

Forging the Biafran State: Law and Crime in the Nigerian Civil War, 1967-1976

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ABSTRACT

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This dissertation brings together the history of law in postcolonial Nigeria with the history of the Nigerian Civil War (1967-1970), analyzing how wartime violence shaped crime and the ethics surrounding it. Using legal records from the Republic of Biafra's courts, I examine how the secessionist state was governed, and how armed robbery and other criminal activities became means of survival there in the context of the fighting. These cases reveal how Biafrans and their government negotiated what kinds of survival tactics, many of them "criminal," were permissible or ethical in the context of the war and the humanitarian crisis attending it. Biafra's courts also became a space where individuals could assert themselves as moral actors in the face of political ataxia and enormous humanitarian strain. The war shaped Nigeria's postcolonial experience profoundly. As in many conflicts, acts of violence and deception became ordinary – in some cases honorable – when surviving and winning the war trumped all other considerations. When the fighting ended in January 1970, the practices that Biafrans had used to endure the war did not end with it. In the years that followed, fraud and armed violence would become major features of life in reunified Nigeria. Biafra had declared independence in the name of preserving law and order, but the result of the war was to create conditions in which forms of illegality that would later become endemic – forgery, armed robbery, and the body of fraudulent activities known as "419" – could take root. For this reason, the Biafra War is an important episode in both the history of Nigeria after independence, and for the larger study of the dialectics of law and disorder in contemporary Africa.

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To my parents

Introduction

Shortly after the Republic of Biafra seceded from Nigeria in May of 1967, a state-run newspaper described a picture of perfect order in the new republic:

Biafrans in the capital city of Enugu went to work yesterday morning carrying small portraits of their head of state, Lt. Col. Odumegwu Ojukwu, pinned conspicuously on their breast pockets. On their way, they hailed one another with “Best wishes for a prosperous Biafra Republic,” gave out military salutes typical of Col. Ojukwu or shook hands expressing satisfaction that ties with the Northern vandals have been out.¹

Three years later, after a devastating civil war between Biafra and Nigeria had elapsed, the scene in the defeated capital of the secessionist republic was a far cry from the orderly society that its founders had hoped to create. Enugu had become a ghost town, populated by Nigerian soldiers and the remnants of Biafran militias hiding out in abandoned buildings. Crime and violence were rampant in the defeated Biafran territories. A veteran barrister who defended armed robbers in Enugu after the war welled up with tears as he looked through some of the criminal cases he tried in the years after Biafra’s surrender in 1970. “They were ruthless, and the case was so macabre,” he recalled, describing the trial of a jobless veteran of the Biafran Army who fatally shot his victim point-blank after she had already handed over her possessions. As for many members of his generation, his personal ethics and his faith in people were shaken by what happened during and after the Nigerian Civil War.²

This dissertation traces an arc from the optimism and order of Enugu at the point of Biafra’s independence in 1967 to the violence and disarray that the barrister described there following the war’s end. I argue that in Biafra, the pressures of the war and the conditions created by mass hunger and administrative entropy enabled new and alarming types of crime to

¹ *Biafra Sun*, 1 June 1967, p. 8.

² Interview with anonymous informant, Onitsha, March 2015.

flourish. In many cases, the survival tactics that people employed to endure the hardship of the war were “illegal” under Biafran law, compelling Biafra’s judiciary and its public to re-evaluate the ethics of violence and deceit in a time of crisis. To tell this story, I turn to a rich but fragmentary body of legal records from the Republic of Biafra and postwar Nigeria. In aggregate, these records reveal how Biafrans and their government adapted to the war and the humanitarian emergency that accompanied it. Individual cases from this period describe the kinds of actions that Biafrans took to survive – and how the boundary between combat and crime eroded during and after the war. The categories of crime that thrived in Biafra, and that made up the bulk of Biafran courts’ caseloads, included armed robbery, forgery, and the category of fraudulent activities collectively known as “419,” after the section of the Biafran (and Nigerian) criminal code prohibiting them. These varieties of crime were woven together in complex ways during and after the war.

The very fact that Biafra had courts and a functional legal system may come as a surprise given that the lasting image of this war was famously that of a starving child, rather than a judge in a well-ordered courtroom. As one lawyer described, the very idea of a Biafran legal system inspired incredulity: “A court sitting in Biafra? A convict being led away while the enemy plane whines overhead? ...The bitter and titanic manner in which the war was fought, [many] thought, made the idea of a legal system in Biafra a very remote, if not foolhardy, adventure.”³ But Biafra very much did have courts, and the legal system was at the center of its political and administrative culture. In Biafra many administrative tasks usually associated with other organs of state – like providing social services, divvying up humanitarian aid, and articulating Biafra’s national ethos – were largely the responsibility of courts and judges. Moreover, the language of

³ Ekong Sampson, *The Path of Justice Chike Idigbe* (Lagos: Distinct Universal Limited, 1999): p. 71.

law lay at the center of Biafra's state ideology. Law in this setting became more than a mechanism for the resolution of disputes and the provision of justice in an abstract sense. It was also, increasingly over the course of the fighting, the only functional part of the Biafran state apparatus. In the final year of the war the Biafran state came to be, in effect, a court system with an army attached to it. Towards the end of the war trials were held in the shells of bombed-out buildings or in the shade of trees, and proceedings were recorded by hand, often in repurposed children's exercise books.⁴ It is affecting to read these accounts of lives destroyed by warfare that are recorded on pieces of scrap paper or on the back of a love letter, as was one criminal case. The materiality of this archive can sometimes say as much as the words that it records.

The presentist question of how crime became such an important feature of Nigeria's social and political life is a major one in Nigerian historiography.⁵ A history of the war and the forms of criminality that attended it provides a partial answer. In the long period of military rule that followed the war, the forms of armed violence and fraud that had thrived in wartime Biafra

⁴ Ibid, p. 75.

⁵ Nigeria's connection to crime should not be taken for granted, despite its popular salience both in and out of the country. The large historical and ethnographic literature on Nigerian crime, often oriented by the idea of "corruption," includes Andrew Apter, *The Pan-African Nation: Oil and the Spectacle of Culture in Nigeria* (Chicago: University of Chicago Press, 2005), Daniel Jordan Smith, *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria* (Princeton: Princeton University Press, 2008); Steven Pierce, *Moral Economies of Corruption: State Formation and Political Culture in Nigeria* (Durham: Duke University Press, 2016); and Stephen Ellis, *This Present Darkness: A History of Nigerian Organised Crime* (forthcoming, 2016). Writing from different genres but asking related questions are Festus Iyayi, *Violence* (London: Heinemann, 1986, first published 1979); Adoabi Nwaubani, *I Do Not Come to You By Chance* (New York: Hyperion, 2009); Stephanie Newell, *The Forger's Tale: The Search for Odeziaku* (Athens: Ohio University Press, 2006). On crime as it relates to corruption in earlier periods see Moses Ochonu, *Colonial Meltdown: Northern Nigeria in the Great Depression* (Athens: Ohio University Press, 2009); M.G. Smith, *Government in Zazzau, 1800-1950* (London: Oxford University Press, 1960); Simon Ottenberg, "Local Government and the Law in Southern Nigeria," *Journal of Asian and African Studies* Vol. 2, No. 1 (Jan., 1967): pp. 26-43. For a synthesis touching on many forms of government malpractice see Max Siollun, *Oil, Politics, and Violence: Nigeria's Military Coup Culture 1966-1976* (New York: Algora Publishing, 2009).

intensified, spreading beyond the borders of the former secessionist state and throughout the reunified Nigerian federation.⁶ The war blurred legal and ethical lines in ways that could not easily be re-drawn when it was over. War had routinized practices of survivalism that were also “criminal,” embedding them in daily life and social practice in new ways. These criminal habits remained present – and sometimes obliquely permissible – in the peace that followed Biafra’s defeat.⁷ Cases of armed violence and fraud from eastern courts suggest that their presence in postwar Nigeria was a continuation of the circumstances of wartime, rather than a crime wave that surged out of nowhere. It is not coincidental that Nigeria’s long national experience of crime started and eventually crested in the eastern and south-south⁸ regions – both formerly parts of Biafra, and the places where the war was most intensely fought. Temporally speaking, Nigeria’s late twentieth century history of crime emerged out of events in the *moyenne durée* – it is neither a purely contemporary phenomenon, nor one that can be explained by some essential episode in the deeper past of colonialism or before, “leapfrogging,” as Frederick Cooper calls historical legacies that seem to come and go, into the present.⁹

Biafra was a state of an unusual type. Its administration was simultaneously bureaucratized and highly contingent, insisting on its coherence and internal order even as it

⁶ Military rule lasted from 1966 until Olusegun Obasanjo’s election as president 1999, with two brief interruptions. The first was the civilian administration of Shehu Shagari from 1979 to 1983, the second a 1993 election that was annulled by a coup staged by General Sani Abacha.

⁷ To understand this process I draw upon the anthropological literature on *habitus*, though habits of crime here were embedded more in social action – in the things people do in society – than in bodily comportment as Bourdieu and others theorized it. Pierre Bourdieu, *The Logic of Practice* (Cambridge: Polity Press, 1990); Loïc Wacquant, “Habitus as Topic and Tool: Reflections on Becoming a Prizefighter,” *Qualitative Research in Psychology* Vo. 8, No. 1 (Spring 2011): pp. 81-92.

⁸ “South-south” is the name conventionally given to the region encompassing the Niger Delta, Mid-West, and Cross River region of southern Nigeria.

⁹ Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005): p. 17.

buckled under the weight of the war. Although it presented itself as self-consciously “modern,” it operated very differently from the rationalist, mechanical, and depersonalized forms of bureaucratic governance theorized by Max Weber and others.¹⁰ Having done away with the neo-traditional system of local authority embodied in “warrant chiefs” and the marketing boards that centralized agriculture and commerce, Biafra looked little like the eastern Nigeria of the late colonial period. Being largely cut off from the outside world, it had little of the “compradorial” character that describes many other African states in this period.¹¹ And although Biafra tried to “know” its population in various ways, it did not fit a Foucauldian model of biopolitical governmentality in any meaningful way.

If not in these familiar ways, how did Biafra rule? Biafra featured an administrative logic that legal theorists sometimes describe as “rule *by* law,” in which courts serve as implements of administration, rather than acting as checks on executive or other power (as implied by the idea of the “rule *of* law”).¹² Imbricated in the day-to-day tasks of governance, Biafra’s courts expended greater energy keeping the state operative than they did negotiating the abstract idea of “justice.” It is therefore in legal records that historians can find Biafra’s administrative rationality, and, to the extent that it had one, its ideology. Historians have considered Biafra

¹⁰ See Max Weber, *Sociological Writings* (London: Bloomsbury, 1994). In the growing contemporary literature that reevaluates how bureaucracy operates as an implement of administration, see Ben Kafka, *The Demon of Writing: Powers and Failures of Paperwork* (Cambridge: MIT Press, 2012); Peter Crooks and Timothy Parsons, eds., *Empires and Bureaucracy in World History: From Late Antiquity to the Twentieth Century* (Cambridge: Cambridge University Press, forthcoming 2016); Matthew S. Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (Berkeley: University of California Press, 2012).

¹¹ See A. O. Adeoye, “Of Economic Masquerades and Vulgar Economy: A Critique of the Structural Adjustment Program in Nigeria,” *Africa Development/Afrique et Développement* Vol. 16, No. 1 (1991): pp. 23-44.

¹² See Tom Ginsburg and Tamir Moustafa, *Rule by Law: The Politics of Courts in Authoritarian Regimes* (Cambridge: Cambridge University Press, 2008); Sally Falk Moore, *Law as Process: An Anthropological Approach* (New York: Routledge, 1978).

“non-ideological” in the sense that it fit none of the ideological categories that organized the Cold War. I argue that Biafra’s internal ideology, such as it had one, was organized around the idea of the rule of law. Another way of understanding Biafra’s ideological orientation would be to say that it was flexible and duplicitous. Biafra’s roving diplomats and propagandists presented its official ideology as, variously; an iteration of African socialism to the eastern bloc and China, a bulwark of Christianity to the Vatican and Latin America, and a technocratic country open to business to western Europe and the United States. As Ojukwu reputedly said at a trying moment of the war, “I would take help from anybody. I would take help from the devil himself in order to survive.”¹³

The way Biafra governed was improvisational, ideologically agnostic, and constantly changing. Like the Rhodesia of Luise White’s description, Biafra “made up its governmentality as it went along.”¹⁴ The fact that courts in Biafra remained operative did not mean that they were effective or “just” in any normative sense. In the later stages of the war, the idea of how the state worked and what it should do was distilled to maintaining order, which the state evermore failed to do. Biafra is an extreme example of the “law and order” state, but one that is instructive nonetheless for many African states in this period, when “order” and “indiscipline” became watchwords of politics across the continent.¹⁵ Even though the Biafran experiment lasted only

¹³ Special collections, School of Oriental and African Studies [hereafter SOAS] Nigerian Civil War Collections MS 321463 Box 14, “Report of the visit to Biafra and San Tome by T. McNally,” 7-16 November 1968.

¹⁴ Luise White, *Unpopular Sovereignty: Rhodesian Independence and African Decolonization* (Chicago: University of Chicago Press, 2015): p. 17.

¹⁵ I use the terms “order” and “disorder” here as they were used in Nigeria and Biafra itself; they are native categories to the history of Nigeria in this period. In the writings of judges, journalists, and others, “order” invokes the idea of a society organized and bound by legal institutions and their various agencies of enforcement. It has political dimensions, like the smooth functioning of state bureaucracy, but is most closely related to the incidence of crime and the ability of the state to control it. “Disorder,” conversely, is associated with a high incidence of violent crime, chaos in the

briefly, the way in which Biafra came into being and fell apart profoundly affected how Nigeria would be governed from the 1970s onwards – both directly and at the level of memory. After a long period of quietude Biafra has come back into Nigerian politics, most recently through increasingly dramatic agitation by the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) and other organizations.

Historians know surprisingly little about the emic dynamics of life in wartime Biafra, aside from how it was represented in Biafran propaganda and the gruesome pictures that appeared in the international press. This is largely because the general consensus, even among those who participated in the Biafran government, is that Biafra was never quite a real state. As one prominent lawyer recalled, Biafra’s state institutions “never had a moment of peace in which they could fashion a separate identity,” and even those who were deeply committed to the Biafran cause often felt like their government was a façade, or a mimicry of what a state ought to look like.¹⁶ There is some truth in this; even in its own records Biafra comes across as evanescent, sometimes able to compel behavior and structure life, while at other times emphatically unable to do so. But the fact that Biafran state institutions like the courts were ephemeral did not mean that they were without the force of compulsion, nor that they could not act upon people in formative ways.¹⁷ The cases cited in this dissertation dissolved marriages,

political system, and “indiscipline” on the part of state functionaries who fail to do their jobs, demand unlawful payment for their services, etc. There were certain experiences that people used as barometers for this abstract social phenomenon during the war. For example, the relative danger of travelling by road at night was often cited as a measure of “disorder” in Biafra.

¹⁶ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

¹⁷ Whether Biafra can be considered to have been sovereign is a related question. It fails some tests, including that of broad international recognition by other sovereign states, but passes others, like the acceptance of its currency, stamps, official documents, and other trappings of state. See Douglas Howland and Luise White, “Introduction: Sovereignty and the Study of States,” *The State of Sovereignty: Territories, Laws, Populations* (Bloomington: Indiana University Press, 2008); Luise

changed the boundaries of property, and sent people to the gallows. If the Biafran legal system was a façade, it was at any rate a very convincing one with real effects on people's lives.

