*, UN Doc A/RES/60/147 (2005).



remedies, their engagement with historical civil war reparations has been limited by procedural, political, and administrative constraints.<sup>12</sup> This study situates reparations within the broader theoretical paradigms of corrective justice, restorative justice, and transitional justice, arguing that effective victim-centred redress requires a coordinated interplay between legal, political, and community-based mechanisms to address historical grievances, restore dignity, and prevent recurrence.<sup>13</sup>

## 2. CONCEPTUAL FRAMEWORK

A conceptual framework sets out the major ideas, definitional contours, and analytical constructs that underpin the study of *reparation* for victims of the Nigeria–Biafra armed conflict. It clarifies the meanings, principles, and doctrinal foundations that guide the research inquiry.

### 2.1 Armed Conflict Violations

The Nigeria–Biafra conflict involved extensive breaches of international humanitarian norms, particularly relating to civilian protection, humanitarian access, and the treatment of non-combatants. International humanitarian law (IHL), especially the Geneva Conventions of 1949, identifies certain acts, such as starvation of civilians, indiscriminate bombardment, and denial of humanitarian aid, as violations for which victims have enforceable rights to remedies. These principles provide the normative foundation for legally grounded claims for reparation.

### 2.2 Reparation

Reparation refers to the range of measures designed to redress gross violations of international humanitarian law and human rights law. Under international law, reparation embodies a holistic system that includes restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, as articulated by the International Law Commission (ILC) and the UN Basic Principles on the Right to a Remedy and Reparation.<sup>14</sup> Reparation is premised on the principle that victims should be restored, as far as possible, to the status quo ante and should receive remedies proportionate to the harm suffered.<sup>15</sup>

In the context of armed conflict, reparation is not merely a monetary award but a comprehensive justice mechanism recognizing the dignity of victims, acknowledging wrongdoing, and addressing long-term

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<sup>12</sup> National Human Rights Commission Act, Cap N46, Laws of the Federation of Nigeria 2004; Amnesty International, “Nigeria: Government Fails to Implement Oputa Panel Recommendations” (AFR 44/014/2004).

<sup>13</sup> Pablo de Greiff, “The Role of Reparation Programs in Transitional Justice,” in Pablo de Greiff (ed), *The Handbook of Reparations* (OUP 2006) 13–41; Ruti Teitel, *Transitional Justice* (OUP 2000) 69–75.

<sup>14</sup> UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation*, UN Doc A/RES/60/147 (2005).

<sup>15</sup> International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts* (2001), Art. 31–34.



structural harms. This understanding is reinforced in transitional justice scholarship, which treats reparation as both a legal entitlement and a moral imperative.<sup>16</sup>

### 2.3 Victims

The term *victims* encompasses individuals or groups who have suffered harm, including physical injury, mental suffering, emotional distress, economic loss, or substantial impairment of their rights, as a result of violations committed during the armed conflict.<sup>17</sup> International standards, including the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopt an expansive definition that embraces direct victims, indirect victims (family members), and communities whose rights or socio-economic wellbeing were affected.<sup>18</sup>

Applied to the Nigeria–Biafra conflict, victims include civilians subjected to starvation, bombardment, displacement, sexual violence, property destruction, and other grave violations committed between 1967 and 1970. They also include families of the dead, children orphaned by the war, and communities whose land, property, and livelihood systems were devastated.<sup>19</sup>

### 2.4 Basis for Reparation

The conceptual understanding of reparation is grounded in two main theoretical pillars:

#### i. Corrective Justice Theory

Corrective justice posits that when wrongdoing occurs, the responsible party has a duty to repair the harm inflicted. This theory underpins international jurisprudence such as the *Factory at Chorzów* case, which held that reparation must, as far as possible, erase the consequences of the wrongful act and restore the victim to the original condition.<sup>20</sup>

#### ii. Transitional Justice Theory

Transitional justice views reparation as part of a broader framework aimed at addressing legacies of large-scale human rights abuses. Reparation here is linked to truth, accountability, memorialization, and institutional reform.<sup>21</sup> This theory is particularly relevant to post-conflict societies like Nigeria, where reconciliation and historical acknowledgement are crucial for national healing.

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<sup>16</sup> De Greiff, P., “The Role of Reparation Programs in Transitional Justice,” in *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity* (2006).

