



The Africa Rule and the Current Perception of Post-Independence Secession in Africa

Frederick Odira Igwenyere^{1*}

¹Eastern Mediterranean University, Famagusta, Cyprus

*Corresponding author: Frederick Odira Igwenyere
Eastern Mediterranean University, Famagusta, Cyprus

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Abstract:

The idea of post-independence secession has been a phenomenon confronting the international community. In Africa, there have been many failed attempts by scores of groups to secede from their prevailing states. However, these attempts could be seen as taboo, judging by the manner in which African states have employed the instrument of coercion to suppress the struggles for independence. There is a consensus of some sort among African states that state frontiers must never be redrawn, even those that were drawn by colonialists. The study discovers that African states are not in tune with the current state practice, where post-independence secessions have been permitted across the world, notwithstanding the doctrine of territorial integrity. Therefore, there is a need for a paradigm shift since the concept of sovereignty has evolved, and sovereignty is now seen as divisible, negotiated, and shared. In other words, the relationship between sovereignty and self-determination has, in our contemporary international system become much more complex.

Keywords: Biafra, Secession, Africa, Self-determination, Sovereignty.

Original Research

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1. INTRODUCTION

Secession is an external dimension of self-determination that arose from the notion that people should exercise control with regard to their political, cultural, economic and social destinies. Incidentally, this initially arose in the context of decolonisation (Nahlawi, 2014). Although, this right can be exercised outside the colonial boundaries as a special, remedial right (Seymour, 2007). There have been arguments against post-independence secession in our contemporary international system. However, what cannot be denied is the existence of many pro-independence movements across the world (Idowu, 2008). Africa is not alien to this political reality. In Angola, there is the Lunda-Tchokwe Independence Movement (Troy, 2020). In Cameroon, there is the Movement for the Independence of Ambazonia, spearheaded by the Ambazonia Governing Council (Official Website of the Government of the Federal Republic of Ambazonia, 2026). There is the

Tigray Independence Party in Ethiopia, which advocates for the total independence of the Tigray people formed in 2020 (Desta, 2020). In Mali, there are the Azawad and Tuareg Movements for Independence (BBC News, 2012). Biafra attempted to assert its right of independence in 1967 but the attempt was unsuccessful, as it was defeated in a war of independence by Nigeria (Douglas, 1971).

Recently, a new movement for independence of Biafra, the Indigenous People of Biafra was established once again to take the Igbo, the Izon, the Efik and other ethnic groups in Biafra out of the territory of Nigeria (Simon, 2017). Somaliland, a defacto state has tried unsuccessfully to fully assert its right of independence from Somalia (James, 2012). There are several other self-determination movements across Africa but those mentioned above were selected on purpose. The prevailing states in which these groups emerged from are all multicultural and multi-

ethnic states except Somalia; the use of violence to quell descents is involved in all the cases; and the states involved, except Ethiopia were all former colonial states. One may argue that given the manner African states view post-independence secession, the concept is an anathema on the continent, which must be crushed at all times. In 1968, following the declaration of independence by Biafra in 1967, the then Organization for African Unity (OAU) vehemently condemned this declaration and thereby supported the territorial integrity of Nigeria. It argued that, "to do otherwise would set a dangerous precedent for political unity of all African states" (Wilson, 1988, p. 87). This, one may observe set the tone for OAU's stance on future secessionist claims across the continent ranging from Ethiopia to Sudan; Angola to Somalia and among others. However, the pertinent questions remain thus: Why haven't African states softened their stance given the contemporary notion of sovereignty, where sovereignty can now be negotiated and divisible? (Loughlin, 2003). Why are African states focused on only one form of nationalism (state nationalism) without looking at the other equally important variant (ethnic nationalism)? Focusing on these varied forms of nationalism, would expose African states to the merits or otherwise of the rival claims. These and many more this study will attempt to asses in the context of the prevailing state practice.