The postcolonial state is not only, as Jean-Francois Bayart called it, a “shadow theatre” of sinecures and criminal activities masquerading as governance. Nor is it always a “relatively empty shell,” outside of which real politics takes place, per Patrick Chabal and Jean-Pascal Daloz.¹⁸ Even a postcolonial state as skeletal as Biafra had administrative logics, internal fault lines, and political ethics, all of which are visible in what remains of its legal record. Biafra was a short-lived and exceptional example of a postcolonial state, but the dynamics that emerged there were not entirely unique to it. Broader conclusions about how crime and warfare shape one another can be drawn from its history.

The argument

During the war, people regularly used forms of forgery, robbery, and extortion to survive in extremely difficult circumstances. After the war, as one prominent lawyer told me, people

White, *Unpopular Sovereignty: Rhodesian Independence and African Decolonization* (Chicago: University of Chicago Press, 2015); Nathaniel Berman, “Sovereignty in Abeyance: Self-Determination and International Law,” *Wisconsin International Law Journal*, Vol. 7 (1988); Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960* (Cambridge: Cambridge University Press, 2002); Brenda Chalfin, *Neoliberal Frontiers: An Ethnography of Sovereignty in West Africa* (Chicago: University of Chicago Press, 2010); Charles Piot, *Nostalgia for the Future: West Africa After the Cold War* (Chicago: University of Chicago Press, 2010).

¹⁸ Jean-François Bayart, *The State in Africa: The Politics of the Belly* (Cambridge: University of Cambridge Press 2009): p. 41; Patrick Chabal and J. Daloz, *Africa Works: Disorder as Political Instrument* (Oxford: University of Oxford Press, 1999): p. 95. On theorizations of postcolonial states in general see also Jean Comaroff and John Comaroff, eds., *Law and Disorder in the Postcolony* (Chicago: University of Chicago Press, 2006); Michel-Rolph Trouillot, *Haiti, State Against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990); Achille Mbembe, “The Banality of Power and the Aesthetics of Vulgarly in the Postcolony,” *Public Culture* Vol. 4, No. 2 (1992): pp. 1-30. See also Didier Fassin, ed., *At the Heart of the State: The Moral World of Institutions* (London: Pluto Press, 2015).

who had lived through the war “did not forget how to forge a document, or how to use a gun.”¹⁹ Those skills would drive the escalation of crime in postwar Nigeria. The larger argument here – one with implications far beyond twentieth century Africa – is that certain behaviors that are permissible, even encouraged, during wartime as patriotic duty, or are tolerated as survival tactics, are often resolutely “criminal” in times of peace. Although in the heat of battle a soldier may legitimately requisition property from civilians in some situations, if he appropriates a car or a bag of grain when the fighting has ended, most courts would consider that action to be theft. Similarly, the cloak-and-dagger intrigue that takes place in any conflict often looks like fraud when the fog of war has cleared. Biafra’s history as it emerges here offers a larger lesson for the study of war and society: when a war ends but the *habits* of the war do not, the situation that results is often a crime wave. This persistence of the “martial spirit” in times of peace has serious implications not only for democracy, as many historians have understood, but for the incidence of crime and violence.²⁰ The following sections describe my interventions in four main areas: law and warfare, crime in postcolonial Nigeria, the state of emergency, and gender.

Law, warfare, and governance in postcolonial Nigeria

A casual look at any Nigerian newspaper will reveal how central law and legal process are in Nigerian politics and civil society today. Highly technical questions of jurisdiction, obtuse cases over chieftaincy disputes, complex land litigation, and extensive reporting on the legal profession are front page news on nearly a daily basis, all in addition to the lurid reportage of

¹⁹ Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

²⁰ I borrow the term “martial spirit” from John Hope Franklin’s study of the militaristic culture of the antebellum American south, which informs this study in many ways. John Hope Franklin, *The Militant South, 1800-1861* (Cambridge: Harvard University Press, 1956).

crime that is the bread-and-butter of tabloids elsewhere. This points to the fact that law is a particularly important site for Nigerian political and social history in the period after independence. While many scholars have addressed the production of national, ethnic, and individual identities under colonial legal regimes,²¹ historians and anthropologists often imply that the ways in which postcolonial states govern are too chaotic and fissiparous to produce subjectivities in this way. In fact, the postcolonial legal system has critically shaped the contours of nationality and ethics, both by arbitrating access to benefits and remedies, and by molding Nigerian identity politics through the poetics of law and state bureaucracy.²² The fact that unruly places have internal administrative logics, and that those logics can generate social dynamics (like crime) or political subjects (like Biafrans), is not limited to the present case.²³ The question

²¹ It is now a commonplace that African colonial subjects could find ways to use the colonial system to their own ends, sometimes by turning the “empire of law” rhetoric against the administration, and sometimes by making places for themselves in the blindspots, extremities and grey areas of colonial legal systems. Colonial subjects went to courts for many reasons, including to seek protection or remedy, to secure property, to take revenge, and occasionally to make a moral or ethical point. Rarely was it litigants’ objectives to participate in the establishment of the legal regime to which they were subject, though in the end that was often the cumulative effect of their appeals. This dynamic applies equally for the period after independence; the coercive capacity of the law and the ability of legal subjects to use the law to their personal advantage are not necessarily mutually exclusive. On colonial rules of law in Africa, see Richard Roberts and Kristin Mann, eds., *Law in Colonial Africa* (Portsmouth: Heinemann, 1991); Martin Chanock, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia* (Portsmouth: Heinemann, 1998); Sally Falk Moore, *Social Facts and Fabrications: “Customary” Law on Kilimanjaro, 1880-1980* (Cambridge: Cambridge University Press, 1986); Bonny Ibhawoh, *Imperial Justice: Africans in Empire’s Court* (Oxford: Oxford University Press, 2013).

²² Legal historians have elaborated the ways in which legal disputes can transform people into citizens, colonial subjects, and legal persons. Works that have informed the present approach to the relationship between law and personhood include Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2002); Sarah Abrevaya Stein, “Protected Persons? The Baghdadi Jewish Diaspora, the British State, and the Persistence of Empire,” *The American Historical Review* Vol. 116, No. 1 (2011); Megan Vaughan, *Creating the Creole Island: Slavery in Eighteenth Century Mauritius* (Durham: Duke University Press, 2005); Elizabeth Kolsky, *Colonial Justice in British India* (New York: Cambridge University Press, 2010).

²³ In this I agree with Priya Lal that the tensions and contradictions within postcolonial states (and here, legal regimes) “amount to more than ideological inconsistency and material chaos.” Priya Lal,

of how people use the legal system is less important for the present analysis, since most of the cases from Biafra's courts are criminal rather than civil – most civil suits were suspended during the fighting. They therefore involve the state pursuing people rather than people pursuing outcomes from the state, but even in the criminal court legal persons are made and the law itself is shaped (at least in the tradition of the English common law, of which both Biafra and Nigeria are a part).

Many legal histories of Africa take civil dispute as their entry into the history of law generally.²⁴ A different picture of law and its relationship to society and politics emerges when one takes *criminal* law as the point of departure. Criminal law is important not only for the teleological reason that crime became so important in Nigeria, but because criminal law was at the center of both Biafra and Nigeria's sovereign identities.²⁵ Criminal law was critical to the maintenance of "order," "discipline," and "security," all of which were maxims of military rule.²⁶ If there is one discursive idea that animates Nigerian politics across the postcolonial

African Socialism in Postcolonial Tanzania: Between the Village and the World (New York: Cambridge University Press, 2015): p. 11. On the generation of political identities and the memory of violence see Liisa Malkki, *Purity and Exile: Violence, Memory, and National Cosmology Among Hutu Refugees in Tanzania* (Chicago: University of Chicago Press, 1995).

²⁴ This is not unreasonable, given that the sharpest points of dispute in many African societies in the colonial period (and after) were civil matters like land ownership and divorce. See Richard Roberts, *Litigants and Households: African Disputes and Colonial Courts in the French Soudan, 1895-1912* (Portsmouth: Heinemann, 2005); Sara Berry, *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison: University of Wisconsin Press, 1993).

²⁵ For comparative purposes, see Karl Härter, "Security and Cross-Border Political Crime: The Formation of Transnational Security Regimes in 18th and 19th Century Europe," *Historische Sozialforschung* Vol. 38, No. 1 (2013).

²⁶ This is true not only in Nigeria, but throughout Africa in this period. Criminal law had been at the center of colonial administration, too, both as a mechanism of repression and the place where the privileges of rulers and the obligations of the ruled were sorted out. Ranajit Guha argued that criminal legal practice and the idea of the rule of law more generally had a "mystifying" or obscuring effect on the relationship between the rulers and the ruled, such that "the will of the state could be made to penetrate, reorganize part by part and eventually control the will of a subject population." Ranajit Guha, "Chandra's Death," in Ranajit Guha, ed., *A Subaltern Studies Reader, 1986-1995*

period, it is idea of discipline. Speaking soon after the war, the activist and critic of military rule Tai Solarin wrote that “We have never had it so bad. I have never seen Lagos filthier. I have never noted the yawning gap between the rich and poor as wide as it is today... I have never noted bribery and corruption parading itself more shamefacedly and licentiously as it does today... What is our new curative for our social ills? Discipline.”²⁷ Forty years later, this kind of lamentation still finds a wide audience in Nigeria.²⁸

Defining Biafran identity was often done by constructing Biafra against a disordered, “lawless,” and “criminal” Nigeria. For this reason, criminal law and legal procedure were critical sites of national subject-making and administration.²⁹ Moreover, under military rule criminal law was one of the main sites of interaction between civil society and the ruling soldier class; martial obsessions with discipline and regularity found a natural outlet in the criminal justice system, which became one of the military’s primary tools for controlling “unruly” or disobedient civilians.³⁰ For all of these reasons, criminal law was not a backwater of the legal system but a main channel of state power. As Marc Bloch wrote, “there is no better touchstone for a social

(Minneapolis: University of Minnesota Press, 1997): p. 39. Echoing a growing idea in imperial history, Martin Wiener contended that “law lay at the heart of the British imperial enterprise. And criminal justice was at the core of law.” Martin J. Wiener, *An Empire on Trial: Race, Murder, and Justice under British Rule, 1870-1935* (Cambridge: Cambridge University Press, 2009): p. 5. For an analysis of how violent crime had political meaning in the context of colonial rule, see Richard Rathbone, *Murder and Politics in Colonial Ghana* (New Haven: Yale University Press, 1993).

²⁷ *The Renaissance* [Enugu], 15 January 1974.

²⁸ On contemporary discourses around discipline see Golda Kosisochi Onyeneho, “Memory and National Identity in a Modern State: The Nigerian Case” in *Memory Practices, Remembering and Learning: Experiential, Institutional and Sociocultural Perspectives*, forthcoming 2016.

²⁹ Moreover, for reasons discussed in chapter one, criminal law was also the facet of state authority that the largest number of people encountered in wartime Biafra (besides perhaps the army).

³⁰ For a discussion of the Critical Legal Studies movement through the lens of colonial jurisprudence in Africa, see Steven Pierce, *Farmers and the State in Colonial Kano: Land Tenure and the Legal Imagination* (Bloomington: Indiana University Press, 2005): p. 163.

system” than an understanding of how people are brought to task for violating that system’s rules.³¹

Writing social history from criminal legal archives begs the question of how to interpret the criminal justice system vis-à-vis the state. My view of law in Biafra and Nigeria diverges from the orthodoxy of neo-Marxist approaches that see criminal law as an ideological instrument of the state. It is easy to imagine that crime in this period could have been a figment of the imagination of a paranoid military state, or an alibi for repression. This is not entirely untrue, but crime was also a really existing social problem – and one that Biafrans experienced as something more than an epiphenomenon of military rule. My approach also parts ways from functionalist interpretations that see criminal law as a reflection of a broad social consensus about the need for security. Neither of these views describes very well the dialectic between law and disorder in Biafra and postwar Nigeria.³²

This dissertation intervenes in the study of law and society by describing how law operated in a situation of what appeared to be utter confusion and disarray – in a place that most observers have assumed had no legal system at all. In the extreme conditions of the war, law worked much as it does elsewhere. In some cases, the Biafran and Nigerian legal systems served to buttress the interests of the wealthy, to stem rather than foment processes of social change (radical or otherwise), and to support the idea that their national identities were indivisible and

³¹ Marc Bloch, *Feudal Society* (London: Routledge and Kegan Paul, 1961): p. 359.

³² On this dialectic in postcolonial Africa broadly see Jean Comaroff and John Comaroff, “An Introduction,” *Law and Disorder in the Postcolony* (Chicago: University of Chicago Press, 2006); Achille Mbembe, “Necropolitics,” *Public Culture* Volume 15, No. 1 (2003): 11-40; Achille Mbembe, *On the Postcolony* (Berkeley: University of California Press, 2001); Paul Nugent, *Africa Since Independence: A Comparative History* (Basingstoke: Palgrave Macmillan, 2004); Andrew Apter, *The Pan-African Nation: Oil and the Spectacle of Culture in Nigeria* (Chicago: University of Chicago Press, 2005).

their sovereignties real.³³ In other cases, law could be used to do the opposite. Even in wartime, law is a discursive field of knowledge, and in Biafra it served both as an instrument of repression and a tool of critique. Modern law – which Biafra and Nigeria practiced in a committed and self-conscious way – is as Barbara Yngvesson writes, “neither ‘from above’ nor ‘from below’ but simultaneously separate and immanent, imposed and participatory.”³⁴

Crime and malfeasance in postcolonial Nigeria

Biafra compels historians to reconsider not only how the postcolonial African state governed, but its relationship to criminality. What is most important about the forms of crime and violence discussed here is the way in which they bleed across categories of ethnicity, region, class, gender, and between the states of war and peace.³⁵ This analysis considers what constitutes “crime” and “the criminal” in conditions of war, and how the conditions of wartime shape matters of ethics. The forms of law-breaking that emerged during and after the war challenged jurists, military administrators, and others to reconsider their ideas about what types of people were predisposed towards crime. Many of the defendants in these cases would not have seen themselves as “criminals”; they articulated crime as a necessity of survival rather than a decision to break or disregard the law. Judges and jurists sometimes agreed with them. In pre-war Nigeria,

³³ The classic study of law’s multivalent uses is E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (New York: Pantheon, 1976).

³⁴ Barbara Yngvesson, “Making Law at the Doorway: The Clerk, the Court, and the Construction of Community in a New England Town,” *Law and Society Review* Vol. 22, No. 3 (1988): p. 412.

³⁵ Criminology is a less discursive field of knowledge than law. I am skeptical of the typologies that criminological discourse (especially in this period) relied upon. This analysis uses the language of the legal system and of criminal justice as it was used in Biafra at the time, which does not imply an endorsement of what these terms connote today. The language of “criminality,” “crime waves,” and “lawlessness” that I borrow from the legal record is loaded in various ways. Although I reproduce it in the interest of understanding how crime was publicly perceived, I am acutely aware of its class and identitarian valences – both contemporary and historical.

like in the Europe that Clive Emsley and many other historians have described, there was a “logical simplicity and a comforting morality” in the idea that criminals were always others – members of a corrupt lower class, political firebrands, and especially “foreigners” (which in Nigeria meant not only non-Nigerians, but “strangers” from elsewhere in the federation).³⁶ The war troubled this notion that crime came from outsiders or the socially deviant. The situation in Biafra and postwar Nigeria forced people to reckon with the question of who was a criminal and what conditions led them to violate the law. Because crime became so common and lost so much stigma over the course of the war, Biafrans (and later Nigerians) could no longer simply mark criminal offenders as deviants and be done with them; the *context* of crime increasingly had to be taken into consideration.