<sup>17</sup> Ibid; See also OHCHR, *Rule of Law Tools for Post-Conflict States: Reparations Programmes* (2008).

<sup>18</sup> UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985).

<sup>19</sup> C. Achebe, *There Was a Country: A Personal History of Biafra* (2012).

<sup>20</sup> *Factory at Chorzów (Germany v. Poland)*, PCIJ Series A No. 17 (1928).

<sup>21</sup> R. Teitel, *Transitional Justice* (2000) *supra*.



### 3 Reparation Mechanisms

International practice recognizes a range of reparation mechanisms which may be judicial, administrative, or community-based. These include compensation schemes, restitution initiatives, psychosocial healing programs, community reconstruction, historical clarifications, and official apologies. The African human rights system, through the African Commission and African Court, similarly recognizes compensation, rehabilitation, and structural reforms as integral forms of reparation.<sup>22</sup>

### 4 Nigeria–Biafra Conflict within Reparation Discourse

Nigeria’s handling of the post-war period, including the "No Victor, No Vanquished" policy and the £20 flat payment to all former Biafran bank account holders, remains a central concept in evaluating whether victims' rights to reparation were fulfilled. Transitional justice scholars widely critique these measures as insufficient and inconsistent with international reparation standards.<sup>23</sup>

Thus, the conceptual framework establishes that reparations for the Nigeria–Biafra conflict must be understood through interdisciplinary lenses, legal, historical, moral, socio-economic, and transitional justice perspectives, to adequately address the multifaceted harms experienced by victims.

## 3. THEORETICAL FRAMEWORK

The theoretical framework outlines the scholarly perspectives that explain *why* reparations are necessary, *what* they should achieve, and *how* they should be structured for victims of the Nigeria–Biafra armed conflict. This study adopts four major theories: Corrective Justice, Restorative Justice, Transitional Justice, and the Human Rights Theory of State Responsibility, supported by the Historical Justice and Collective Memory Theory.

### i. Corrective Justice Theory

Corrective justice is rooted in Aristotelian philosophy which holds that when one party wrongfully harms another, justice requires rectification of that harm through proportionate redress.<sup>24</sup> Modern legal theorists argue that corrective justice aims to restore the moral equilibrium disrupted by the wrongful act.

This theory is directly applicable to the Nigeria–Biafra conflict where large-scale atrocities,, such as bombings, starvation policies, displacement, and destruction of livelihoods, led to severe disruptions

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<sup>22</sup> African Commission on Human and Peoples’ Rights, *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa* (2003).

<sup>23</sup> P. Obi-Ani, “Post-War Reintegration and the £20 Compensation Policy,” *Journal of Modern African Studies* (2015).

<sup>24</sup> Aristotle, *Nicomachean Ethics*, Book V (trans. Ross, 1999).



in victims' lives. Corrective justice therefore requires the Nigerian State to compensate victims through restitution, rehabilitation, and monetary compensation, mirroring the principle articulated by the Permanent Court of International Justice in the *Factory at Chorzów* case that reparation must “wipe out all the consequences of the illegal act”.<sup>25</sup>

Thus, corrective justice provides the foundational justification for the obligation of Nigeria to materially and symbolically repair the harms suffered during the conflict.

## ii. Restorative Justice Theory

Restorative justice focuses on repairing relationships, restoring dignity, acknowledging harms, and promoting healing within communities affected by injustice. Rather than centering punishment alone, it emphasizes truth-telling, acknowledgement, apology, and community restoration.

Applied to the Nigeria–Biafra conflict:

- a. Many victims continue to live with psychological trauma, loss of family members, stigma, and socio-economic marginalization.
- b. Restorative justice advocates for memorialization, public apologies, psychosocial support, community rebuilding, and dialogue mechanisms as forms of non-material reparation.

This theory aligns with international restorative models employed in post-conflict settings such as South Africa’s Truth and Reconciliation Commission, where acknowledgement and truth-telling were central to reparation.<sup>26</sup> It underscores that healing for victims of the Nigeria–Biafra conflict requires more than money; it demands moral and communal redress.

## iii. Transitional Justice Theory

Transitional justice provides a holistic framework for addressing mass atrocities in societies emerging from conflict and authoritarianism. It emphasizes four central pillars: truth, justice, reparations, and institutional reform.<sup>27</sup>

Its relevance to the Nigeria–Biafra context is profound:

- a. Nigeria’s post-war “No Victor, No Vanquished” policy did not involve truth-seeking, accountability, or meaningful reparation mechanisms.