2. Conceptual Issues

There is the need to explain the Africa Rule (the Follow-suit Rule) as adopted by African states with regard to post-independence secessionist claims across the continent. This will help in appreciating the standpoint of African states whenever this issue arises. The follow suit concept simply is the belief among African countries that one secession in a particular country on the continent would affect the other states. Hence, African states, on the pretext of preventing dangerous precedent condemned Biafra's unilateral declaration of independence (Wilson, 1988, p. 87). This factor guides

African states in the manner they treat post-independence secessionist claims on the continent. The concept does not take into cognisance the credibility or otherwise of any secessionist claims, in so far as they are being claimed outside the colonial boundaries. The concept is rigid, in the sense that it does not recognise the fact that international law, or any rule for that matter isn't static. How post-independence secession was conceived previously is changing dramatically, as the international system is also evolving. There is merit in upholding the rule, but there is also the need to recognise the fact that there are circumstances that may warrant giving in to exceptional cases of post-independence secessionist claims. The international community under the auspices of the UN recognised Bangladesh's claim to sovereignty, even though the claim was outside the colonial context. It was argued that Bangladesh's quest for recognition became possible because of the massive and systematic abuse it suffered at the hands of Pakistan. However, it was argued that these circumstances made possible what ordinarily would not have been possible under international law (Kiwanuka, 1988). Simply put, the international community has not changed its stance on post-independence secession. Nonetheless, it will not shy away from intervening in exceptional cases. This is also demonstrated in the case of Kosovo, when the United States and its frontline Western allies jettisoned their age-long view on post-independence secession and recognised the right of Kosovo to have its own country (Orakhelashvili, 2008).

It is commendable that African states have since put the mechanism of the Africa Rule in place to protect their territorial integrity, which would in turn save them from instability and chaos. However, their rigidity in upholding this rule is not in line with the current state practice. Its absolute observance may somehow, have been imperative as of the time when Biafra attempted to secede from Nigeria in 1967. At least, there was the need to protect newly emerged states from further disintegrating. But not now when sovereignty

can be shared, negotiated, and divisible (Keating, 2001).

It is important to look into the then Biafran leader, Chukwuemeka Odumegwu Ojukwu's argument that, 'a country never disintegrated as a result of the fact that another did...that one so-called secession does not essentially lead to another' (Ojukwu, 1969, p. 190). Ojukwu's argument suggests that what is likely to lead to the fabrication of many states on the continent, is not according recognitions to deserving cases. Rather, the failure to take care of the underlying factors, causing calls for independence will lead to the eventual balkanisation of African states. This essential argument has been conspicuously absent in the current view of post-independence secession among African states. If they had considered this perspective, they would have realised that the ubiquitous secessionist claims across the continent, causing instability and chaos, which the Africa Rule is meant to curtail in the first place, could have been eradicated or minimised. So, the fear that a successful post-independence secession on the continent will cause a domino effect is unnecessary. Thus, the blanket prohibition of post-independence secession by African states may have stifled quests for secessionist claims across the continent, as only a couple of groups have achieved post-independence secession in Africa. Nevertheless, African states have neglected to protect the rights of oppressed minorities, in helping them to exercise their rights to remedial secession. This is curious to say the least, because despite the UN's hard stance on post-independence secession (Shaw, 2017) it has assisted certain oppressed groups in exercising their right of remedial secession (Seymour, 2007). The Africa Rule is in consonant with the international rule of *uti possidetis*. However, it contradicts the current state practice, where notwithstanding the international community's hard stance on post-independence secession, pragmatism has made the international community dynamic in handling cases of this nature.

3. Theoretical Framework

Remedial rights only theories, theorise that a group possesses a general right to secede if only it can establish that certain injustices

have been meted out to it by an existing state (Buchanan, 1997). Thus, remedial secession, which is simply an action to infringe on the territorial integrity of a sovereign state, can be justified on the mere fact that an existing state has neglected or failed to redress the injustices done to a group within its territory (Seymour, 2007). Contrast this to primary right only theories, which stipulate that a group has a general right to secede even where there are absence of previous injustices. In this instance what is required is only an expression of desire to be an independent state, backed by a positive answer to a democratic process of an independence referendum (Wellman, 1995, pp. 142-171). It is important to emphasise that it is not every violation of a group's right can yield the right of remedial secession. However, certain violations such as, where an encompassing state engages in some activities capable of threatening the collective existence of a group; where a group suffers systematic violations of its human rights; (Buchanan, 1997) and where an existing state reneged on a previous agreement can result in the exercise of this right (Heraclides, 1997, p. 505). Even where these conditions are met, it is always difficult to exercise this right, given the cardinal principle of territorial integrity and what Walter (2006a) describes as reputational theory. A state which is confronted by an imminent secession by a group within its realm might use force to compel such a group not to secede, to discourage other groups from attempting to secede. These factors one may argue compelled African states through OAU, now AU to have always maintained their stance on the territorial integrity of African states. This stance, has immensely protected the national sovereignty. However, it has failed to appreciate the fact that sovereignty is not limited to states alone but it also extends to distinct peoples within these states (Simm, 2002). With the evolution of the principle of sovereignty, African states need to be pragmatic when it comes to the issue of post-independence remedial secession.