The aim of this analysis is emphatically not to assign culpability for the growth of criminality in Nigeria to “ex-Biafrans” – much less to point a finger at Igbos or other Eastern Nigerians as responsible for 419, armed robbery, kidnapping, or any of the other ills that affected Nigeria in this period. Fraud and violence was not tied to any one group of people. Defendants in criminal cases from Biafra were not only Igbo but Ibibio, Ijaw, Itsekiri, and others. After the war, soldiers and civilians of all backgrounds and from all parts of the federation engaged in crime in the reintegrated east. There was no Nigerian region or ethnic group that was untouched by these new forms of crime in the years following the war, and it transgressed the taxonomies and logics that judges relied upon to understand it. To many judges, the most alarming thing about crime during and after the war was the way that it cut across divisions of ethnicity, generation, class,

³⁶ See for example Clive Emsley, *Crime, Police, and Penal Policy: European Experiences 1750-1940* (Oxford: Oxford University Press, 2007): p. 269.

and gender; there was no coherent criminal profile that they could identify.³⁷ For example, armed robberies conducted by women, while rare, went against the idea that armed property crime was a *métier* for young men. For historians, as for the judges of the time, understanding how people across the social spectrum were compelled to break the law is a more accurate approach to crime than shoe-horning it into a social typology, but it is also a more confounding and disturbing task.

Empirically understanding the state of emergency

Both Biafra and Nigeria were administered under emergency measures for the entire period covered here. For this reason, the dissertation also contains an argument about the characteristics of the “state of exception” and how it should be understood. There is a long genealogy of thinking which treats the state of emergency or exception as an abstraction – as a kind of anti-law that operates so differently from the normal workings of the legal system that it is unrecognizable as law, or nearly so. Emergency, in most analyses, is important for the way in which it enables and instantiates a form of repressive sovereign power. The state of emergency appears in many analyses as an enigmatic and poorly defined force that emanates from the executive, or as a vacuum that precludes the possibility of ethical action for those entrapped in it.³⁸ Sovereign power in the state of exception can be found in discrete gestures and rituals,

³⁷ Both the types of crime and the types of people engaged in crime baffled and alarmed criminologists of the time. See for example Tekena Tamuno, “Trends in Policy: The Police and Prisons,” in Tekena Tamuno and J. A. Atanda, eds., *Nigeria Since Independence: The First Twenty-Five Years, Volume IV* (Ibadan, 1989).

³⁸ See for example Giorgio Agamben’s description of the effects of the state of emergency: “It is as if the suspension of law freed a force or a mystical element, a sort of legal *mana* ... that both the ruling power and its adversaries, the constituted power as well as the constituent power, seek to appropriate. Force of law that is separate from the law, floating *imperium*, being-in-force [*vigenza*] without application, and, more generally, the idea of a sort of ‘degree zero’ of the law – all these are fictions through which law attempts to encompass its own absence and to appropriate the state of exception, or at least to assure itself a relation with it.” Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2004): p. 51

embodied by individual figures of authority who can exceed law. In literary representations, the state of emergency often appears as a kind of ether – a miasma of repression that is free floating and omnipresent.³⁹ It is arbitrary and ungraspable, invoking the imagery of black holes, the supernatural, and the millenarian. How it actually works in the realm of social and political routine is largely irrelevant in this mode of thinking.

I argue that a robust understanding of “emergency” or “exception” is served better by an empirical approach than a theoretical one. In fact, the rule of exception, and postcolonial legal systems more broadly (many of which were under emergency measures at this point), worked upon African citizens in ways that were not irreconcilable with how they had lived under civilian administration.⁴⁰ Emergency was a normative order that Biafrans navigated like they would any

³⁹ Of many artistic treatments of the state of emergency that fit this description, see Fela Anikulapo Kuti, “O.D.O.O., Overtake Don Overtake Overtake,” (1989); Salman Rushdie, *Midnight’s Children* (New York: Avon, 1982). Important works on the state of emergency in the colonial world include Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor: University of Michigan Press, 2003); Yehouda Shenhav and Yael Berda, “The Political-Theological and Racial Foundations of Colonial State Bureaucracy,” in Adi Ophir, Michal Givoni, and Sari Hanafi, eds., *The Power of Inclusive Exclusion* (Cambridge: MIT Press, 2009): pp. 337-374.

⁴⁰ The simultaneous coexistence of an operative legal system law and a system of emergency that suspends law is a feature of many military regimes, including wartime Nigeria as well as Biafra. In Nigeria, the Suppression of Disorder Decree of 1966 had a similar function to the Law and Order (Maintenance) Edict of 1967 in Biafra. These parallel sets of emergency measures set a precedent for the practice of martial law that would last, with only brief interruptions, until the civilian handover in 1999. The landmark court case over the privileges of military administration vis-à-vis the suspended Nigerian constitution was the 1970 case *Lakanmi and Another v. the Attorney General of the Western Region and Others*, which generated a large amount of legal scholarship on what constituted a *coup d’état*, whether the Nigerian constitution (or some other document) remained in force under military rule, and whether the sitting military government could be considered to have seized power “legally.” The parallel emergence of a jurisprudence of emergency in Nigeria during the war is beyond the scope of the present analysis, but see Abiola Ojo, “Constitutional Developments in Nigeria since Independence,” in T.O. Elias, *Law and Social Change in Nigeria* (Lagos: Evans Brothers, 1972); B.O. Nwabueze, *Judicialism in Commonwealth Africa* (London: C. Hurst and Company, 1977); Abiola Ojo, “The Search for a Grundnorm in Nigeria – The Lakanmi Case” *The Nigerian Journal of Contemporary Law* Vol. 1, No. 2 (1970); Taslim O. Elias, “Law in a Developing Society,” *The Nigerian Law Journal* Vol. 4, No. 1 (1970); D. Eweluka, “The Military System of Administration in Nigeria,” *African Law Studies* Vol. 10, No. 1 (1974); *Lakanmi and Another v. the Attorney General of the Western Region and Others* (1970) LPELR-SC.58/69.

other. It constituted a tangible and identifiable body of institutions. Implements of exceptionalism like tribunals and executive decrees instantiated people as citizens and national subjects, and shaped public understandings of morality and ethics. They operated in ways which, while not always consistent, were legible to those who negotiated and made use of them. Biafra allows historians to see how the state of emergency worked at the level of the everyday. Biafrans and Nigerians made the best they could of the state of exception that they inhabited; some avoided it, others found themselves entrapped by it, and some found ways to bend the idea of “emergency” to their advantage. Seeing the state of emergency as a terrain that Biafrans and Nigerians moved through, rather than an abstraction that worked upon them in blunt or mysterious ways, enables a fuller understanding how Biafra and Nigeria ruled in the day-to-day. This is an important task for postcolonial historiography, which has struggled to understand how independent African states governed through any means other than repression and co-optation.

Gender in courts and at war

The Nigerian Civil War had many gendered dimensions and, like many wars, was an important point of inflection in how men and women related to one another. Drawing on feminist readings of the law, the dissertation uses law as a heuristic for understanding larger processes of subject-making and norm-making.⁴¹ The description of violence as lived experience developed in later chapters is indebted to literature from gender studies (and feminist scholarship more broadly) on the affective dimensions of violence, for which military history lacks a language

⁴¹ This especially includes literature on the legal performative and the everyday. See Martha Albertson Fineman and Nancy Sweet Thomadsen, eds., *At the Boundaries of Law: Feminism and Legal Theory* (New York: Routledge, 1991); Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997); Joan W. Scott, “The Evidence of Experience,” *Critical Inquiry* Vol. 17, No. 4 (1991): pp. 773-797.

despite its centrality in warfare.⁴² Questions pertaining to gender and sex run throughout the war and cannot be confined to one period or facet of it. For that reason I address matters of gender throughout the dissertation rather than in a separate chapter.

The predominantly male judges, jurists, and lawyers who populate this study were gendered actors, and in their legal work they made decisions derived from or addressed to their own gender identities and those of others. In the legal record, women appear most frequently as litigants and defendants, but they were also present in the administration of the courts in both Nigeria and Biafra, mostly as mid-level administrators and support staff. As the war went on and the male staff of the Biafran Ministry of Justice were conscripted, women came to play a key role in the functioning of the legal system. This was also the period when the admission of women to the bar was becoming more common in Nigeria, and women occasionally appear in the legal record as lawyers. Although women were vastly outnumbered by men as judges and magistrates, there were some important exceptions to this rule in both Biafra and postwar Nigeria – most notably Ada Adogu, who presided over many cases in Biafra and Nigeria described here.

Other historians have shown how men and women experienced the fighting in different ways. This literature reveals that while women often bore the brunt of the humanitarian crisis, the war also opened certain possibilities for wider participation in politics and commerce.⁴³

⁴² Judith Butler, *Prekarious Life: The Powers of Mourning and Violence* (London: Verso, 2006); Bibi Bakare-Yusuf, “The Economy of Violence: Black Bodies and the Unspeakable Terror,” in Janet Price and Margrit Shildrick, eds., *Feminist Theory and the Body: A Reader* (New York: Routledge, 1999); Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford University Press, 1987); Susan Sontag, *Regarding the Pain of Others* (New York: Farrar, Straus and Giroux, 2013).

⁴³ Egodi Uchendu, *Women and Conflict in the Nigerian Civil War* (Trenton: Africa World Press, 2007); Christie Achebe, “Igbo Women in the Nigerian-Biafran War 1967-1970: An Interplay of Control,” *The Journal of Black Studies* Vol. 40, No. 5 (May 2010). Among many fictionalized accounts, see Buchi Emecheta, *Destination Biafra* (London: Heinemann, 1994); Flora Nwapa, *Wives at War* (Enugu: self-published, 1980).

There were also significant differences in how men and women used the legal system and how it treated them. As in many sociolegal contexts, the courts were a key site for the adjudication of the proper behavior of men and women. This comes through clearly in cases about property ownership, marriage, the custody of children, sexual violence, and the other areas of law that have been the main foci of gender in legal history. However, these are not the only places where gender is an important optic on the law. Criminal records, and especially cases from the Special Tribunal of Biafra, offer a perspective not from these explicitly “gendered” areas of law, but from men and women’s imbrication in activities like subversion, violence, and fraud. An almost equal number of the civilians who were charged with crimes before the Special Tribunal of Biafra were female as male, which suggests that questions of gender and sex are important in areas of the law beyond those concerned with the family and the body.

Sources: Legal records, oral history, memoirs

The methodological challenges for this project, and for the nascent historiography of postcolonial Africa more generally, are immense. The sources for this history have been compiled from a wide range of depositories, most of which are neither intended for nor lend themselves easily to historical research. These “shadow archives” and “hidden corridors” of postcolonial history, as Jean Allman calls them, bring new potential and new challenges to the study of contemporary Africa.⁴⁴ Reflecting the nature of many African states themselves in this period, these records are fragmentary, and often closed off to their putative publics. The sources for postcolonial history often take a form that is “global” and extraverted to a greater degree than

⁴⁴ Jean Allman, “Phantoms of the Archive: Kwame Nkrumah, a Nazi Pilot Named Hanna, and the Contingencies of Postcolonial History-Writing,” *The American Historical Review* Vol. 118, No. 1 (2013): pp. 104-129.

colonial archives; historians of the period after independence are likely to seek their sources in the records of foreign governments, humanitarian organizations, and the international press.⁴⁵ I make use of some of these outside sources. The United Kingdom, France, the United States, and the Republic of Ireland, among other foreign governments, were keenly interested in what was going on in Biafra for various reasons. Their diplomatic and intelligence records help to flesh out the internal story that I tell here, but even the most detailed reports were usually made from a distance, and with very partial information. They have many shortcomings. For example, diplomats, journalists, and “observers” of various types who visited both Biafra and the territories reoccupied by Nigeria were frequently shown Potemkin villages by their Biafran or Nigerian guides. Only a few seemed to be aware that what they were seeing might not be indicative of general qualities of life in the war theater. The originality of the dissertation lies in its use of sources that were *internal* to Biafra, which I discuss below.

Many African state archives from the period after independence are inaccessible to researchers, pertaining as they often do to governments that are still in power, or to historical periods that are still very much within living memory.⁴⁶ But a larger problem is that of accession; the Nigerian National Archives have accessioned hardly any records from government agencies since the early 1960s, and have processed even fewer. Saheed Aderinto and Paul Osifodunrin write that “the Nigerian government has refused to abide by its own archive administration law passed in 1992 that made provision for the declassification of official documents older than

⁴⁵ See Stephen Ellis, “Writing Histories of Contemporary Africa,” *Journal of African History* Vol. 43, No. 1 (2002); Gabrielle Hecht, *Being Nuclear: Africans and the Global Uranium Trade* (Cambridge: MIT Press, 2012); and the contributors to the roundtable on “Writing the History of Africa after 1960,” *History in Africa* Vol. 42 (2015): pp. 265-318.

⁴⁶ To many historians, the archives of postcolonial Nigeria seem more inscrutable than those of the colonial state it supplanted, with the British Empire’s extensive – but also predictable and well-documented – bureaucratic pathways along which people and documents moved.

twenty-five years.”⁴⁷ This observation is consistent with my own experience in Nigeria’s national repositories, where hardly any records from after independence have been made publicly available. This is in part a problem of resources, and partially a difficulty in collecting records from largely autonomous government agencies that mistrust another agency asking for their confidential files. A looming crisis awaits historians of the future, who may well find that hardly any state records from the last fifty years have been preserved.

The problem is especially acute for this project, since both the Biafran and Nigerian governments made a concerted effort to destroy the documentary proof of Biafra’s existence. Biafra’s state functionaries were too busy to keep many records for posterity during the war, and too fearful of how records might personally implicate them once the war was over. One prominent Biafran administrator recalled in his memoirs that he “hardly kept records; nor did I consider that there was much in my life deserving of such attention [...] I was initially persuaded to commence this work, after a discussion with [Biafran head of state] General Ojukwu, in those heady days. He asked if I was keeping some records, and I answered in the negative: he was also not keeping any. What a pity, we thought, that both of us, students of history, were so a-historical.”⁴⁸ After the war, the administrator told Nigeria’s head of state that he had some documents that might be of historical interest:

This pleased Alhaji Yusufu [Gowon], and he promised to send his staff in a few days to bring us to Lagos, with the documents. As soon as they left, Ikpa and I occupied ourselves going through the documents in our possession, to ensure that anything incriminating, which could be used against our people, was destroyed. Indeed, it was a painful task, reliving the experience of Biafra, and dumping into the toilet-bin, documents which stirred emotion. This we had to do, for in spite of

⁴⁷ Saheed Aderinto and Paul Osifodunrin, eds., *The Third Wave of Historical Scholarship on Nigeria: Essays in Honor of Ayodeji Olukoju* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012): pp. 6-7.

⁴⁸ Godwin Alaoma Onyegbula, *The Memoirs of the Nigerian-Biafran Bureaucrat: An Account of Life in Biafra and Within Nigeria* (Ibadan: Spectrum, 2005): p. ix.