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<sup>25</sup> *Factory at Chorzów (Germany v. Poland)*, PCIJ Series A, No. 17 (1928).

<sup>26</sup> D. Tutu, *No Future Without Forgiveness* (1999).

<sup>27</sup> R. Teitel, *Transitional Justice* (2000), 69–75.



- b. Transitional justice theory insists that reparation should be integrated with truth-telling, institutional reforms, and acknowledgment of wrongdoing to ensure non-recurrence.
- c. It supports establishing a national truth commission or structured reparations program specifically addressing wartime abuses, similar to models adopted in Rwanda, Sierra Leone, and Colombia.<sup>28</sup>

This theory therefore positions reparation not merely as compensation but as a critical component of national reconciliation and post-conflict justice.

#### **d. Human Rights Theory of State Responsibility**

Under international human rights law, states have obligations to respect, protect, and fulfil rights. When a state violates these obligations, through acts of commission or omission, it incurs responsibility to provide remedies, including reparation.<sup>29</sup>

During the Nigeria–Biafra conflict, many violations such as starvation, displacement, unlawful killing, and destruction of property were directly connected to state actions or policies. International law affirms that the State has a continuing duty to provide redress regardless of the time elapsed, as long as victims continue to suffer the consequences.<sup>30</sup>

This theory is anchored in instruments such as the UN Basic Principles on the Right to a Remedy and Reparation (2005) which affirm that victims of gross violations have an enforceable right to effective reparation.<sup>31</sup> It provides the legal foundation for the argument that Nigeria remains obligated to address historical violations committed against the people of the Southeast Nigeria.

## **4. INSTITUTIONAL FRAMEWORK**

The institutional framework outlines the structural, legal, and operational mechanisms through which reparations for victims of the Nigeria–Biafra armed conflict can be conceptualized and implemented. It considers national, regional, and international institutions, as well as community-based organizations, highlighting their roles, powers, limitations, and potential for coordination.

### **a. Federal Government of Nigeria**

The Federal Government holds the primary responsibility for the administration of reparations, as it is the central duty-bearer under international humanitarian law (IHL) and human rights law. The

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<sup>28</sup> ICTJ, *What is Transitional Justice?* (2009).

<sup>29</sup> UN Human Rights Committee, *General Comment No. 31* (2004).

<sup>30</sup> D. Shelton, *Remedies in International Human Rights Law* (2015).

<sup>31</sup> UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation*, UN Doc A/RES/60/147 (2005).



government is responsible for establishing mechanisms, allocating resources, and ensuring enforcement of reparations policies.

- i. Historically, post-war policies such as “No Victor, No Vanquished” and the £20 compensation policy demonstrated a centralised approach, but they failed to provide structured, sustainable repairment mechanisms.
- ii. Key agencies that can facilitate reparations include the Federal Ministry of Justice, **the** Office of the Attorney-General, and the Budget and National Planning authorities, which can ensure statutory recognition, funding, and oversight of reparations programs.
- iii. The Federal Government also has the power to establish specialized bodies, commissions, or programs to implement repairment measures nationwide.

#### **b. National Human Rights Commission (NHRC)**

The NHRC, established under the National Human Rights Commission Act (2004, Cap N46, LFN), is mandated to promote and protect human rights, investigate violations, and recommend remedies.

- i. It is legally empowered to investigate historical human rights violations and advise the government on compensation and reparative measures.
- ii. Although the NHRC has actively addressed contemporary human rights abuses, it has not developed a formal mechanism for civil war-era reparations, highlighting a significant institutional gap.
- iii. Strengthening NHRC’s capacity and statutory mandate would enable it to document victims, assess claims, and monitor reparations programs, serving as a key institutional actor in the reparations process.

#### **c. Judicial Institutions**

Nigeria’s judiciary, particularly the Federal and State High Courts, the Court of Appeal, and the Supreme Court, play a critical role in enforcing victims’ legal rights.

- i. Courts can adjudicate claims for property restitution, monetary compensation, and recognition of human rights violations.
- ii. However, victims’ access to justice has historically been constrained by statutory limitations, doctrines of state immunity, procedural complexities, and political interference, limiting the judiciary’s effectiveness in delivering reparations.
- iii. Despite these limitations, courts remain crucial for legitimizing claims and providing enforceable remedies, particularly if administrative mechanisms fail.