After all, Falk (1993) admonishes that the concept which is in 'deep trouble' should be left to politicians to decide what to do with it... (pp. 851-853). Since many African states have so far adopted the various UN documents

on self-determination, they must tread carefully when they are faced with conflict between the right of self-determination and state sovereignty. After all, "many scholars have accepted the right of self-determination *as jus cogens*" (Cassese, 1995, pp. 133-140). So, doing otherwise would amount to picking and choosing an international rule which appears convenient to them. This would literally lead to the instability they are running away from in the first place. Therefore, it is preposterous to insist on maintaining the so-called territorial integrity of state, without qualifying it in line with the need to do justice. In as much as African states were right in insisting on the need to protect the territorial integrity of African states from balkanisation, holding on to this view, without exceptions is what makes it unsustainable. Even the term 'remedial' suggests a special case as many states agreed in the Kosovo case. Beyond insisting on upholding the Africa Rule, African states must insist on exhaustion of negotiations between groups seeking independence and their respective states, before making their decisions one way or the other. This would help them to ascertain the principle that would prevail. That is the principle of order (territorial integrity) or the principle of justice (self-determination). After all, both are principles of international law, competing with each other. This was the summation of arguments put in place in support of Biafra's, Katanga's and Bangladesh's unilateral secessions (Islam, 1985). In other words, though there is usually the preponderance of the principle of territorial integrity over that of self-determination. It does not necessarily mean that the principle of self-determination lack any utilitarian value in the discourse of international law or politics. It certainly can be effective, as indicated by the various interventions by the international community and the UN, in cases of post-independence secessions, where human rights abuses were present. Taking a cue from this reality, African states should continue to insist on maintaining territorial integrity of African states. Although, this should be limited to cases, where human

rights abuses are missing. Extending it to extreme cases of human rights abuses would defeat the essence of theory of remedial secession, which is equally an important element of the contemporary international law.

4. A Brief History of the Origin of Secessionist Conflicts in Africa

Following the cessation of the 2nd World War in 1945, colonial states and several groups within these states vehemently began to fight for freedom (Davidson, 1994). By 1960, several states such as Ghana, Democratic Republic of Congo, Senegal, Nigeria and scores of others gained independence from the European colonialists. However, the colonial boundaries drawn up by European colonialists, before and following the Berlin Conference of the late 19th century, and merging different peoples with different value systems into one country, would always remain sources of conflict on the continent. From Angola to Congo DRC, Nigeria to Cameroon, Mali to Somalia etc., different groups are fighting 'internal colonialism'. The former colonial masters of some of these states have in some cases openly supported the retention of colonial boundaries drawn up by them for whatever reasons. However, this is not always the case. For instance, Britain supported the secession of Southern Cameroons, which formed part of Eastern Region of Nigeria, from the existing state in 1961 (Konings and Nyamjoh, 2003). Belgium on its part supported the independence declaration of Katanga (a province of Congo DRC in the early 1960s). In 1964 the Organisation of African Unity restated its commitment to the retention of these boundaries notwithstanding that these artificial boundaries cut across ethnic groups, and were often cause of conflicts (OAU, Resolution AHG/16, 1964).

5. Declaration of Biafra and the Reactions of Organisation of African Unity

Biafra, a region in Nigeria comprising former Eastern Region of the country declared its unilateral independence, owing to some irreconcilable ethnic and political differences