Yusufu's warm-heartedness, we could not predict what the Nigerian authorities would do with us.⁴⁹

Sometime around 1973, the Nigerian Federal Government decided that the demands of reconciliation and reintegration trumped those of posterity, and what could be found of Biafra's state records were intentionally destroyed. As Ekong Sampson laments, "Much as that was a valid reaction to forge the post-war ethos suitable to the continued unity of Nigeria, those keen on meaningful research into the Biafran situation would find some of the inhibitions quite frustrating."⁵⁰

Legal records

What remains are bits of Biafra's legal record, preserved in uncatalogued collections in the storerooms and back cupboards of courthouses across the former Biafra.⁵¹ Why these records were preserved is not always clear. Some seem to have been kept out of inertia, or because it was not worth going to the trouble of disposing of them. Others, especially civil records, were probably kept because a registrar thought that someone might one day request a record of their divorce proceedings and the like – even if the Biafran stamps on them rendered them void for

⁴⁹ Godwin Alaoma Onyegbula, *The Memoirs of the Nigerian-Biafran Bureaucrat: An Account of Life in Biafra and Within Nigeria* (Ibadan: Spectrum, 2005): p. 193.

⁵⁰ Ekong Sampson, *The Path of Justice Chike Idigbe* (Lagos: Distinct Universal Limited, 1999): p. 71.

⁵¹ In addition to these cases, a small number of Biafran cases from early in the war are preserved in the Biafra Court of Appeal series of the National Archives of Nigeria in Enugu, along with a smattering of administrative files from the Biafran Ministry of Justice and an incomplete run of the *Biafra Sun* newspaper. Odd issues of other Biafran periodicals can be found in the Special Collections of the Nnamdi Azikiwe Library at the University of Nigeria – Nsukka. In the branch of the national archives in Ibadan, there is a collection of Biafran propaganda that is duplicated in a number of repositories abroad, most completely at Michigan State University. In the zonal office of the national archives in Calabar there are some irregular files from Biafra. A unique collection of materials from Biafran civil defense organizations can be found in the storeroom of the National War Museum in Umuahia.

most legal purposes in postwar Nigeria.⁵² In the Enugu State High Court, which constitutes the largest single repository for this project, partial collections of cases from Biafra were preserved by the justices who wrote their decisions, possibly “for reasons of vanity,” as a current librarian posited. They are irregularly organized, incomplete, and deteriorating. Given the conditions in which they are kept, they will likely not be available to future generations of historians. Perhaps because they are so thoroughly forgotten, or because they are of no practical value to the legal practitioners who use the law libraries and registries where they are held, I was in most cases given free rein to view these documents.⁵³ This was labor-intensive work, conducted in lightless and cobwebby sheds and back rooms of working courts, all while wearing the jacket and tie expected of visitors to court compounds. I tried to leave these repositories in better conditions than I found them in, but much work would have to be done to ensure that these records do not turn to dust in the near future.⁵⁴

⁵² The partial nature of this record precludes a rigorous quantitative or cliometric analysis of the incidence of different types of crime or cases. There is no town or court for which I have anything like a complete record, and so the approach that I take to these materials is to treat them narratively, as individuated stories of how Biafrans and ex-Biafrans acted and adapted to the times. That said, there are some ways of looking at the incidence of crime in a wider frame. For example, in 1980 a sociologist at the University of Ibadan conducted a study of the incidence of armed robbery throughout the Nigerian federation in the 1970s. In 1970, the year the war ended, in the core of the former Biafran territory there were six hundred and fifty cases of violent armed robbery in that year alone. In all of northern Nigeria in that year, there were only seven. This study showed that over the course of the 1970s, the incidence of armed robbery increased everywhere, such that by 1980 the incidence of armed robbery was roughly the same in all states of the federation. There are various reasons to quibble with how the study was conducted, but broadly it supports my contention that this particular form of crime was closely related to the experience of the war. Tekena Tamuno, “Trends in Policy: The Police and Prisons,” in Tekena Tamuno, ed., *Nigeria Since Independence: The First Twenty-Five Years, Vol. IV* (Ibadan: Heinemann, 1989).

⁵³ In the interest of protecting privacy I have changed the names of criminal defendants in unpublished court cases cited here. Location descriptions and file numbers for these cases have not been altered.

⁵⁴ There is an implicit critique here of the much-discussed “digital turn” in historical research, and the attendant idea that “for historians, borders are not what they used to be,” as Lara Putnam writes. The fetishization of the digital may threaten bodies of African knowledge like the ones that I use here; these records are not digitized and likely never will be. Some of their meaning is contained in

The difficulties of accessing archival materials on the period after independence have precipitated a return to methods pioneered by earlier generations of African historians. Historical ethnography, reliance upon oral sources, the interpretation of material culture, and other methods usually associated with the study of the precolonial past are coming “back” into African historical practice, though now to reconstruct a more recent period. In my case this return to an old historical practice takes the form of piecing together my own archive, like the Nigerian historian Kenneth Dike did in the 1950s.⁵⁵ If they were so inclined, historians of the colonial period could jettison these more abstract sources in favor of reading colonial records “against the grain.” Historians of more contemporary African history do not have this luxury. They often must make do with less material, even though the time period they consider is closer to our own. Something is lost in the absence of rich, labyrinthine government archives, even if it has also forced historians of the postcolonial period to develop creative new approaches to the study of the recent past.

The social history that I derive from legal records is not straightforward. Transcripts of Biafran cases are sometimes interrupted by shelling, which points very clearly to the fact that there was a larger context for what went on in Biafra’s courts. Judicial archives have an allure that most social historians of law now recognize to be dangerous; legal cases purport to offer

their materiality, their physical location, and the negotiations that go into accessing them. Moreover, the triumphalist promise of a borderless world of historical knowledge that digital humanism offers looks disingenuous from the perspective of the Nigerian archive, a place that is not only excluded from the digital turn by material factors, but is also subject to highly restrictive regulations that stem the flow of people and information out of the country. Lara Putnam, “The Transnational and the Text-Searchable: Digitized Sources and the Shadows They Cast,” *American Historical Review* Vol. 121, No. 2 (2016): p. 380.

⁵⁵ Though on a far more modest scale than Dike, who in addition to his work as a historian founded the Nigerian National Archives. The work for which he first sutured together a coherent archival record where there previously was none was Kenneth Dike, *Trade and Politics in the Niger Delta, 1830-1885: An Introduction to the Economic and Political History of Nigeria* (Oxford: Clarendon Press, 1959).

unvarnished and “sworn” versions of events in the words of the people who experienced them, but may in fact say more about the logics of the legal system. The “facts of the matter” they present are not objectively true even though they are unequivocally presented as such.⁵⁶ Much context is not visible in the legal record. What Brian Owensby calls the “flat, page-bound scrawl that survives any given legal encounter,” is only a suggestion of the larger lives and situations that it purports to record in full.⁵⁷ Furthermore, as Richard Roberts warns, the document available to the legal historian is “a summary of the dispute that was shaped by translations of interactions that took place in the court and by various economies of recording. These translations and summaries served to channel talk of trouble into simplified categories of dispute. These are African voices, but the voices we read are not the same as those that spoke in the court.”⁵⁸ A courtroom is not a public meeting, and there are rules on what can and cannot be said.⁵⁹ The legal historian should be conscious, therefore, of what is left out of the record because it is inadmissible or irrelevant for the purposes of the trial, and what is changed to fit the semantics of the law.⁶⁰

⁵⁶ Pablo Piccato compares criminal legal epistemology to the structure of Akira Kurosawa’s film *Rashomon*, in which “each participant has a perspective, but the truth does not belong to anyone.” Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900-1931* (Durham: Duke University Press, 2001): p. 6.

⁵⁷ Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford: Stanford University Press, 2008): p. 9.

⁵⁸ Richard Roberts, *Litigants and Households: African Disputes and Colonial Courts in the French Soudan, 1895-1912* (Portsmouth: Heinemann, 2005): p. 238.

⁵⁹ Lorraine Daston, “Historical Epistemology” in Lorraine Daston and Peter Galison, eds., *Questions of Evidence: Proof, Practice and Persuasion Across the Disciplines* (Chicago: University of Chicago Press, 1994): p. 282.

⁶⁰ The literal language of law in Biafra was English. Following the decline of the customary courts, which had worked predominantly in African languages, courts and tribunals in this period worked in English. The records used here were recorded in that language unless otherwise noted. In the interest of maintaining consistency I have left idiomatic expressions and spelling errors in these records intact. In cases where speakers of Igbo or other languages appeared before the courts, simultaneous

Legal archives, and especially criminal legal archives, also tend to blunt the affective dimensions of violence. They remove its emotional content, relating events that likely undid the lives and worldviews of those involved in cold, dispassionate language that captures little of their psychological consequences. They can also give the impression that the only events in a given place are violent or criminal. If this dissertation reads as a litany of bloody and deceitful anecdotes, it is because that is the story that criminal records tell, not because crime was the only thing going on in Biafra. The cases that are most extreme, complex, bloody, and depraved are the ones that generate the thickest dossiers, and raise the knotted legal questions that are likely to lead to appeals and counter-suits. As in most legal records, “it is in the borderline situations, numerically small but qualitatively all important,” where the ideology and priorities of a legal system become visible.⁶¹ This creates a bias in the legal record which suggests that the most extreme or exceptional cases are the ones that are most important. To read the history of everyday life from legal records is fraught with pitfalls, including the temptation to mistake the priorities and ethics of courts for those of the people whom they serve.⁶²

Other areas of the legal record, such as civil proceedings and family law, reveal that life did not grind to a halt during the war. As Biafra’s Chief Justice recalled, “it was not all

translation into English was made of all testimony. As in the colonial period, translation shaped legal process in important ways. See Benjamin N. Lawrance, Emily Lynn Osborn, and Richard L. Roberts, eds., *Intermediaries, Interpreters, and Clerks: African Employees in the Making of Colonial Africa* (Madison: University of Wisconsin Press, 2006).

⁶¹ Wolfgang Friedmann, *Legal Theory* (London: Stevens, 1949): p. 277.

⁶² Works that address this tension include David Pratten, *The Man-Leopard Murders* (Bloomington: Indiana University Press, 2007); Natalie Zemon Davis, “Judges, Masters, Diviners: Slaves’ Experience of Criminal Justice in Colonial Suriname,” *Law and History Review* Vol. 29, No. 4, Law, Slavery, and Justice: A Special Issue (November 2011): pp. 925-984; Rebecca J. Scott, Michael Zeuske, “Property in Writing, Property on the Ground: Pigs, Horses, Land, and Citizenship in the Aftermath of Slavery, Cuba, 1880-1909,” *Comparative Studies in Society and History* Vol. 44, No. 4 (Oct., 2002): pp. 669-699.

machet[e]s and vicious murders.”⁶³ Though most people put off civil suits during the war, prosaic legal matters are not completely absent in Biafra’s court records. Even in the most trying periods of the fighting Biafrans engaged in ordinary activities, some of which brought them to court. They married, divorced, and fought over the custody of children. They sued their neighbors over the boundaries of property and pursued debts owed to them, all of which can be found in Biafra’s patchy legal record. But even these more quotidian areas of law show how the war reached into Biafrans’ lives. Seemingly banal cases over probate or divorce often erupted into violence during (and also after) the war, responding as they often did to situations that petitioners would never have found themselves in were Biafra not at war. The violence of the war bled into all areas of life, including those that had little to do with “crime.”

Criminal legal records do not reveal everything about this period. What historians *can* do with legal records is understand what arguments defendants and litigants thought were plausible in wartime, how judges understood the law, and how the administrative mechanisms of law functioned, changed over time, and came apart at the seams. In a place like Biafra where the legal system did more than simply adjudicate points of law, these are all matters of social and political history in addition to legal historical questions. In many instances, the history that I derive from legal records comes from fragments of the legal record that are peripheral to the central concerns of jurisprudence. These include things like a judge’s marginalia about a defendant’s physical emaciation, a summons that went unanswered because the person it sought had disappeared into the maw of the fighting, and a debate about whether firearms seized as evidence ought to be destroyed, as the court’s rules dictated, or returned to the battlefield where they were needed.

⁶³ Ekong Sampson, *Evergreen Memories of Sir Louis Mbanefo* (Lagos: Lomanc Books, 2002): p. 117.

Oral history

My other main source material consists of oral interviews, mostly with people who worked as lawyers, magistrates, or legal administrators in Biafra and postwar eastern Nigeria. Through these interviews, I develop a historical ethnography of the legal profession in the era of decolonization. The war and its aftermath were shaped not only by crime and those who engaged in it, but by the class of people who practiced law. Lawyers and jurists were important figures in decolonization in much of the former British Empire, and Biafra was no exception. Generally, these people felt a strong cultural and intellectual affinity to Britain (and especially to the English Common Law), but that affinity did not preclude them from being politically committed nationalists. At many points, their intellectual and moral commitments to justice, equability, and other legal principles that they prized clashed with the martial spirit of the moment in which they found themselves. The common law is an evolving body of knowledge that changes over time, but in the dense temporality of wartime it could not change fast enough to reflect Biafran and Nigerian society. As a result, many lawyers and jurists felt a kind of whiplash – their professional, class, and civic identities were tied up in the law, and some of them personally floundered as the war forced them to make moral and professional compromises. Young lawyers whose civic and personal outlooks were shaped by the war went on to positions of prominence and power after the war. Like for Nigeria as a whole, their experiences during the war influenced how they thought and acted in the period that followed.⁶⁴

The majority of my informants were men, which reflects the composition of the legal profession at the time. I also interviewed a number of men who were soldiers during the war and

⁶⁴ A comparative study of the worldview of a male professional class can be found in Stephan Miescher, *Making Men in Ghana* (Bloomington: Indiana University Press, 2005).

became legal practitioners after its end, forging their professional and civic careers as veterans of the “rebel” army. Most identify as Igbo, though like many people of their social position their class, professional, and religious identities are often the ones to which they first turn when describing themselves. It is important not to filter what they say through the ethnic categories that are usually invoked to describe Nigeria.⁶⁵ Even those, like Ijaws in Port Harcourt, who had no desire to be part of Biafra at the time and feel no nostalgia for it today, rarely expressed their reflections on the war in ethnic terms.

Nearly all of the legal professionals I interviewed lived in Biafra and then Nigeria throughout the war and its aftermath. Most had attended universities in the United Kingdom, Ireland, or the United States.⁶⁶ Many bemoaned the state of legal education in Nigeria today, feeling that their younger colleagues received less rigorous training than they had. Many are Senior Advocates of Nigeria, which is a professional honor equivalent to Queen’s Counsel elsewhere in the Commonwealth. Most conversations took place in their chambers, usually busy and utilitarian places, often in down-at-heel office buildings that did little to outwardly suggest the material success that many of them did in fact have. Other interviews took place in people’s homes, in court cafeterias, or after church. Many of them introduced me to friends and colleagues whom I then interviewed, often accompanying their recommendations about who to talk to with warnings that I should not trust everything that I hear. I have taken these warnings to heart. A smaller number of interviewees appeared before Biafran and Nigerian courts as defendants, though it proved difficult to trace people accused of crimes during the war into the present. I have anonymized some interviews at the requests of my informants.

⁶⁵ On the ways in which historical ethnic identities manifest in contemporary oral histories, see James R. Brennan, *Taifa: Making Nation and Race in Urban Tanzania* (Athens: Ohio University Press, 2012): p. 15.

⁶⁶ Legal education at the university level was only established in Nigeria in 1966.