#### **d. Truth and Reconciliation/Investigative Commissions**

Transitional justice mechanisms, including truth commissions, serve as central institutions for addressing historical human rights violations.

- i. The Human Rights Violations Investigation Commission (Oputa Panel, 1999–2002) was Nigeria’s primary attempt to investigate historical violations, including civil war abuses.
- ii. The Panel was tasked with investigating abuses, recommending reparations, and facilitating reconciliation, but political non-implementation of recommendations undermined its impact.
- iii. Establishing a permanent or ad hoc Truth and Reparations Commission could provide a centralized institution to identify victims, evaluate claims, and supervise the distribution of reparations while ensuring transparency, accountability, and national reconciliation.

#### **e. International and Regional Institutions**

Nigeria’s institutional framework is supported and guided by international norms and regional mechanisms:

- i. **United Nations:** The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005) provides standards for reparations to victims of gross human rights violations.
- ii. **International Committee of the Red Cross (ICRC):** Offers humanitarian expertise, documentation of violations, and advice on compliance with IHL during conflict.
- iii. **African Commission on Human and Peoples’ Rights (ACHPR):** Provides regional guidance, including reparative frameworks, monitoring, and judicial enforcement through the African Court on Human and Peoples’ Rights.

These institutions provide normative legitimacy, technical expertise, and comparative models for the design and implementation of reparations.

#### **f. Community-Based and Civil Society Institutions**

Civil society organizations (CSOs), NGOs, and community-based groups play an essential role in advocacy, documentation, and delivery of reparations at the grassroots level.

- i. Examples include war veterans’ associations, women’s groups, humanitarian NGOs, and local leadership structures, which document victims’ claims, provide psychosocial support, and liaise with governmental institutions.
- ii. They enhance social legitimacy, ensure cultural sensitivity, and facilitate inclusive, participatory processes for reparations delivery.



- iii. Community-based institutions also act as a check on state mechanisms, advocating for transparency and accountability in reparations programs.

## 5. LITERATURE REVIEW

The literature on reparations for victims of the Nigeria–Biafra armed conflict spans several fields, including historical studies, international law, transitional justice, human rights, and socio-economic development. This review critically evaluates existing research, identifies gaps, and situates the study within scholarly discourse.

### a. Historical Perspectives on the Nigeria–Biafra Conflict

Scholarly literature consistently documents the devastating human and material consequences of the civil war (1967–1970). John de St. Jorre notes that the conflict resulted in between 500,000 and over one million deaths, largely from starvation and disease.<sup>32</sup> Chinua Achebe provides a personal historical account, emphasizing the systematic displacement, property destruction, and social disintegration in the former Eastern Region of Nigeria.<sup>33</sup> Scholars such as Siollun argue that post-war policies, including the “No Victor, No Vanquished” doctrine and the flat £20 compensation, failed to address historical grievances or rehabilitate victims effectively.<sup>34</sup>

These studies underscore the scale and scope of harms but also highlight a persistent gap in systematic redress mechanisms for victims, which remains largely unexamined in Nigerian historiography.

### b. International Legal and Human Rights Literature

International law provides the framework for understanding states’ obligations to provide reparations. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005) identify restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition as fundamental components of reparations. Shelton emphasizes that these obligations are continuous and binding, even decades after the violations, if the victims remain affected.<sup>35</sup>

Regional instruments, including the African Charter on Human and Peoples’ Rights, reinforce the state’s duty to redress historical injustices, offering a framework for continental guidance.<sup>36</sup> Scholars

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<sup>32</sup> John de St. Jorre, *The Nigerian Civil War*, Hodder & Stoughton, 1972, 450–455.

<sup>33</sup> Chinua Achebe, *There Was a Country: A Personal History of Biafra*, Penguin, 2012, 233–238.

<sup>34</sup> Max Siollun, *The Nigerian Civil War: History and Memory* (2021) 120–125.

<sup>35</sup> UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation*, UN Doc A/RES/60/147 (2005); Dinah Shelton, *Remedies in International Human Rights Law*, 3rd edn, OUP, 2015, 215.

<sup>36</sup> African Charter on Human and Peoples’ Rights (1981), Art. 1–4.



like De Greiff argue that reparations are not merely material but also symbolic, encompassing acknowledgment, memorialization, and restoration of dignity.<sup>37</sup>

This body of literature establishes the normative and legal rationale for reparations in Nigeria, indicating that failure to provide redress constitutes both a domestic and international law deficit.