in 1967 (Panther-Bricks, 1968). However, in an attempt to forcibly bring the breakaway territory back to the country, a civil war ensued which lasted over 2 years. The Organisation of African Unity now African Union condemned the unilateral secession and thereby supported the integrity of Nigeria. It argued among other things that, "to do otherwise would amount to inadvertently setting a dangerous precedent for political unity of all African states" (Wilson, 1988, p. 87). In an apparent answer to this conclusion, the then Biafra's military head of state argued that, "a country never broke up because another did...one secession does not essentially result in another" (Ojukwu, 1969, p. 190). One curious thing here is that OAU's stance was confusing or contradictory to say the least. The argument on setting a dangerous precedent if well understood, appeared to support the assertion that "once a group, people or territory is permitted to secede, others would be encouraged to agitate for freedom, and this would provide the basis for chaos and instability" (Collins, 1980, p. 148). However, it would have been better for the Organisation to argue from the standpoint of territorial integrity, which could be anchored on international law than sticking its contention on this. In other words, the argument on setting a dangerous precedent lacked any legal plank upon which it was anchored. Even the contention on setting a dangerous precedent appears not to be based on facts. Since the time when this assertion was made until now, only but a few new states have emerged from Africa. Eritrea gained its independence from Ethiopia over 2 decades ago and yet no other country has emerged from the state. This also applies to the case of Sudan, where South Sudan emerged as a country in 2011.

Having recourse to the OAU's standpoint on territorial integrity, the breakaway region of Biafra argues that...there is nothing sacrosanct about the idea of territorial integrity...to protect the territorial integrity of a state at all cost would result in absurdity. In support of this assertion, it

among other things, referred to the disintegration of the Federation of Mali, which gave birth to Mali and Senegal. The argument was summed up to the effect that the concept of territorial integrity was born out of the need to protect the territory of a member state against other states, not the state itself (Ministry of Information, Republic of Biafra, 1967-1970). If this argument is followed strictly, it simply entails that the activation of self-determination whether in its internal dimension or otherwise is an internal issue and not external.

The question is: Given the fact that both independent states and their ethnic nationalities lay claims to one form of nationalism or the other, to justify their divergent claims (Cetra and Brown Swann, 2020) is the African states' stance on secession, especially in our contemporary international system right? The answer is that it is difficult to give a yes or no answer. This is so because, the right to exercise national self-determination, concerning sovereignty and its accompanying territorial integrity, and political independence is usually problematic (Miller, 2020). Nonetheless, what cannot be denied is the fact that nationalism plays a very important role in the justification for either maintaining self-determination or demanding it. Furthermore, the identification for the group that could benefit from internal or external self-determination is hinged on it (Breuilly, 1993). The argument of the African states on maintaining the territorial integrity of African states is in accord with the international law (UN Charter, 1945, article 2). However, sticking with this principle and interpreting it strictly, without more is no longer in sync with the current state practice. It would seem this would amount to reification of territory, which I believe the contemporary functional and evolving meaning of sovereignty have come to cure. Today, unlike before, sovereignty can be negotiated and it is divisible; it is shared and it has somehow become a complex relationship that is constantly evolving and worked out (Loughlin, 2003). This explains why despite

the fact that the Canadian Supreme Court did not agree with Quebec in its absolute claim for external right of secession. The court nevertheless made a declaration that Quebec could secede with the concurrence of the other provinces of Canada (Re-Secession of Quebec, 1998). Quebec did not subsequently secede, but the fact that there is now the notion of two-nation sovereignty shared by Canada and Quebec entails that sovereignty can now be shared, even if there is no demise of a part of an existing country's territory (Keating, 2001). The Scottish idea of finite sovereignty is also relevant here (Keating, 2001). This goes to show that the stance of African states, in opposing post-independence secession based on the fact that state frontiers, national identity and political culture are natural is wrong (Cetra and Brown Swann, 2020).

At this juncture, a question may be asked thus: Where there is a conflict between ethnic nationalism and state nationalism, in matters of political independence which among the duo prevails? I would say there is always the preponderance of state sovereignty over right to self-determination. However, post-independence secession may be allowed where the right of a group is systematically denied (Crawford, 2006). Usually, the UN has been consistent in refusing to allow any attempt to violate the territorial integrity of state (Shaw, 2017). In light of this, it has often argued that secession is a right that can only be enjoyed within the confines of existing states (Shaw, 2003). Indeed, there has been systematic, albeit conscious prejudice against post-independence secession (Ker-Lindsay, 2013). This notwithstanding, the UN has not shied away to bend the rule in some circumstances (Griffith, 2014). Groups can gain the support of the international community to exercise their right of external self-determination, even without obtaining the consents of their respective prevailing states (Van des Driest, 2015). This was also the case in Kosovo's quest for political independence. Although, the United States of America and its Western allies which supported Kosovo

argued that the instance case was 'a special case' (Orakhelashvili, 2008).