Perhaps because of their professional success, most of the legal professionals I interviewed exhibited little bitterness towards Nigeria. Their prevailing attitude towards their involvement in the war was pride mixed with a degree of sadness. Most looked back fondly on their youth in Biafra in spite of the hardships that they experienced there, and many were eager to talk about their experiences. Few remembered this time with anger or regret, though about half of them felt that eastern Nigeria was treated unfairly after the war. Most - even the most professionally successful and politically powerful – expressed the opinion that contemporary Nigeria is riven by extreme political and social problems. Some may privately mourn the lost opportunity of Biafra, but no person I interviewed openly expressed desire for Biafra to secede again. They have had to forge their professional and personal lives in a reintegrated Nigeria, and over the half century since the war most of them have come to the conclusion that the best way to live is "to let go of the past."⁶⁷

Many of their children feel differently, as do the Biafrans who remained in exile after the war. For many who were born during or after the war, Biafra remains an unfulfilled, often idealized dream. Never having been forced to make a personal peace with Nigeria, and unconstrained by the silences imposed on talk about Biafra in postwar Nigeria, many who made their lives in the United Kingdom, the United States, and elsewhere recall the war with undiminished bitterness and anger. Were this account drawn predominantly from their memories, the war and its aftermath would likely appear even more grim and violent than it does in the later chapters of this dissertation.

Memoirs and biographies

⁶⁷ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

Finally, memoirs make up an important body of sources for this account. As in Nigerian historiography broadly, there is an extensive biographical and autobiographical literature on the war. Dozens of memoirs and *mea culpe*, often self-published, have been written on this period. In Nigeria, biographies of and by twentieth century elites have deeply influenced the methods and practice of historical writing. One way to understand the prevalence of biography as a historical genre is to see it as reflecting the patrimonial nature of politics; biography educates clients about the “big men” to whom they are supposed to pay respect and political tribute, giving an intellectual underpinning to a system of political clientage that became very widespread in postcolonial Nigeria. The historical questions that biographies and memoirs raise vary. The presentist question of “what has gone wrong and who is to blame” often comes to the fore.⁶⁸ Some biographies give detailed accounts of lineage and family history, often with the objective of legitimating a contested claim to chieftaincy in Nigeria’s complicated network of native authorities.⁶⁹ Biographies of jurists and judges often give extended expositions of their legal philosophies.⁷⁰ They are subject to the same exaggerations and distortions of biographies anywhere. As one Biafran administrator candidly warned in his own memoirs, “biography becomes boring when entirely true or is over-exaggerated to justify one’s place in history.”⁷¹

⁶⁸ Among many examples, see Igbonekwe Ogazimorah, *New Roads to Biafra... The Igbo Man’s Burden* (Enugu: Twoway Printers, 1997); Joe Achuzia, *Requiem Biafra* (Enugu: Fourth Dimension, 1986).

⁶⁹ See, for example, Omar Farouk Ibrahim, *Prince of the Times: Ado Bayero and the Transformation of Emiral Authority in Kano* (Trenton: Africa World Press, 2001); Akpolokpolo Erekiuwa, *Oba of Benin, I Remain, Sir, Your Obedient Servant* (Lagos: Spectrum, 2004).

⁷⁰ Amadi Awa, *Portrait of Service: Biography of Hon. Justice Abai Ikwechegh* (Owerri: Vivians and Vivians Publishers, 1989); Ekong Sampson, *Evergreen Memories of Sir Louis Mbanefo* (Lagos: Lomanc Books, 2002); Dulcie Adunola Oguntoye, *Your Estranged Faces* (self-published, 2008).

⁷¹ Godwin Alaoma Onyegbula, *The Memoirs of the Nigerian-Biafran Bureaucrat: An Account of Life in Biafra and Within Nigeria* (Ibadan: Spectrum, 2005): p. 193.

This biographical tradition has created a historiography that is tightly focused on individuals. Chukwuemeka Odumegwu Ojukwu, Olusegun Obasanjo, Yakubu Gowon, and other prominent figures of the war have been the subjects of many biographies, sometimes written by their political rivals to “set the record straight,”⁷² and lesser known figures like Victor Banjo and Isaac Boro have received the same treatment.⁷³ The picture that emerges of the war is a conflict between forceful personalities; the coups leading up to Biafra’s secession appear to be motivated by personal ambition rather than politics or structural factors. This is not always inaccurate, but it represents a narrow understanding of what happened in Biafra. These memoirs are useful because they are richly argumentative with official versions of events and often intertextually reproduce documents that are otherwise unavailable,⁷⁴ but they provide little in the way of social historical information. The present analysis uses these memoirs and biographies extensively, but in most cases I turn to them for what they say in passing about the broader history of the war, rather than for the individual life stories that they contain.

Review of literature

Historiographically speaking, Biafra gives lie to the cliché that history is written by the victors. In fact, the most widely read accounts of the war – those by Chinua Achebe,

⁷² Among many examples see Val Obienyem, *Ojukwu: The Last Patriot* (Ibadan: Wisdom Publishers, 2005); Chukwuemeka Odumegwu Ojukwu, *Because I am Involved* (Ibadan: Spectrum Books, 1989); Olusegun Obasanjo, *Nzeogwu: An Intimate Portrait of Major Chukwuma Kaduna Nzeogwu* (Ibadan: Spectrum Books, 1987); J. Isawa Elaigwu, *Gowon: The Biography of a Soldier-Statesman* (London: Adonis and Abbey, 2009).

⁷³ Ogunṣheye, F. Adetowun, *A Break in the Silence: A Historical Note on Lt. Colonel Victor Adebukunola Banjo* (Ibadan: Spectrum Books, 2001); Isaac Boro, *The Twelve-Day Revolution* (Benin City: Ibodo Umeh Publishers, 1982).

⁷⁴ Luise White finds a similar value to memoirs in postcolonial Zimbabwe. Luise White, “Hodgepodge Historiography: Documents, Itineraries, and the Absence of Archives,” *History in Africa* Volume 42 (June 2015): p. 315.

Chimamanda Ngozi Adichie, John De St. Jorre, Frederick Forsyth, Alexander Madiebo and others – are by people who either fought on the Biafran side or were sympathetic to it after the fact. There are many general histories of the war, most of which emphasize its military dimensions.⁷⁵ The events of the military conflict are the subject of an enormous historiography by military historians, amateur historians, and veterans. In recent years, methods drawn from the “new military history” have made an appearance in Africanist historical scholarship, which this dissertation turns to the study of Biafra.⁷⁶ A small but important body of social historical work has fleshed out the ways in which Biafran civilians experienced the war, often through oral historical research. This has provided valuable points of comparison for the present analysis.⁷⁷ The present work brings these military and social historical questions to bear on a body of legal sources; court cases provide versions of events that are less shaped by the complicated politics of memory than social histories drawn from contemporary interviews. They provide a fuller picture of life in Biafra than conventional military history can offer.

⁷⁵ Among many others, which often bridge the genres of history and memoir, see Alexander Madiebo, *The Nigerian Revolution and the Biafran War* (Enugu: Fourth Dimension, 1980); Olusegun Obasanjo, *My Command: An Account of the Nigerian Civil War, 1967-1970* (Ibadan: Heinemann, 1980); Godwin Alabi-Isama, *The Tragedy of Victory: On-the-Spot Account of the Nigeria-Biafra War in the Atlantic Theatre* (Ibadan: Spectrum, 2013); Luke Nnaemeka Aneke, *The Untold Story of the Nigeria-Biafra War* (Lagos: Triumph, 2008); Michael Gould, *The Struggle for Modern Nigeria: The Biafran War, 1967-1970* (London: I.B. Tauris, 2012); John De St. Jorre, *The Brothers' War: Biafra and Nigeria* (London: Faber, 2009); Ralph Uwechue, *Reflections on the Nigerian Civil War: Facing the Future* (Victoria: Trafford, 2004); Fredrick Forsyth, *The Biafra Story* (Baltimore: Penguin, 1969).

⁷⁶ See for example Moses Ochon, “Caliphate Expansion and Sociopolitical Change in Nineteenth-Century Lower Benue Hinterlands” *Journal of West African History* Vol. 1, No. 1 (Spring 2015): pp. 133-178;

⁷⁷ See for example Axel Harneit-Sievers, *A Social History of the Nigerian Civil War: Perspectives From Below* (Enugu: Jemezie Publishers, 1997) and many of the contributions in Siyan Oyeweso, ed., *Perspectives on the Nigerian Civil War* (Lagos: OAP Humanities Series, 1993). See also the extensive oral historical materials collected as part of the University of South Florida’s Asaba Memorial Project, available at <http://asabamemorial.org/>.

Despite the large amount of writing on Biafra, the war often appears as a discontinuity, or an ellipsis, in Nigeria's national history. In official accounts, it was usually elided as an episode that was too uncomfortable to remember. Until recently, it did not appear in secondary school textbooks.⁷⁸ There are good reasons for this silence on the war. The long period of military rule that followed (with two brief interruptions) was a time when many intellectuals were imprisoned or forced into exile, universities and cultural organizations were stifled, and the federal government became increasingly secretive and paranoid.⁷⁹ In these circumstances, few people felt that they could openly comment on the war and its legacies.

The poet Afam Akeh describes the public treatment of the war in the following terms: "In a land of hostile silences the common past/ is septic with storied graves, dark clouds/ hovering like a dragnet, so many/ with diaries of disconsolate days."⁸⁰ In the long period of military rule,

⁷⁸ The volume of a government-sponsored series of historical and anthropological textbooks on "The Ibo of East Central Nigeria" from the 1990s makes no mention of the war whatsoever, concluding only that "to succeed in Ibo society, a newcomer should do well to follow in the footsteps of the NCNC [National Council of Nigeria and the Cameroons, the pre-war nationalist party of Nnamdi Azikiwe] by building on the co-operative and competitive culture of the people." Oshomha Imoagene, *Know Your Country Series, Volume 3: The Ibo of East Central Nigeria* (Ibadan: New-Era Publishers, 1990): p. 44.

⁷⁹ A notable exception to this silence is Tekena Tamuno's landmark edited volume on the war from the *Nigeria Since Independence* series. The project, initiated and funded by the University of Ibadan in collaboration with a number of federal agencies, is a sober and comprehensive account of Nigeria's postcolonial experience up to the 1980s, published during a brief period of academic openness. One volume, on the civil war, is a collection of reminiscences and historical analyses from historians and prominent figures from both Biafra and Nigeria. It reflects but does not simply reproduce the Federal Government's version of events. It is both a key primary source for the process of reconciliation and an important historical treatment of the war. Most of the contributors who played key roles in Biafran secession, preface their analysis of the different dimensions of the war by reiterating their commitment to a united Nigeria. Even though Tamuno insisted that the Federal Government had no role in the content of the series, the volume clearly was marked by federal politics. Tekena Tamuno, ed., *Nigeria Since Independence Volume VI, The Civil War Years* (Ibadan: Heinemann, 1989); see also Joseph Okpaku, ed., *Nigeria: Dilemma of Nationhood; an African Analysis of the Biafran Conflict* (New York: Third Press, 1972).

⁸⁰ Afam Akeh, "Biafran Nights," in *Letter Home and Biafran Nights* (London: SPM Publications, 2012): p. 67.

fiction and verse were the safest genres to tell the painful and politically sensitive story of the war. Poets and novelists have been the most important figures in working through the war's legacy, producing dozens of widely read literary works. Literary treatments of the war opened up public discourse on the war while also distorting certain things about it. Since the return of civilian rule in 1999, the long period of semi-official silence on the experience of the war has been broken. In 2006, the publication of Chimamanda Ngozi Adichie's widely read novel of the war *Half of a Yellow Sun* brought the memory of Biafra to a new generation of Nigerians, many of whom had been born after its end.⁸¹ The death of Biafra's former head of state Chukwuemeka Odumegwu Ojukwu in 2011, followed by the publication of Chinua Achebe's memoir of the war years in 2012, made public discussions that ex-Biafrans had long been reticent to have outside of the home.⁸² It likely would not have been possible to write this dissertation before this thaw had taken place.

Histories of the war are usually embedded in either the postwar reconciliation process, or in the ongoing case for Igbo injury.⁸³ The various "plots" and conspiracy theories that proliferated during the war – such as the alleged Igbo plot behind the Majors' Coup of 1966 that overthrew the Nigerian First Republic, or the intrigue surrounding the deaths of various prominent officers – are major questions in the war literature. The question of how the Biafran

⁸¹ Chimamanda Ngozi Adichie, *Half of a Yellow Sun* (New York: Anchor, 2006).

⁸² Chinua Achebe, *There Was a Country: A Personal History of Biafra* (New York: Penguin, 2012).

⁸³ Much of this literature makes the case that the Nigerian blockade of Biafra and/or the pogroms of 1966 constitutes an act of genocide, some contending that Nigeria ought to be held accountable before the International Criminal Court and similar bodies. Historical works that engage with this question include: Apollos Nwauwa and Chima Korie, eds., *Against All Odds: The Igbo Experience in Postcolonial Nigeria* (Baltimore: Goldline and Jacobs Publishing, 2011); Chima Korie, *The Nigeria-Biafra War: Genocide and the Politics of Memory* (Amherst: Cambria Press, 2012); Uchenna Nwankwo, *Zik, Ndi-Igbo and Their Southern Neighbors: Charting a New Political Direction for Nigeria* (Lagos: Strategic Publishing, 2013); Herbert Ekwe-Ekwe, *Biafra Revisited* (Dakar: African Renaissance, 2007).

state operated in anything but a military sense is often left out of these accounts, as is an appreciation of how Biafra defined itself as a national polity. For a number of historians, the very idea of Biafran “nationality” was window dressing for the true stakes of the war, which in the view of Abubakar Momoh and others were class conflict and accumulation.⁸⁴ To some, secession was a reaction to a particular event, usually either the pogroms of 1966 or the second military coup that installed Major General Yakubu Gowon as head of state.⁸⁵ For Anthony Kirk-Greene, Biafra is important as the outcome of a “cumulative progression towards the internal collapse” of Nigeria’s federalist politics, but only nominally as a political entity itself.⁸⁶ For Kirk-Greene and others, Biafra seceded because of complicated political tensions within the military leadership. This is not incorrect, but it is clear from other sources that Biafran identity had some meaning beyond the political context in which secession took place.

Biafra has long been understood through its international dimensions.⁸⁷ This literature about the war’s extraversion posits that the war was not just an episode in Nigeria’s history, but

⁸⁴ Abubakar Momoh, “Class Struggle in Biafra,” in Siyan Oyeweso, ed., *Perspectives on the Nigerian Civil War* (Lagos: OAP Humanities Series, 1993); Adewale Ademoyega, *Why We Struck: The Story of the First Nigerian Coup* (Ibadan: Evans Brothers, 2012).

⁸⁵ For a detailed description of this prelude to the war, see Douglas A. Anthony, *Poison and Medicine: Ethnicity, Power, and Violence in a Nigerian City, 1966 to 1986* (London: Heinemann, 2002); Eghosa E. Osaghae, *Crippled Giant: Nigeria Since Independence* (Bloomington: Indiana University Press, 1998): p. 63.

⁸⁶ Anthony Kirk-Greene, *Crisis and Conflict in Nigeria: A Documentary Sourcebook, 1966-1970, Vol. I* (Aldershot: Gregg Revivals, 1993): p. 23.