### c. Transitional Justice and Reparation Studies

Transitional justice literature explores how post-conflict societies address legacies of mass violence. Teitel notes that transitional justice frameworks integrate truth-seeking, accountability, reparations, and institutional reforms, emphasizing that reparations are essential for reconciliation and non-recurrence.<sup>38</sup> Hayner's comparative work on truth commissions underscores that without a structured reparations program, victims' experiences remain unacknowledged, perpetuating social fractures and historical grievances.<sup>39</sup>

The Oputa Panel (Human Rights Violations Investigation Commission, 1999–2002) is frequently cited in Nigerian scholarship as a missed opportunity for comprehensive reparations.<sup>40</sup> Amnesty International critiques the failure to implement the Panel's recommendations, demonstrating the challenges of political will, institutional weakness, and bureaucratic inertia in post-conflict reparations programs.<sup>41</sup>

### d. Socio-Economic and Community-Based Perspectives

Several scholars focus on the long-term socio-economic impacts of the Nigeria–Biafra war. Ibeanu and Onuoha note that loss of farmland, property, and livelihood entrenched regional inequalities in the former Biafran states, creating persistent economic marginalization.<sup>42</sup> Obi-Ani observes that the inadequate £20 compensation did not address the material deprivation experienced by survivors, reinforcing structural disadvantage and intergenerational poverty.<sup>43</sup>

Community-based studies highlight the role of local civil society organizations and veterans' associations in advocating for victims' rights, documenting claims, and providing psychosocial

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<sup>37</sup> Pablo de Greiff, "The Role of Reparation Programs in Transitional Justice," in Pablo de Greiff (ed), *The Handbook of Reparations*, OUP 2006, 13–41.

<sup>38</sup> Ruti Teitel, *Transitional Justice* (OUP 2000) 69–75.

<sup>39</sup> Priscilla Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd edn, Routledge, 2011, 157–203.

<sup>40</sup> Human Rights Violations Investigation Commission (Oputa Panel), *Final Report* (2002).

<sup>41</sup> Amnesty International, "Nigeria: Government Fails to Implement Oputa Panel Recommendations" (AFR 44/014/2004).

<sup>42</sup> Okechukwu Ibeanu and Luckson Onuoha, "The Biafra War and Post-War Reconstruction," in Egodi Uchendu (ed), *New Perspectives on the Nigeria–Biafra War* (Lexington Books 2020) 125–150.

<sup>43</sup> Obi-Ani, P., "Post-War Reintegration and the £20 Compensation Policy," *Journal of Modern African Studies* (2015) 53(1) 101–122.



support. Hayner emphasizes that community participation is critical for legitimizing reparations and ensuring cultural relevance.<sup>44</sup>

## 6. UN BASIC PRINCIPLES AND GUIDELINES ON THE RIGHT TO A REMEDY AND REPARATION AND THE NIGERIA–BIAFRA CONFLICT

The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation (hereafter *UN Principles*, 2005) provide the internationally recognized framework for ensuring that victims of gross violations of human rights and serious breaches of international humanitarian law obtain effective remedies and reparations. The Principles outline five core forms of reparation: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. These provisions are considered legally persuasive and morally binding in guiding states to address historical violations, even in post-conflict or transitional societies.

### a. Relevance of the UN Principles to the Nigeria–Biafra Conflict

The Nigeria–Biafra war (1967–1970) resulted in massive violations of humanitarian law, including deliberate starvation of civilians, indiscriminate bombing, displacement, and destruction of property. Victims endured long-term socio-economic deprivation, psychological trauma, and loss of life and property. The UN Principles provide a normative benchmark for evaluating Nigeria’s post-war response, including the limited measures such as the £20 compensation and the “No Victor, No Vanquished” policy.

#### Under the Principles:

- i. **Restitution:** Victims are entitled to the restoration of property, livelihoods, and legal rights. In the Nigerian context, large-scale displacement and property destruction mean that restitution would involve returning land, homes, and businesses where possible, or equivalent alternatives.<sup>45</sup>
- ii. **Compensation:** The Principles advocate for financial redress proportional to the harm suffered, including physical, psychological, and economic damage. Nigeria’s post-war £20 payments were clearly symbolic and inadequate, failing to meet the standard of comprehensive compensation envisaged by the UN Principles.<sup>46</sup>
- iii. **Rehabilitation:** Victims are entitled to medical and psychological care, legal assistance, and social services. Historical accounts indicate that survivors of the civil war received little to no **psychosocial support**, leaving long-term trauma unaddressed.