African states may justify their stance on Biafra and other subsequent cases, on state nationalism, as against ethnic nationalism. However, the danger is that it may be inadvertently reinforcing revanchism as being used by Russia to claim sovereignty over lands located in Ukraine and in some of the other states in the defunct Soviet Union (Kolsto and Blakkisrud, 2018). Whenever, an issue of post-independence secession arises in Africa in particular and any other part of the world in general. It is important to look at the formation of such a state. It would be recommended that ethnic nationalism take precedence over state nationalism where such a state had passed through colonialism, and the territory seeking secession had its sovereignty taken away and handed to the existing state. This would reinforce the idea of primordial nationalism, entrenched in culture, history, ethnicity and language (Eltchaninoff, 2018). This steps away from Putin's recent argument that, 'the state possessed historical primacy at all times' (Pakhaliuk, 2021). States have historical primacy where they were formed organically, and not where different, unwillingly ethnic groups, peoples or territories were forced to be together in their existing states. There is no basis to place state nationalism above ethnic nationalism, where there is a tainted sovereignty. It is a tainted sovereignty because the international law does not recognise 'internal colonialism' as a principle of international law. The issue of protection of territorial integrity is a very important doctrine of international law. In other words, a prevailing state is prohibited from using territorial integrity to shield itself from human rights violations of a distinct group within its territory. In light of this, Cassese (1995) while making reference to the UN's Declaration on Friendly Relations 1970, contends that in view of the relevant provisions of this document, the right to self-determination should vest primarily to racial or religious groups, and not on linguistic groups, individuals, nation-states and among others. This observation, it must be

stated steps away from reifying the territory. Although, it has not in any way, neglected the importance of state sovereignty and its accompanying territorial integrity.

6. The Effect of the African Charter on Human and Peoples' Rights on Post-Independence Secession in Africa

The African Charter on Human and Peoples' Right is a very important document in Africa which introduced a regional human rights system. It also incorporated the right of self-determination (ACHPR, 1981, Article 20). All AU members, signatory to the Charter are mandated to promote and protect the provisions of the Charter (ACHPR, 1981, Article 1). Some scholars have argued that OAU now AU has by this self-determination document softened its stance on post-independence secession on the continent (Nyameke, 1985). The question remains whether this finding is true or false. However, it is important to briefly look at some relevant portions of the document, some secessionist claims on the continent since the inception of the document, and the reactions of the Organisation or African leaders on these claims. These will enable us to find out whether that assertion is truly correct or otherwise. The Charter stipulates that "all peoples possess the right to existence. They possess an indubitable as well as inalienable right to self-determination. They are clothed with the right to freely choose their political status and shall pursue their socio-economic development in line with the policy they have chosen without compulsion" (ACHPR, 1981, Article 20 (1)). This provision clearly recognises the right of self-determination. However, there is nowhere it's suggested that the right as enshrined, entitled groups or peoples in existing states to external self-determination. If the intention of the framers was to the contrary, it would have been expressly or impliedly provided. At least, the provision in its subsection 2 recognises the right of those under one form of alien domination or the other to political independence. The subsection 3 enjoins liberation movements to seek assistance to liberate themselves from colonial domination. More so, the Charter makes reference to the OAU Charter, which in article 2 expressly prohibits post-independence territorial claims on the continent (Preamble to the

ACHPR, 1981). So, the Charter has not in any material way changed the stance of African states on post-independence secession. For them, whatever positive impacts of self-determination on decolonisation, they are not extended to the post-colonial context. In fact, the clamour for independence outside the colonial context "poses a grave danger for contemporary African countries focused on the demands of nation-building" (Kamanu, 1974, p. 355). In essence, a group is precluded from exercising the right of secession, once it has been activated by a colony (Dyke, 1970). Although, it is argued that post-independence secession is possible where the majority or the minority is predisposed to committing international crime, or violates human rights as deliberate, adverse policy against the other party (Umozuruike, 1998).