⁸⁷ The history of the war has most often been told from foreign diplomatic records, the international press, and Biafra’s voluminous propaganda, much of it produced in the United States and Europe. See Suzanne Cronje, *The World and Nigeria: The Diplomatic History of the Biafran War, 1967-1970* (London: Sidgwick and Jackson, 1972); Bola A. Akinterinwa, *Nigeria and France, 1960-1995: The Dilemma of Thirty-Five Years of Relationship* (Ibadan: Vantage Publishers, 1999). Recent studies of the war have paid greater attention to international dimensions that are not captured by a strictly diplomatic historical approach, including its relationship to changes in humanitarian practice, human rights, and the question of genocide. See for example Daniel Sargent, *A Superpower Transformed: The Remaking of American Foreign Relations in the 1970s* (Oxford: Oxford University Press, 2015); Lasse Heerten, “The Dystopia of Postcolonial Catastrophe: Self-Determination, the Biafran War of

one that resonated across the geopolitical world order. Indeed, there were many ways in which the Nigerian Civil War shaped or manifested in larger dynamics, including the Cold War, changes in the practice of international humanitarianism, and debate about what political responses genocide compelled. Biafra also changed the way in which much of the world fundamentally understood warfare – it was among the first televised wars, graphically exposing people to the atrocities of war more intimately than perhaps ever before. The Nigerian Civil War also helped to cement a connection between Africa, violence, and humanitarian crisis that is today firmly implanted in much of the world’s public imagination. The other thing that Nigeria brought to mind for most people in the 1970s and after – for Africans and non-Africans alike – was crime.⁸⁸ It is worth considering where that perception came from. Part of the answer lies in the history of global media coverage and activism about the Nigerian Civil War, which is a topic of current historical research by a number of scholars.⁸⁹

But this internationalized literature says little about events in Biafra itself, rendering it the object rather than the subject of its own historiography. What happened in Biafra was not just a blur of tragedy; historians should not allow international outcry to stand in for a full picture of

Secession, and the 1970s Human Rights Moment,” in Jan Eckel and Samuel Moyn, eds., *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2013); Dirk Moses and Lasse Heerten, eds., *Postcolonial Conflict and the Question of Genocide: The Nigeria-Biafra War, 1967-1970* (London: Routledge, forthcoming 2017).

⁸⁸ One striking illustration of this reputation could be found at the security line of any American airport. For most of the 1990s passengers going through the metal detector would pass a sign warning that the Federal Aviation Administration did not advise travel to Lagos' Murtala Muhammed Airport because the safety of the airport could not be guaranteed - a warning that was not even made for active war zones.

⁸⁹ See for example Roy Doron, “Marketing Genocide: Biafran Propaganda Strategies During the Nigerian Civil War, 1967–1970,” *Journal of Genocide Research*, Vol. 16, No. 2-3 (2014): pp. 227-246; Brian McNeil, “‘And starvation is the grim reaper’: The American Committee to Keep Biafra Alive and the Genocide Question During the Nigerian Civil War, 1968–70,” *Journal of Genocide Research* Vol. 16, No. 2-3 (2014): pp. 317-336. Though it is not the only answer. The Sahelian famines of the 1970s and those in Ethiopia in the 1980s had a similar influence on the international perception of the continent.

what transpired there.⁹⁰ The present work takes the humanitarian crisis as a starting point for understanding what took place in wartime Biafra, asking what dynamics the crisis generated locally and nationally, rather than in the wider world as other historians have done.⁹¹ The starving child is the overwhelmingly dominant image of this war, both in Nigeria and more widely. But to treat Biafra as a situation of bare life that precludes all possibility of comprehension, as this image entreats the viewer to do, effaces the complexities of Biafra's internal history.⁹² This is not to say that the famous images of starvation were unduly exaggerated. To be sure, the Nigerian blockade created a famine affecting millions of people, killing a very large number of Biafrans and doing permanent physiological damage to many of those who survived.⁹³ But starvation is not the only story that there is to tell about Biafra, and it should not occlude a fuller understanding of what happened there. Biafra was neither a place of total anomie, nor one that was only ever acted upon.⁹⁴

⁹⁰ Nancy Rose Hunt makes a resonant argument about the history of violence and its aftereffects in Congo, suggesting “nervousness” as a heuristic for colonial rule. See Nancy Rose Hunt, *A Nervous State: Violence, Remedies, and Reverie in Colonial Congo* (Durham: Duke University Press, 2016).

⁹¹ Of course, the line between the local and the global consequences of the war should not be drawn too firmly. Localized events there informed the larger international dynamics that historians of the war have made familiar. For example, ideas about crime that emerged in Biafra shaped how it articulated its identity as a sovereign state, which in turn affected how the international community responded to it. This internally focused approach to Biafra speaks to the larger international questions that have received so much attention in recent years.

⁹² For an examination of the social dynamics that famine can generate, see Megan Vaughan, *The Story of an African Famine: Gender and Famine in Twentieth-Century Malawi* (Cambridge: Cambridge University Press, 2007).

⁹³ The number of casualties in Biafra is a matter of intense dispute, but most estimates put it well over one million and perhaps as many as three million. Kwashiorkor and other infirmities caused by hunger cast a long shadow in the former Biafra. Although a physician present at the only hospital operative in Biafra at the end of the war estimated that the death rate for patients admitted there for kwashiorkor was only five percent, the disease had lasting effects on growth rates for children and the incidence of anemia. See R. G. Hendrickse, “Protein-Energy Malnutrition,” in R.G. Hendrickse, et. al., *Paediatrics in the Tropics* (London: Blackwell Scientific Publications, 1991): pp. 119-131.

⁹⁴ This statement vis-à-vis the international literature should not be mistaken for a generalized argument about agency. The fact that Biafrans acted in their own interests and made decisions about

Saheed Aderinto writes that we are now in the midst of a “third wave” of African historiography, following periods of intensive study of the deep African past and the complexities of colonialism. This new wave is the study of contemporary history, which “tackles fresh developments and events that are extraneous to the colonial period and those that had their foundation during alien rule.”⁹⁵ Richard Reid challenges the idea that the late twentieth century African nation-state can be understood without a deeper appreciation of the *longue durée*,⁹⁶ and indeed certain aspects of political identity-formation in Biafra are best understood in the long view – for example, of ethnogenesis in the deep past, or the Bight of Biafra’s integration in the Atlantic economy of enslaved people and later palm products.⁹⁷ It would also be misleading to draw too firm a line between the colonial period and what came after. But Aderinto is correct that events in the independent period are complex and deserving of attention in their own rights.⁹⁸ In Nigeria’s voluminous national historiography, the years after 1960 are often treated as a coda to the experience of European rule. My orientation towards Nigeria’s longer history is

their lives, even in the constraints of warfare and crisis, should not be surprising. Demonstrating that African historical actors exhibited agency is salient in some circumstances. In others, to do so is to insist on something that should already be obvious. The argument that Africans are agentive, both in the context of colonialism and beyond, has the danger of suggesting that there might be some otherwise; asserting the agency of one group or another implicitly suggests that other people do *not* act in the social and political world. Unless one is speaking of people who are in conditions of something like bare life, these arguments about agency often have the opposite effect from what they intend.

⁹⁵ Saheed Aderinto and Paul Osifodunrin, eds., *The Third Wave of Historical Scholarship on Nigeria: Essays in Honor of Ayodeji Olukoju* (Newcastle: Cambridge Scholars Publishing, 2012): p. 7.

⁹⁶ Richard Reid, “State of Anxiety: History and Nation in Modern Africa,” *Past and Present* No. 229 (Nov. 2015): pp. 239-269.

⁹⁷ On these longer questions see Adiele Afigbo, *The Igbo and Their Neighbours: Inter-Group Relations in Southeastern Nigeria to 1953* (Ibadan: University of Ibadan Press, 1987); Kenneth Dike, *Trade and Politics in the Niger Delta, 1830-1885* (Oxford: Clarendon Press, 1956); Ugo Nwokeji, *The Slave Trade and Culture in the Bight of Biafra: An African Society in the Atlantic World* (New York: Cambridge University Press, 2010).

⁹⁸ For a larger treatment of this question see Patrick Chabal, ed., *Political Domination in Africa: Reflections on the Limits of Power* (Cambridge: Cambridge University Press, 1986).

that the events described here were shaped by what came before – especially by British rule – but not in deterministic ways. Biafra inherited its legal system from Britain, by way of Nigeria, but what Biafrans did with it cannot be explained by looking at the colonial archive. The seven years that passed between Nigeria’s independence and Biafra’s secession were a densely packed period of historical change, full of events which, while shaped by the recent past, were rarely understood by their protagonists as functions of Nigeria’s experience under colonialism.⁹⁹ In some views, the complexities of the period after independence are legacies of uneven, localized, and “indirect” forms of administration under colonial rule.¹⁰⁰ A more expansive view emphasizes the importance of imperial conceptions of political belonging in the late colonial period, finding continuities across the moment of independence often effaced in nationalist historiography.¹⁰¹

⁹⁹ I agree with Richard Reid that “the clamour to make analysis of colonialism ever more sophisticated and to attribute to it ever more nuanced power” has made historians blind to events that occur outside the colonial frame. Reid makes this observation to argue for the importance of studying the precolonial *longue durée*, but it is equally true that the emphasis on colonialism’s complexity is often at the expense of understanding post-independence political and social dynamics. Richard Reid, “Past and Presentism: The ‘Precolonial’ and the Foreshortening of African History,” *The Journal of African History* Vol. 52, No. 2 (July 2011): p. 148. Jacob Ajayi made a similar argument a generation before, arguing that colonialism is best understood as one chapter in Africa’s longer history. Like Reid, he meant this as an injunction to study Africa before the nineteenth century, but nearly sixty years after independence it could also be read as a directive to study the period after 1960. This is not to argue that the historical questions of the postcolonial period are in some way more complex or pressing than those of colonialism, but rather that a generation of historical work on colonialism has made its logics and contradictions more legible to historians than those of the period that came after. J.F. Ade Ajayi, “Colonialism: An Episode in African History,” in Toyin Falola, ed., *Tradition and Change in Africa: The Essays of J.F. Ade Ajayi* (Trenton: Africa World Press, 2000).

¹⁰⁰ See Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996): p. 128. An alternative view of tradition that nonetheless sees custom in its complexity as a primary site of African politics can be found in Thomas Spear, “Neo-Traditionalism and the Limits of Invention in British Colonial Africa,” *Journal of African History* Vol. 44 No. 1 (March 2003). Since customary legal regimes had been thoroughly marginalized in the Eastern Region prior to Biafra’s independence, customary law does not play a major role in the present argument.

¹⁰¹ See especially Frederick Cooper, *Citizenship Between Empire and Nation: Remaking France and French Africa, 1945-1960* (Princeton: Princeton University Press, 2014).

The present analysis takes a more foreshortened view of postcolonial Nigeria than either of these outlooks, while recognizing that both fed into how Biafra and postwar Nigeria operated.

This dissertation also addresses historical and ethnographic literature on war. It especially speaks to the growing Africanist literature on the technology of the firearm.¹⁰² The extensive literature on warfare in Africa (and especially civil war) takes many forms, bridging methodologies from history, anthropology, and political economy.¹⁰³ Some accounts privilege the political dimensions of warfare, fitting nebulous conflicts in places like Angola and the Mano River Basin into statist frameworks, the logics of the Cold War, or the Global War on Terrorism, rendering their politics legible but leaving their social dimensions to the side. Others emphasize war as it relates to scarcity, interpreting warfare and localized forms of violence as consequences of international economic forces and neoliberalism. A further body of literature brings the social, spiritual, and gendered dimensions of African civil wars to the fore.¹⁰⁴ Many works combine these explanatory frameworks to give nuanced accounts that treat no one cause as deterministic.¹⁰⁵ Recent analyses of war often respond to nationalist historiography, narrating the

¹⁰² Giacomo Macola, *The Gun in Central Africa: A History of Technology and Politics* (Athens: Ohio University Press, 2015); Saheed Aderinto, *Guns and Society: Firearms, Culture, and Public Order in Colonial Nigeria, 1900-1960*, forthcoming; William K. Storey, *Guns, Race, and Power in Colonial South Africa* (New York: Cambridge University Press, 2008). See also Shula Marks and Anthony Atmore, "Firearms in Southern Africa: A Survey," *Journal of African History* Vol. 12, No. 4 (1971): pp. 517-530; Joseph P. Smaldone, *Warfare in the Sokoto Caliphate: Historical and Sociological Perspectives* (Cambridge: Cambridge University Press, 1977).

¹⁰³ For an overview of the questions that have structured the study of warfare in Africa, especially in the period before colonial rule, see John Lamphear, ed., "Introduction," *African Military History* (Aldershot: Ashgate, 2007).

¹⁰⁴ Heike Behrend, *Alice Lakwena and the Holy Spirits: War in Northern Uganda, 1985-1997* (Oxford: James Currey, 1999); Joseph Hellweg, *Hunting the Ethical State: The Benkadi Movement of Côte d'Ivoire* (Chicago: University of Chicago Press, 2011); Stephen Ellis, *The Mask of Anarchy: The Destruction of Liberia and the Religious Dimension of an African Civil War* (New York: New York University Press, 2007).

¹⁰⁵ See for example Gérard Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (Oxford: Oxford University Press, 2009); Paul Richards,

histories of civil wars against an older body of scholarship – one concerned with creating a “usable past” for African nation-states – emphasizing the plurality of national genealogies and the “roads not taken” during the long period of decolonization.¹⁰⁶ Many of these works, including the present one, share a common enemy in the large popular literature on African warfare that treats it as inscrutable, primordial, apolitical, and uniquely violent. My approach combines features of these political, social, and economic approaches to the study of African civil war. It adds to them an appreciation of the place of law in wartime. This work is not explicitly comparative, but the Biafran experience is instructive for many wars in which the “legitimate” violence of warfare bleeds into crime.¹⁰⁷

Fighting for the Rain Forest: War, Youth, and Resources in Sierra Leone (Oxford: James Currey, 1996); William Reno, *Warlord Politics and African States* (Boulder: Lynne Rienner, 1998); Richard J. Reid, *Warfare in African History* (Cambridge: Cambridge University Press, 2012); Christopher Clapham, ed., *African Guerrillas* (Bloomington: Indiana University Press, 1998).

¹⁰⁶ See for example Justin Pearce, *Political Identity and Conflict in Central Angola, 1975-2002* (Cambridge: Cambridge University Press, 2015); Daniel Branch, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization* (Cambridge: Cambridge University Press, 2009); Assis Malaquias, *Rebels and Robbers: Violence in Post-Colonial Angola* (Uppsala: Nordiska Afrikainstitutet, 2007).

¹⁰⁷ Many comparisons can be made between Biafra and other wars, but comparative cases only do so much analytical work. The reasons why wartime acts transformed into forms of criminality and persisted for so long in Nigeria are in many ways unique even if there are points of similarity to, for example, the rise of fraud and organized crime southeastern Europe following the Yugoslav Wars. A similar though less dramatic process took place in Congo during and after the secession of Katanga, where the circulation of armaments not only created paramilitary activity that famously spilled over into Rwanda and Burundi, but led to a rise in violent everyday crime. As for criminal practices forged in battle that spread after the war is over, an instructive comparison can be made to the American Civil War. In Missouri, Arkansas, and elsewhere, the practice of rural guerilla warfare known as “bushwhacking” transformed into armed banditry by criminal gangs that had operated as irregular military units allied to the Confederacy during the war. These forms of crime spread into the American west, and into regions that had been far from the lines of battle. See Thomas Goodrich, *Black Flag: Guerrilla Warfare on the Western Border, 1861-1865* (Bloomington: Indiana University Press, 1995); on forms of corruption that followed a similar pattern see Eric Foner, *Reconstruction: America's Unfinished Revolution: 1863-1877* (New York: History Book Club, 2005): pp. 365-369. The comparison that ex-Biafrans themselves most frequently made was to Bangladesh. The secession of East Pakistan took place only a year after Biafra's defeat in circumstances very similar to Biafra's, but the results of that war were very different – Bangladesh succeeded in obtaining international recognition and ultimately won its war.