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<sup>44</sup> Ibid. 200-203.

<sup>45</sup> John de St. Jorre, *The Nigerian Civil War* (Hodder & Stoughton 1972) 450–455; see also, Chinua Achebe, *There Was a Country: A Personal History of Biafra* (supra) 233–238.

<sup>46</sup> Obi-Ani, P., “Post-War Reintegration and the £20 Compensation Policy,” *Journal of Modern African Studies* (2015) 53(1) 101–122.



- iv. **Satisfaction:** This includes truth-seeking, public acknowledgment, apologies, and memorialization. Nigeria’s historical silence on the civil war and the absence of meaningful recognition for victims represents a failure to provide satisfaction as defined by the UN Principles.<sup>47</sup>
- v. **Guarantees of Non-Repitition:** The state is obligated to reform institutions, adopt preventive measures, and ensure that such violations do not recur. While the post-war policy promoted national unity, it lacked institutional reforms or mechanisms to prevent future human rights violations, indicating incomplete adherence to the Principles.

## 7. INSTITUTIONAL IMPLICATIONS FOR NIGERIA

The UN Principles emphasize the need for effective institutional frameworks to administer reparations. In Nigeria:

- i. The National Human Rights Commission (NHRC) and the judiciary are legally empowered to investigate violations and provide remedies, but they have not historically addressed civil war-era claims.<sup>48</sup>
- ii. The Oputa Panel (1999–2002) represents a historical attempt to operationalize UN Principles, recommending reparations and acknowledgment for victims of human rights violations, including those from the civil war. However, political inertia and limited follow-up prevented implementation, highlighting the gap between normative standards and practical application.
- iii. Effective application of the UN Principles would require coordination between national institutions, civil society organizations, and international actors to ensure that reparations are inclusive, transparent, and victim-centred.

Applying the UN Principles to the Nigeria–Biafra conflict reveals systemic deficiencies:

- i. **Material Inadequacy:** Restitution and compensation measures were minimal and symbolic.
- ii. **Neglect of Non-Material Measures:** Satisfaction and guarantees of non-repetition were largely ignored.
- iii. **Institutional Weakness:** Mechanisms for identifying victims, adjudicating claims, and delivering reparations were absent or underdeveloped.
- iv. **Temporal Gap:** More than five decades after the conflict, many victims remain without redress, underscoring the need for urgent alignment with the UN normative framework.

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<sup>47</sup> Amnesty International, “Nigeria: Government Fails to Implement Oputa Panel Recommendations” (AFR 44/014/2004).

<sup>48</sup> National Human Rights Commission Act, Cap N46, Laws of the Federation of Nigeria 2004; Human Rights Violations Investigation Commission (Oputa Panel), *Final Report* (2002).



Thus, the UN Principles provide both a benchmark and a roadmap for designing a comprehensive reparations program for Nigeria–Biafra war victims. The UN Basic Principles on the Right to a Remedy and Reparation are directly relevant to the Nigeria–Biafra conflict, providing guidance for normative, legal, and institutional approaches to reparations. Nigeria’s post-war measures, though intended to promote national reconciliation, fall short of these standards, particularly in addressing material, psychological, and symbolic harms. Operationalizing these Principles would require institutional strengthening, historical acknowledgment, community engagement, and policy reform, forming a robust foundation for comprehensive, victim-centred reparations.

## 8. STATE’S PRIMARY OBLIGATION TO ADDRESS GROSS VIOLATIONS

### a. Conceptual Foundation of State Obligation

States bear the primary responsibility to prevent, investigate, prosecute, and provide redress for gross human rights violations and violations of international humanitarian law (IHL) committed within their territories or under their jurisdiction. This principle is codified in multiple international instruments:

- i. **International Covenant on Civil and Political Rights (ICCPR) – Article 2(3)** obliges states to ensure that effective remedies are available to victims of human rights violations.
- ii. **Convention Against Torture (CAT) – Article 2 & 12** requires states to investigate allegations of torture and ensure accountability, regardless of when the violations occurred.
- iii. **Customary International Law** recognizes that there is no statute of limitations for crimes such as genocide, war crimes, and crimes against humanity.