Across Africa, there are presently several liberation movements fighting to be free from 'internal colonialism'. Such groups exist in Angola among the Lunda-Tchokwe people (Troy, 2020); Cameroon hosts the Ambazonia freedom fighters (Official Website of the Government of the Federal Republic of Ambazonia, 2026); the Tigray Independence Party in Ethiopia (Desta, 2020); Somaliland *de facto* Government (James, 2012) and the Indigenous People of Biafra (Simon, 2017). There are of course many others which space may not permit to be listed here. It must be emphasised that in none of these cases have the AU openly or tacitly supported their secessionist claims. During the Eritrea's liberation fight, the Organisation ignored persistent appeals for intervention from Eritrea (The African Research Bulletin, 1977, 4348c-4350d). Even after the coming of the Charter, the then Organisation of African Unity failed to intervene in the war between Ethiopia and Eritrea. The international law doctrine of *uti possidetis* and the Africa Rule have overshadowed the need for African states to look at other pragmatic ways, which are readily available in the contemporary international system, to resolve secessionist claims on the continent. This is inimical to the growth and the stability of the continent, especially now that the concept of sovereignty has been impacted by the activities of globalisation. According to Mayall (1983),

African states were scared that permitting deserving cases of secessionist claims would encourage many others on the continent. However, this fear remains unfounded as there is yet any empirical evidence that showed that one successful secessionist claim would necessarily lead to another. South Sudan gained independence from Sudan in 2011 and until now there are no visible groups in Sudan or in the country fighting for independence. Even if the fear is real, this should not be a bar to deserving cases of secessionist claims across the continent. A blanket prohibition of post-independence secession on the continent without more, will always fuel conflicts across the continent. It is pertinent to refer to a former UN Secretary General Boutros Boutros-Ghali who acknowledged the importance of state sovereignty. Yet he argued that the UN had not shut its doors to new members. He explained that the most appropriate mechanism to use to resolve rival claims of sovereignty and self-determination was via deliberate respect for human rights, as well as democratisation (Roberts and Kinsbury, 1993).

However, has AU somehow softened its stance on post-independence secession across the continent by openly supporting the independence of Western Sahara? It must be noted that AU (formerly OAU) once admitted Western Sahara's delegates into its Ministerial Council (African Research Bulletin, 1982). In matters of post-independence secessionist claims on the continent, it may not be appropriate to use the case of Western Sahara as a case study. This case is somehow complicated because the quest for Western Sahara's independence from Morocco is not a good example of a post-independence secessionist claim. The territory being claimed by Western Sahara was a Spanish colonial territory, which Morocco inherited from Spain. So, it should be treated as a claim within the colonial boundary.

7. Taking into Cognisance the Need to Qualify the Doctrine of Territorial Integrity

Territorial Integrity, no doubt, is an important doctrine of international law, which has left an indelible mark in the protection of state sovereignty, not only in Africa but across the globe. However, Africa must not shy away

from the elevation of human rights in the discourse of international law and international politics since the inception of the United Nations Declaration of Human Rights in 1948. You will agree that the concept of remedial secession was born out of the need to give justice to those whose internal right of self-determination has been systematically and massively violated (Seymour, 2007). So, it is essential to balance the order which is represented by state sovereignty and justice which is represented by self-determination (Simma, 2002). More, so this has become imperative in the contemporary international system where arguments have been advanced that self-determination (in this instance) right of remedial secession can be invoked as *jus cogens* (Cassese, 1995). Although, the question remains: Which of these two- the need to do justice or the need to maintain order would win when there is a conflict between them? The best answer that can be proffered is that there is always a preponderance of territorial integrity over the essentiality to grant the right of remedial secession. Nonetheless, the moral scale would always tilt towards the grant of the right of remedial secession. As stated earlier, African states have always maintained that whatever the advantages of self-determination may have been for decolonisation, it does not extend outside the colonial boundaries. This they made clear in the secession of Biafra by stating unequivocally that "allowing Biafra to secede would set a dangerous precedent" (Wilson, 1988, p. 87). To underscore the disdain with which the continent treats post-independence secession, African leaders have once described it as, "representing a dangerous anachronism" (Kamanu, 1974, p. 355). During the war of independence by Biafra, a former President of Tanzania who recognised Biafra's independence confessed that the secession of now defunct Biafra Republic was a blow for African unity (Nyerere, 1968). This notwithstanding, during the OAU Annual Summit in 1969, President Nyerere who had hitherto put forward the 1964 OAU Resolution which bound African states to recognise the subsisting boundaries at independence, urged his fellow leaders to permit Biafra's unilateral secession from Nigeria. He argued that the existing colonial boundaries were accepted for pragmatic reasons. In other words, they were