Biafra compels historians to reconsider not only how the postcolonial state operates in Africa, but how it relates to criminality. Vibrant historical and ethnographic debates have emerged on corruption in postcolonial Nigeria.¹⁰⁸ Corruption in the form of venality, nepotism, embezzlement, and the inappropriate use of state authority are all related to the more personalized forms of fraud discussed here and may emerge from similar political dynamics, but the logic of law treats government corruption and acts of fraud as different phenomena. The anthropologist Andrew Apter challenged this idea, arguing that corruption in official politics and the swath of crimes collectively referred to as “419” are mutually constitutive. In his view the larger political and social malaise that allowed this situation to develop is ultimately a consequence of the oil boom (and the bust that followed it). Steven Pierce’s historical ethnography of corruption posited that, rather than mere “malpractice,” corruption and critiques of it are inherent to the process of political change in Nigeria. 419, in this view, has greater historical depth and more complex moral valences than it has been given credit for. Daniel Jordan Smith provided an ethnographic account of 419, concluding with a section on how MASSOB and other contemporary groups inform politics and the criminological imaginary in eastern Nigeria. I expand on the relationship between Biafra and crime that Smith suggests; it is a historical relationship in which there is a degree of causality and continuity at the level of *habitus*, rather than a relationship linked primarily through memory. The present analysis adds to

¹⁰⁸ In addition to the ethnographic and historical works cited in n. 3, there is a large contemporary social scientific literature on forms of crime within or connected to Nigeria, including fraud, armed robbery, financial crime, corruption, kidnapping, and the drug trade. This work describes patterns of criminal practice deeply, but is less concerned with their origins. See for example Global Witness Report, “International Thief Thief: How British Banks are Complicit in Nigerian Corruption,” 2010; UNICEF Regional Office for West and Central Africa, “Beyond Chibok,” 2016; Stephen Ellis and Mark Shaw, “Does Organized Crime Exist in Africa?” *African Affairs* Vol. 114, No. 457 (2015): pp. 505-529; “Annual Report of the Police Special Fraud Unit, Nigerian Police,” 2014.

this literature by elaborating the connection between warfare and crime, arguing that Nigeria from the 1970s onwards is not only a postcolonial society, but a *postwar* society.

Description of chapters

Organized into three roughly diachronic sections, the dissertation covers the period from Biafra's secession in May 1967, through the war's end in January 1970, to the coup that overthrew General Yakubu Gowon as Nigeria's head of state in 1975. The events of the narrative are clustered in the period from May 1968, when Biafra was fully blockaded and the humanitarian crisis became acute, to the beginning of the oil boom in 1973. Each section is preceded by a brief introduction, which describes the larger history of the war and provides some necessary background. Part one of the dissertation considers law's role in Biafra's administration and in its state ethos, and traces how the legal system came apart under the pressure of the war. Considering the period before the fall of Port Harcourt in May 1968 and the subsequent famine, chapter one describes the Biafran state in this early period of the war, paying particular attention to the important place that law and order occupied in Biafra's national imaginary. The chapter concludes with a discussion of the treason case *The State v. Victor Banjo and three others*, which provides a view of the Biafran legal system's logics and priorities, and how it began to come apart. Chapter two moves into the later period of the war, when Biafra was cut off from the outside world and its carefully constructed legal system began to unravel in earnest. In particular, the chapter focuses on the emergence of vigilantism, the blurring of lines between the battlefield and civilian life in Biafra, and the Biafran state's loss of its monopoly on violence.

Part two turns to the criminal legal record in more detail, describing the varieties of crime that emerged as the Biafran legal system came apart during the second half of the war. The

synchronic chapters that make up this part treat two related forms of crime, armed robbery (chapter three), and fraud (chapter four), both of which use a “thick description” of crime and violence derived from court cases to understand how Biafrans used activities marked as crime to endure the precarious conditions of life in wartime. Chapter three analyzes cases of armed assault, theft, and other confrontations between soldiers and civilians that took place in and around the theater of war but away from the direct lines of engagement with Nigeria. Chapter four analyzes how forged documents and fraudulent identities emerged in Biafra, considering how they overlapped with “legitimate” forms of official practice that the war had thrown into flux. These records show how the logics, tools, and skills of the battlefield inflected everyday confrontations in Biafra, leading some people to survive in ways that the norms of war permitted, but the law classed as “crime.”

The third and final part proceeds to the Biafran territories reoccupied by Nigeria and the postwar period, tracing how crime and the discourses that accompanied it changed as the fighting ended and a tenuous peace was forged. These chapters argue that the forms of crime that had emerged in Biafra as means of survival did not disappear in postwar Nigeria. They were adapted to new conditions of shortage and precarity in the postwar East Central State and elsewhere in Nigeria. Chapter five analyzes what happened politically and to the legal system after the fighting ended in various parts of the former Biafra, starting with the minority areas that fell to Nigeria early in the war (Calabar and Port Harcourt) and moving into the central Igbo provinces that held out until 1970. Chapter six uses legal records to describe the shape of crime in the East Central State – the core of the former Biafra and the last region to fall to Nigeria – where poverty, unemployment, and a variety of social and political ills caused by the war conspired to make everyday life in the 1970s very violent and precarious.

Conclusion

To “piece together the memory of a country that exists only on paper” is, as Fiston Mwanza Mujila argues, an easier task for a novelist than a historian.¹⁰⁹ Historians often treat the study of places like Biafra as a fool’s errand. Short-lived governments, unrecognized states, and the losing sides of civil wars – all of which describe Biafra – defy description using the tools of statist history. As a result, they are usually reduced to a single political idea at the expense of a more detailed picture of how they were organized and administered. Often, their internal orders are difficult to see, or appear to be poor copies of the states from which they seceded. Places like Biafra do not fit neatly in the frame of the nation-state, but nor are they well-served by transnational approaches which disembody them from the particularities of their contexts. This is a problem of studying states ranging from the Confederate States of America – a similarly short-lived polity to Biafra, though of a very different kind – to unrecognized states like Somaliland and the Sahrawi Arab Democratic Republic, the internal orders of which are largely ignored at the expense of their fraught relationships with the rest of the world.

War, as historians have long recognized, makes worlds.¹¹⁰ The world that the Nigerian Civil War made was profoundly shaped by what took place inside Biafra. And what took place in Biafra has a great deal to do with law. A history which shows that a fairly functional – and sometimes, to those that it served, just – legal regime operated in the very depths of war goes

¹⁰⁹ Fiston Mwanza Mujila, *Tram 83* (Dallas: Deep Vellum Publishing, 2015): p. 45.

¹¹⁰ Two important statements of this point that have shaped the present work are Charles Tilly, “War Making and State Making as Organized Crime,” in Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985): pp. 169-187; Mary Dudziak, *War Time: An Idea, Its History, Its Consequences* (Oxford: Oxford University Press, 2013).

against the idea that postcolonial legal systems are inherently despotic, dysfunctional, or arbitrary. But although Biafra was founded in the name of law and order, the unruliness of the war made this ethos of order impossible to actually implement. In a sense, both the rule of law (i.e., the constraint of power by a judiciary) and the force of the law (the ability of the legal system to maintain order) were casualties of the war. The war and its memory also provided the alibi for thirty years of nearly uninterrupted military rule in Nigeria, most of it under brutal regimes of emergency.

Attending to the history of fraud and violence does not imply that crime was the only important dimension of life in Biafra, nor does it pass judgment on the people marked in these records as “criminals.” It was the structural conditions of the war, not an innate or historically predetermined characteristic of Biafrans or Nigerians, which drove the growth of criminality during and after the civil war. Although the war and its aftermath were critical to the story of fraud and violence, other factors drove it as well. These included the wealth disparities created by the oil boom, technological changes ranging from automatic weapons to the internet, and the shrinking enforcement capacity of the Nigerian government in the age of structural adjustment. Historians and others have appreciated how these dynamics have influenced postwar Nigeria, but until recently the Biafran episode has been a lacuna in Nigeria’s large historiography. The argument here is not that Biafra lost the war from within, nor that the outcome of the war could have been different had only the Biafran state kept a handle on the internal situation. The analysis that proceeds focuses predominantly on dynamics within Biafra, but this is not to suggest that everything about the war and its outcome can be explained by what took place in the makeshift corridors of the Biafran state. The military, humanitarian, and international dimensions of the war are made to take a backseat here, but that is not to say that they are unimportant. An

analysis of why and how Biafra lost the war would be better answered by looking to those areas of analysis, all of which have extensive historiographies of their own.

This work is sympathetic to neither the Biafran side nor the Nigerian one. It represents what Judith Halberstam calls in another context a “disloyal historiography,” in that it avoids treating historical actors as heroes or victims, making no attempt to efface acts of violence committed by either side.¹¹¹ I take as positivist an approach as possible to the “plot” of the war – a plot that is riddled with holes, twists, and double-backs, to say nothing of episodes that contradict the versions of events that both Nigerian and Biafran sympathizers would prefer to tell. In this respect, this account will likely please no one.

¹¹¹ Judith Halberstam, *The Queer Art of Failure* (Durham: Duke University Press, 2011): p. 171.

Part I: Rule by law in Biafra

Introduction

In the telling and the resolution of stories in the law, lawyers and courts alike devote the most remarkable effort to saying, in effect, that the story before them is not new. “It is well settled” or “it has long been decided” is the court’s way of trying to conceal that what it is about to say is, in fact, entirely new; otherwise where would not be this specific plaintiff, this specific defendant, these specific witnesses, this set of facts before it... It is as though a storyteller were to say, Listen, please, while I tell you just the story I told last night and the night before, and that differs in no way from the one told by others and before my time. Which is a fine and venerable tradition of storytelling. Except that the courts’ version of it has the most radical impulse imaginable on people’s lives. – Renata Adler, *Pitch Dark* ¹¹²

On January 15th 1966, five years after Nigeria had gained independence from Britain, a group of five majors in the Nigerian military staged a coup, overthrowing the civilian government in the name of ending – in their view – the venality and ethnic politics that had infected the Nigerian First Republic. The coup only succeeded partially, and the plotters were unable to seize control of the government. After a brief period of grappling, Major General John Aguiyi-Ironsi came to power as the highest-ranking surviving officer in the military. He had not participated in the coup but shared some of the coup plotters’ goals. Ironsi’s first action was to consolidate power in a unitary system, toppling the carefully balanced federal arrangement by which the country was administered along regional lines. This, coupled with the fact that Ironsi and most of his advisers were Igbo, led many in the north and elsewhere to incorrectly believe that the coup had been an Igbo conspiracy.¹¹³

¹¹² Renata Adler, *Pitch Dark* (New York: Alfred A. Knopf, 1983): p. 182.

¹¹³ This is a subject of controversy, but the multi-ethnic composition of the coup’s leadership and their ideological rhetoric suggests that ethnic politics were not at the heart of their actions. See Adewale Ademoyega, *Why We Struck: The Story of the First Nigerian Coup* (Ibadan: Evans Brothers, 2012): pp. 124-130. For an alternative viewpoint see Usman Faruk, *The Victors and the*

Six months later, on July 29th 1966, a cadre of military generals from northern Nigeria staged a counter-coup against Ironsi's government and installed a young Major General, Yakubu Gowon, as head of state. Pogroms against Igbos and other people from the Eastern Region living in the north – most of whom worked there as merchants, technicians, professionals, and government employees – broke out at the end of 1966. Igbos had lived in the *sabon gari* – strangers' quarters – of northern towns, in Lagos, Port Harcourt, and elsewhere throughout the twentieth century, and although this was not the first time they had been targeted for violence their relationships with their neighbors had usually been peaceful. Why it broke out with such vehemence at this point is difficult to understand, and there are many stories about individual slights or confrontations that set off the bloodshed.¹¹⁴ Whether or not these stories are true, the larger reasons for the violence were structural. Resentment over the overrepresentation of Igbo and other eastern civil servants in the north was one of the factors that contributed to the outburst of ethnic violence. Many “indigenes” in the places where they lived resented them for occupying positions in government that might otherwise have gone to local people, or were suspicious of what they perceived as Igbos' close relationship to state authority. Others considered Igbos' commercial activities exploitative.¹¹⁵ Over a space of three months between eighty thousand and one hundred thousand Igbos were killed across the north. Acts of violence against Igbos and

Vanquished of the Nigerian Civil War, 1967-1970: Triumph of Truth and Valour over Greed and Ambition (Zaria: Ahmadu Bello University Press, 2011).

¹¹⁴ For example, Usman Faruk writes that the violence was set off by Igbos “circulating insulting and highly provocative pictures of the late Sardauna in a Drum Magazine owned by their people [in fact *Drum* was a South African publication]. That was what fueled and ignited the northern riots or ‘*Araba*,’ which for all intents and purposes, underlined the true inherent Igbo callousness and their lack of inherent diplomatic approach to issues of high sensitivity.” Usman Faruk, *The Victors and the Vanquished of the Nigerian Civil War, 1967-1970: Triumph of Truth and Valour over Greed and Ambition* (Zaria: Ahmadu Bello University Press, 2011): p. 96.

¹¹⁵ For an extensive account of this episode see Douglas A. Anthony, *Poison and Medicine: Ethnicity, Power, and Violence in a Nigerian City, 1966 to 1986* (London: Heinemann, 2002).

other easterners in the north had taken place throughout the twentieth century, but the scale of the massacres of 1966 was unprecedented.

The Nigerian government under Major General Yakubu Gowon appeared powerless to stop the pogroms, giving many eastern Nigerians the impression that they were being planned or sanctioned by Nigeria's new military regime. Between three and five million Igbos and other easterners fled into their ancestral homes in the Eastern Region as a result of this violence.¹¹⁶ In January of 1967 the military administrators of the Nigerian regions met in the town of Aburi in Ghana to hash out an agreement to restructure Nigeria as a confederation, guaranteeing the security of Igbos while preserving Nigeria's unity. Gowon's government did not act on this agreement, confirming to many easterners that their future in Nigeria was not secure. Nigeria's inaction also gave credence to the rumor that the violence of 1966 had been the prelude to a state-organized genocide. In this distressing context, the military governor of the Eastern Region declared its independence from the Federal Republic of Nigeria on May 30th, 1967 on the grounds that Nigeria had failed to protect the lives and interests of easterners, and especially Igbos, resident elsewhere in the Nigerian Federation. The new country called itself the Republic

¹¹⁶ Igbos who chose to stay in other parts of Nigeria during the war often found themselves targeted for violence and taken into state custody, sometimes for their "protection." A British intelligence report relayed how "several weeks ago the Vatican received a letter purporting to have been smuggled out of Kaduna gaol by an Ibo who alleged that he was being kept there with 200 other Ibos in the most appalling conditions. The Vatican asked the Apostolic Delegate in Lagos to investigate and he sent a personal emissary to the Archbishop in the North asking him to find out the facts. The Priests and Sisters who are designated prison visitors found that there was a part of the prison which was being closed to them. After considerable persistence stretched over several weeks one of the Sisters got past an inexperienced warder and found the Ibos," where she found them being held eight-five to a room to a hut in conditions where they could not all lie down. "The Prison Superintendent, who is generally regarded as being a humane person, was very embarrassed to find that his secret prisoners had been identified. He begged the Sister not to press him with any enquiries." These were civil prisoners who had apparently not been accused of any wrongdoing. On the part of the British, their main worry was that the Nigerian government's reputation would suffer "if the facts come to light before any improvement is made." National Archives of the United Kingdom [hereafter NAUK] FCO 38/287, W. Turner, British High Commission, Kaduna to M.J. Newington, British High Commission, Lagos, 18 July 1968; NAUK FCO 38/287, "Ibo civil prisoners," 25 July 1968.

of Biafra – a geographic rather than ethnic signifier. Its leader was Lieutenant Colonel Chukwuemeka Odumegwu Ojukwu, a wealthy Oxford-educated military officer who, up to that point, had been a model Nigerian soldier.