Gross violations, including mass killings, forced displacement, and starvation tactics (as observed during the Biafra conflict), fall within this category. Therefore, Nigeria’s failure to address these violations historically does not absolve it of responsibility.

### b. Obligations Under International Humanitarian Law (IHL)

During armed conflicts, the **Geneva Conventions of 1949** and their Additional Protocols codify the protection of civilians and the obligation of states to punish violations:

- i. **Article 146 of the Fourth Geneva Convention** mandates states to search for and prosecute individuals suspected of grave breaches.
- ii. **Customary IHL rules** emphasize that responsibility for war crimes persists even decades after their commission.



In the Nigeria-Biafra war, violations such as mass civilian deaths through blockade-induced famine and extrajudicial killings constitute potential war crimes under IHL. The Nigerian state has a continuing duty to investigate, prosecute, and provide reparations, despite the conflict ending over 50 years ago.

### c. Principle of Non-Statutory Limitation for Serious Violations

International law establishes that serious violations of human rights and humanitarian law are imprescriptible, meaning they are not subject to temporal limitations:

- i. **Genocide:** Convention on the Prevention and Punishment of the Crime of Genocide, 1948, Article 6
- ii. **Crimes Against Humanity:** Rome Statute of the ICC, 1998, Article 7
- iii. **War Crimes:** Rome Statute, Article 8

These principles imply that Nigeria retains the obligation to provide accountability mechanisms and reparations for Biafra-era crimes, irrespective of the time elapsed.

### d. Domestic Legal Obligations

Nigeria's domestic legal framework also supports accountability:

- i. **The 1999 Constitution** provides the right to life (Section 33), right to dignity of the human person (Section 34), and access to justice (Section 46).
- ii. **The Nigerian Criminal Code and Penal Code** criminalize murder, manslaughter, and other atrocities.
- iii. **Judicial Precedents** such as *Ogugu v. Federal Republic of Nigeria*,<sup>49</sup> emphasize that states cannot escape liability for gross violations under domestic law even decades later.

While practical enforcement has been limited, there is a legal basis for pursuing accountability, reparations, and recognition of victims' rights.

### e. International Human Rights Mechanisms

Nigeria's obligations are reinforced by membership in regional and international human rights systems:

- i. **African Charter on Human and Peoples' Rights (ACHPR)** obliges states to protect the right to life and dignity and to provide remedies for violations (Articles 4–7).

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<sup>49</sup> (2005) 12 NWLR (Pt. 941) 67.



- ii. Victims of the Biafra conflict could theoretically seek recognition or reparations through the **African Commission on Human and Peoples’ Rights**, as states must investigate and redress even historical atrocities.

#### **f. Policy and Moral Imperatives**

Beyond legal duties, states have a moral and policy responsibility to:

- i. Investigate historical atrocities to foster national reconciliation.
- ii. Provide reparations (monetary, symbolic, or social) to victims and descendants.
- iii. Preserve historical records to prevent recurrence of gross violations.

Failing to act perpetuates impunity and undermines the rule of law. Scholars emphasize that addressing past violations, even decades later, is integral to transitional justice and nation-building.<sup>50</sup> The Nigerian state has a continuing and primary obligation to address gross violations committed during the Nigeria-Biafra conflict, regardless of the time elapsed. This responsibility derives from:

1. International human rights law (ICCPR, CAT).
2. International humanitarian law (Geneva Conventions, customary law).
3. Domestic legal provisions (Constitution, criminal law).
4. Regional obligations (African Charter).
5. Moral and political imperatives for reconciliation and justice.

Failure to fulfill this duty leaves Nigeria in breach of both international and domestic law and denies victims the justice and reparations they are entitled to.

### **9. CONCLUSION**

The Nigeria-Biafra conflict remains one of the most profound human tragedies in the nation’s history, characterized by widespread gross violations of human rights and humanitarian law, including mass starvation, extrajudicial killings, forced displacement, and attacks on humanitarian aid. Despite the passage of over five decades, the Nigerian state continues to bear the primary legal and moral responsibility to address these atrocities.