recognised to alleviate potential conflicts and to promote inter-state cooperation. He saw Biafra's case as an exception to the general rule of territorial integrity and respect to state sovereignty as enshrined in the (OAU Charter 1963, Article 2). From the point of view of remedial secession he argued that, "the right of governments to rule depended on their capacity to serve the entire population. "When a government failed to guarantee the lives of all its citizens, and where a distinct group is threatened by genocide, such a government has lost its legitimacy" (Kirk-Green, 1971, pp. 429-439). Despite Nyerere's conscious effort to persuade other African states to reconsider their stance on post-independence secession, only 4 African states recognised Biafra's independence. Until now, African states are yet to change their stance. They also demonstrated their unflinching support and respect to the doctrine of *uti possidetis* by ignoring Somalia's claim over Ogaden, North Eastern Province of Kenya and among others (Mayall, 1983). Conversely, they have often shown their readiness to support groups seeking independence within the colonial boundaries. This was evidenced in the massive support scores of OAU member states offered to Western Sahara, despite Morocco's protestations (African Research Bulletin, 1982). At least there are 2 main factors that can be distilled from the attitude of African states towards post-independence secession. Firstly, one successful case of post-independence secession is capable of leading to others. Secondly, secession outside the colonial boundaries is inimical to the ideal of African unity, which tends to unite all Africans (Nyameke, 1985). It may be argued that the first point raised here is antithetical to empiricism. They have failed to provide any credible evidence to show the basis of this assertion. On the second point, it is unclear how the creation of a new state would destroy African unity. On the contrary, evidence has shown that the creation of new states could be a panacea for regional peace. The demise of Yugoslavia has not destroyed the unity of Europe. Rather, it has immensely cemented regional unity, peace and stability on the continent. The pragmatic approach in resolving secessionist claims, especially in Europe has often resulted in peaceful separations. When Lithuania, Estonia, Latvia and others declared their unilateral

independence, their declarations were not rejected. Rather they were advised to obtain the consent of the existing state (Glenny, 1992). However, in Africa, post-independence secessionist claims are treated as if they were a taboo. Africa needs to rethink its stance on post-independence secession and align itself with the current state practice, where certain, deserving post-independence secessionist claims have been permitted across the world. Suffice it to mention the cases of Ukraine, Slovenia, Croatia, Northern Macedonia, Montenegro and so many others. However, South Sudan and Eritrea are two African countries that successfully seceded in recent times. There are equally other deserving cases that are neglected, such as those mentioned earlier.

8. CONCLUSION

Nothing has generated so much fuse in the international system, beginning from the late 20th century, following the collapse of the Soviet Union until now than post-independence secession. However, in the 20th century, Katanga and Biafra questioned the artificial boundaries drawn up by European colonialists and attempted to secede. These attempts respectively led to civil wars and although, Congo DRC and Nigeria compelled them back to their territories, the aftermaths of the wars were devastating. The attitude of African states and OAU towards these secessionist claims set the tone for other subsequent attempts aimed at secession. In the case of Biafra, the OAU made it clear that allowing the secessionist claim would set a bad precedent on the continent. In 1981, OAU gave birth to the African Charter on Human and Peoples' Rights, which, some commentators and scholars have argued, recognised post-independence secession. However, this is not the case, as a mere perusal of the document will show that it is simply an affirmation of the internal right of self-determination, the right of states under alien domination to gain their independence, and other categories of rights. At least, the lack of support given to Eritrea, South Sudan, Somaliland, Ambazonia, Cabinda, and others by African states and the AU shows that post-independence secession is not yet tolerated on the continent. However, Africa has to soften its hard stance on post-independence secession on the continent. The study discovered that

African states are not in tune with the current state practice, where many groups or territories have so far successfully asserted their right of external self-determination. The state practice is enabled, given the complexities of the contemporary concept of sovereignty and territory. It has been explained that the evolving current relations between sovereignty and self-determination is influenced by exigency, necessity and the equally complex and evolving international politics. The need to give justice to those groups whose internal right of self-determination has been systematically and violently violated now outweighs the need to uphold the old concept of sovereignty at all costs.

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