International law, including the Geneva Conventions, ICCPR, and customary international law, affirms that serious violations such as war crimes, crimes against humanity, and acts of genocide are

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<sup>50</sup> Mamdani, M., *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton University Press, 1996, 214.



imprescriptible. Consequently, the passage of time does not relieve Nigeria of its obligations to investigate, prosecute, and provide redress to victims and their descendants. Domestically, constitutional protections, criminal law provisions, and human rights mechanisms provide further grounding for accountability and reparative justice.

However, the findings indicate a historical failure of institutional mechanisms to adequately respond to these violations. Survivors have largely been deprived of recognition, reparations, and psychosocial support, creating a legacy of grievance, social mistrust, and intergenerational trauma. Addressing these violations through a comprehensive transitional justice framework, encompassing truth-telling, reparations, memorialization, and selective prosecutions, emerges as both a legal and moral imperative.

In conclusion, Nigeria's enduring obligation to address the atrocities of the Biafra conflict is not only a matter of legal compliance with international and domestic norms but also a necessary step toward national reconciliation, healing, and the strengthening of the rule of law. Ignoring this responsibility risks perpetuating impunity and undermining the social cohesion and legitimacy of state institutions. The path to justice, acknowledgment, and reparations remains indispensable for the nation's historical and moral accountability.

## 10.RECOMMENDATIONS:

Pursuant to the foregoing evaluations, this work recommends as follows:

### a. Establish a National Truth and Reconciliation Commission

**Purpose:** To investigate and document the atrocities committed during the Nigeria-Biafra conflict, provide a platform for victims' voices, and promote national reconciliation.

#### **Action Steps:**

- i. Mandate the Commission to collect testimonies from survivors, witnesses, and communities affected by the conflict.
- ii. Ensure the Commission is independent, well-resourced, and empowered to make recommendations for accountability and reparations.
- iii. Collaborate with international experts and human rights organizations for technical support and comparative lessons.

**Expected Outcome:** Official historical record of violations, acknowledgment of victims' suffering, and identification of perpetrators for potential legal accountability.



#### **b. Implement Comprehensive Reparations Programs**

**Purpose:** To redress material, social, and symbolic harm suffered by victims and their descendants.

**Action Steps:**

- i. Financial compensation for families of victims, displaced persons, and survivors of starvation, killings, or property destruction.
- ii. Provision of healthcare, psychological counseling, education, and social welfare programs for affected communities.
- iii. Symbolic reparations, including public apologies, monuments, and memorialization projects in affected areas.

**Expected Outcome:** Restoration of dignity for victims, mitigation of intergenerational trauma, and promotion of social cohesion.

#### **c. Strengthen Judicial and Investigative Mechanisms**

**Purpose:** To ensure accountability for perpetrators of war crimes, crimes against humanity, and other gross violations.

**Action Steps:**

- i. Empower the Federal Ministry of Justice and the judiciary to investigate historical atrocities, in coordination with NHRC and relevant law enforcement agencies.
- ii. Where feasible, conduct selective prosecutions against surviving perpetrators of serious violations.
- iii. Develop legal frameworks to address challenges of evidence and time lapse, drawing on precedents from other post-conflict jurisdictions.

**Expected Outcome:** Reinforcement of the rule of law and deterrence against future impunity.

#### **d. Establish a National Reparations and Victim Support Fund**

**Purpose:** To institutionalize reparative justice for Biafra-era victims and ensure the sustainability of support programs.

**Action Steps:**

- i. Allocate a dedicated budget within the federal government for compensation, social services, and memorial projects.



- ii. Create transparent management structures with oversight from independent civil society representatives.
- iii. Monitor and evaluate the effectiveness of programs regularly to ensure equitable distribution and impact.

**Expected Outcome:** Long-term financial and social support for victims, and increased public trust in state accountability.

**e. Promote Psychosocial Support and Community Healing**

**Purpose:** To address long-term trauma and restore community resilience.

**Action Steps:**

- i. Provide mental health services, counselling, and community rehabilitation programs in regions heavily affected by the conflict.
- ii. Engage civil society, religious institutions, and local leaders in designing culturally sensitive support mechanisms.
- iii. Facilitate reconciliation workshops to rebuild trust among divided communities.

**Expected Outcome:** Healing of social divisions, reduced intergenerational trauma, and stronger communal bonds.

A comprehensive transitional justice framework combining truth-telling, reparations, judicial accountability, and psychosocial support is essential. Implementing these recommendations will enable Nigeria to fulfill its legal and moral obligations, restore dignity to victims, promote national reconciliation, and reinforce the rule of law.