Unsurprisingly, Nigeria was not willing to let Biafra go. This was partially because doing so would embolden other groups to secede and the country would simply atomize, and in part because nearly seventy percent of Nigeria’s recently discovered oil reserves were located in territory that Biafra claimed. Nigeria began a “police action” to reclaim Biafra, which quickly escalated into a full-fledged war. During the first year of the fighting, before Biafra was isolated under a Nigerian blockade, the Biafran government attempted to flesh out the content of its national identity and assert its sovereignty by performing the tasks and rituals of a nation-state – the most important of which was legalism. The first chapter that makes up this section considers the political and legal dimensions of this first period of the war, before moving on in the second chapter to how analyze how Biafra and its legal regime began to come apart.

In large part, Biafra was founded in the name of protecting Igbos. The meanings and origins of “Igbo” itself are a subject of dispute, but by the late twentieth century Igbo had coalesced into an ethnic and linguistic identity which, in the federal arrangement that had come into force through the 1946 Richards Constitution, was one leg of a delicate tripartite power balance with Yorubas in the Western Region and Hausas in the Northern Region. The longer background to the war involves the nineteenth and twentieth century history of Igbo migration, commercial activity, and political involvement – both as agents of the colonial state and as nationalist leaders, who were often one and the same.¹¹⁷ One salient interpretation of Biafran

¹¹⁷ For a survey of the many currents that feed into the idea of “Igbo” in the twentieth century, see Axel Harneit-Sievers, *Constructions of Belonging: Igbo Communities and the Nigerian State in the Twentieth Century* (Rochester: University of Rochester Press, 2006). On Igbo involvement in the nationalist project through labor organization and political leadership see Carolyn Brown, “*We Are*

national identity placed this twentieth century history at the center of what it meant to be Biafran. The idea that Igbos' connection to Nigeria was based upon their work as civil servants and technicians spilled over into the project of building the Biafran nation. In editorials and petitions, many Igbos wrote of themselves as the people who had been most invested in the Nigerian national project.¹¹⁸ Many Biafrans were proud of the role they had played in building independent Nigeria, hoping that the technical and administrative skills that Igbos had turned to Nigeria's independence would make for a prosperous and well-run Biafra. High rates of Igbo representation in government and the professional classes extended to the legal system. Many had taken up legal education starting in the early twentieth century, working throughout the federation as barristers, magistrates, judges and court administrators during the late colonial period and the First Republic. In some cases Zikism, the policy of positive action led by Nnamdi Azikiwe that had oriented the anti-colonial struggle around nation rather than ethnicity, was erroneously remembered as a proto-Biafran Igbo consciousness.¹¹⁹ As Ojukwu would state towards the end of the war in the Ahiara Declaration, "Biafrans were in the fore-front among

All Slaves": *African Miners, Culture, and Resistance at the Enugu Government Colliery, Nigeria, 1914-1950* (Portsmouth: Heinemann, 2003); Nnamdi Azikiwe, *A Matter of Conscience* (Nsukka: African Book Company, 1979). On the longer history of the region in the Atlantic context, see Ugo Nwokeji, *The Slave Trade and Culture in the Bight of Biafra: An African Society in the Atlantic World* (New York: Cambridge University Press, 2010); Carolyn Brown and Paul Lovejoy, eds., *Repercussions of the Atlantic Slave Trade: The Interior of the Bight of Biafra and the African Diaspora* (Trenton: Africa World Press, 2011).

¹¹⁸ See for example Joint Meeting Statement of Advisory Committee of Chiefs, Elders, and the Consultative Assembly, *Eastern Nigeria Spotlight*, 1 June 1967.

¹¹⁹ On Zikism, see Richard L. Sklar, *Nigerian Political Parties: Power in an Emergent African Nation* (New York: Nok Publishers, 1963): p. 72; Nnamdi Azikiwe, *Zik, a Selection from the Speeches of Nnamdi Azikiwe* (Cambridge: Cambridge University Press, 1961).

those who tried to make Nigeria a nation. It is ironic that some ill-informed and mischievous people today will accuse us of breaking up a united African country.”¹²⁰

Biafran nationality and identity

Biafra was in flux for the entire period of its short existence. Like Biafra’s population of refugees, its ethos and identity were constantly in motion.¹²¹ Within the legal system, Biafran judges saw their work as contiguous with the pre-war legal system – Biafra remained part of the English common law tradition, tying it not only to Nigeria, but to the “civilization of law” that stretched across the entire former British Empire.¹²² But the circumstances of the war demanded a new national identity, and new ways of making and enforcing laws.¹²³ Prevailing

¹²⁰ This declaration was a statement of African socialist ideology drafted late in the war, rather than a charter of how Biafra was actually administered. Few of its provisions were brought into force. It is perhaps best understood as a last-ditch attempt to gain the support of the Warsaw Pact countries and China by giving Biafra an ideological cast. Chukwuemeka Odumegwu Ojukwu, *The Ahiara Declaration, 1 June 1969* (Enugu: Heritage, 1993): p. 4.

¹²¹ The term “refugee” warrants some explanation. The distinction between refugees (who cross international borders in the course of their displacement) and internally displaced persons (who do not) came to be set in international law only after the Nigerian Civil War. However, Biafran state officials were aware of the emerging consensus about the meaning of this term, and insisted that Igbos (and others) who “returned” to Biafra from the north and elsewhere were refugees to underscore the fact that Nigeria was a separate country.

¹²² A.A.M. Ekundayo, “The Common Law of Nigeria: A ‘Stranger’ or an Indigene in Nigeria?” in M. Ayo Ajomo, ed., *Fundamentals of Nigerian Law* (Lagos: Nigerian Institute of Advanced Legal Studies, 1989): p. 228.

¹²³ There was some precedent for this. Courts in pre-war Eastern Nigeria had enjoyed a high degree of autonomy since the decentralization of the court system in Nigeria in 1954. As a result, Eastern Nigerian judges were accustomed to a degree of juridical authority and independence even before Biafra’s secession. On the other hand, the power of customary and native courts – widely seen in the east as a stabilizing but moribund and sometimes despotic part of the legal system – had been curtailed in the late colonial period and continued to be eroded throughout the First Republic. This was especially so in the east, where hostility towards customary legal orders had long been brewing. On the regionalization of the courts see John P. Mackintosh, *Nigerian Government and Politics* (London: George Allen and Unwin, 1966): p. 56. On custom see Olufemi Vaughan, *Nigerian Chiefs: Traditional Power in Modern Politics, 1890s-1990s* (Rochester: University of Rochester Press, 2000): p. 94.

understandings of Biafra usually interpret its national community in ethnic terms (as a nation of Igbos, or Igbos and other easterners), or as a regional category emerging out of Nigeria's federalist politics. In fact, Biafra had meaning beyond these parochial definitions. An examination of Biafra from within reveals that, rather than being an ethnic or regional category, being a Biafran meant being law-abiding, loyal, and "ordered" in one's personal life and comportment. This language is an important motif of both the legal record and the official writings of Ojukwu and other Biafran leaders.

The idea that there was a clear "us" opposed to a specifically Nigerian "them" appeared widely in Biafran propaganda, in the press, and in the writings of members of the Biafran government. Who was included within this "us" was an open question. In a public edict Ntiyong Akpan, the head of the Eastern Nigerian (imminently Biafran) civil service wrote that before the choice to secede was made, the government "must satisfy itself that, taking a long term view, this is the best thing for *OUR PEOPLE*. I emphasise the words *OUR PEOPLE*, because in this present struggle for survival, even the Christian principle of selflessness must be forgotten, and our Fate and Destiny as a people made paramount."¹²⁴ Beneath this rhetoric was a reluctance to define who makes up "our people" – perhaps informed by the fact that Akpan himself was a member of an ethnic minority. Similarly, the July 1967 order to begin military conscription into the Biafran Army lists many precise characteristics that a Biafran soldier must have; he must be of a certain age, of a particular height, and must have a certain level of

¹²⁴ "The Fateful Decision," reproduced in Ntiyong U. Akpan, *The Struggle for Secession, 1966-1970: A Personal Account of the Nigerian Civil War* (London: Frank Cass, 1972): p. 78.

education depending upon his rank. The matter of his ethnicity was not addressed, however, the only requirement being that he “be a Biafran,” which the order left undefined.¹²⁵

When speaking to the outside world politicians and propagandists emphasized Biafra’s ethnic diversity, but propaganda meant for an internal audience was often more explicit about the connection between Biafra and Igbo. The United Kingdom’s High Commissioner to Lagos Sir David Hunt, who was a close personal and political ally to Nigeria’s leadership, visited the Eastern Region in the weeks before Biafra’s secession. In a colorful account of his mission, he wrote that

as soon as you cross the Niger bridge into the Eastern Region the atmosphere becomes more sulphurous and lurid. Any reasonably vertical surface is plastered with warlike posters. The commonest is one which would certainly fall under the condemnation of the recent British Race Relations Act and is reminiscent of some of the less attractive manifestations of Der Sturmer. It depicts a row of sinister non-Ibo faces and exhorts the public to report to the police the presence of anyone who looks like them. It is a melancholy fact that racialism (I almost wrote apartheid) is the primary political emotion in Africa South of the Sahara.¹²⁶

It is difficult to tell how common ethnicized understandings of Biafran politics like the one that Hunt described actually were.

Not all Biafrans were Igbos. Roughly a third of its population at the time of secession consisted of non-Igbos, including a small population of northerners. What relationship the “minority” regions along the coast had to Biafra was especially fraught, populated as they were by non-Igbo groups who generally did not share with Igbos the galvanizing experience of ethnic violence in federal Nigeria. A common explanation for Biafra’s attachment to the non-Igbo majority Rivers State and the South-Eastern State, so called following the division of Nigeria into twelve states in the opening period of the war, was that Igboland itself was too resource-

¹²⁵ Nigerian National Archives, Calabar [hereafter NNAC] 609 CAD 396/1/vol. x 3/3/356, “Recruitment Into Biafra Army,” 7 July 1967.

¹²⁶ NAUK FCO 25/232, “Confidential Report by David Hunt, Lagos,” 23 March 1967.

poor and too densely populated to be viable as a stand-alone nation state.¹²⁷ Indeed, the landlocked central territories of the Republic of Biafra – called the East Central State by the Nigerian Federal Military Government – had a population of 6.2 million people concentrated in an area of 36,000 square kilometers, with only limited natural resources (including rapidly diminishing coal reserves). The ports of Calabar and Port Harcourt and oil reserves present in the Niger River Delta – outside of the Igbo majority regions but linked to them by a long history – were also attractive to Biafra. The Biafran leadership saw them as an important part of the new country’s economic future. But it was not only oil that made Biafra feel attached to the south-south region. The fact that nearly two million Igbo people lived in and around Port Harcourt, and had been involved in its economy for a century or longer, made many Biafrans feel that it was “naturally” a part of Biafra. Local people in Rivers State and the South-Eastern State who identified as Ijaw, Efik, and other ethnicities often emphatically disagreed.¹²⁸

The ethnic dimension of the war, while important, was not straightforward. Viewed at a higher resolution, Biafra’s ethnic politics are characterized not only by a division between Igbos and other Nigerians, but between Igbo Biafrans and ethnic minorities in the east. A third, less visible but very important divide in Biafra’s domestic politics was between different communities of people who identified as Igbo. The division between Nnewi people and Onitsha

¹²⁷ Just prior to secession, Nigeria had been divided from four into twelve states as a last-ditch political attempt to undercut Biafra’s secessionist project by conceding to claims for separate states by non-Igbos in the east. The three federal Nigerian states that made up Biafra were the Igbo-majority East Central State (with its capital at Enugu), and “minority” coastal states of Rivers (Port Harcourt), and the South-Eastern State (Calabar). Biafra also briefly occupied the Mid-West State (Benin City). Centre des archives diplomatiques, Nantes [hereafter CADN] 332PO/1 Box 4, “The Views of the Minority Peoples of the Former Eastern Region of Nigeria by Dr. U.K. Enyenih, Addis Abeba, Ethiopia,” 10 May 1968.

¹²⁸ The best known denunciation of Biafra’s occupation of these regions is Ken Saro-Wiwa, *On a Darkling Plane* (Lagos: Wingspan, 2000). Saro-Wiwa, an Ogoni activist and intellectual, would later become famous as a critic of Shell and its clients in the Nigerian government, but during the war he and many other southeastern minorities threw in their lots with federal Nigeria against Biafra.

people – which is to say Igbo people who identified as “indigenes” of those towns – was the most persistent one in Biafra (and the one that drove the treason case against Emmanuel Ifeajuna described in chapter one), but there were many rifts down to the level of disputes between villages and neighborhoods. It was through these localized disputes over dwindling resources and local politics, not only in the grand clashes in the battle with Nigeria, that most Biafrans understood the ethnic stakes of the war. These and other nuances of Biafra’s history are lost in accounts that view it being entirely about Igbo membership in Nigeria.

Finally, there were two factors – commonly invoked though poorly understood – that explain less about the fighting than one might assume. One was religion, the other was oil. The fact that eastern Nigerians practiced Christianity at rates higher than elsewhere in the federation led some observers (from within and without) to incorrectly believe that the Nigerian Civil War was predominantly a religious war between Christian Biafrans and Muslim Nigerians. While Biafra did sometimes present itself as a Christian nation, not all Biafrans were Christians and few perceived religion as the primary force behind the conflict. To see the Nigerian state or its military as “Muslim,” as propagandists sometimes claimed, is very misleading given Nigeria’s religious diversity. Confessional identities explain little about the war, and their salience in Nigerian politics today cannot be easily projected into the past. The Nigerian Civil War also cannot be reduced to a conflict over oil. Although the presence of oil in the territory that Biafra claimed raised the stakes of Biafra’s secession, oil determined neither Biafra’s decision to secede nor Nigeria’s decision to pursue it. Biafra lost control of the oil terminal at Bonny and the oil producing regions early in the war. Had it truly been a conflict over resources the war would have ended there. In fact it did not, and instead the fighting accelerated. What Biafra and Nigeria

were fighting for was something larger and more abstract than control of the oil spigot. It was also a fight over ideology, ethics, and the political future.

Chapter 1

Law, order, and the Biafran national imaginary

The worst insult that one could be called in Biafra in the months after secession was “vandal.” The Biafran press and state propaganda constantly referred to Nigerian soldiers as criminals, alluding both to their rumored disregard for property rights and to Nigeria being – in the Biafran imagination – anarchic, genocidal, and run by “gangsters.”¹²⁹ The rhetoric of law and order was ubiquitous in Biafra. Biafra claimed to be the true inheritor of the English common law tradition and the rule of law, in contrast to Nigeria’s deviation from those traditions. Biafra’s secession was predicated on the claim that Nigeria had become “lawless” – the inability of the Nigerian government to stop the killings of Igbos in the north in 1966 was the clearest proof of that fact. The Biafran leadership made the case for secession as a restoration of law and order. Biafran Chief Justice Louis Mbanefo constantly stressed to the outside world that “the Biafran authorities were not irresponsible rebels who had seized power for the sake of power: on the contrary they had maintained law and order and the courts system inherited from the Federation.”¹³⁰

Biafra had an active judiciary and a lively legal culture; as one ex-Biafran who practiced law there recalled, “the one thing that we never had a shortage of was lawyers.”¹³¹ But Biafra’s legal system was far from being a model of functionality. Some of the lawyers I interviewed

¹²⁹ See for example Nigerian National Archives, Ibadan [hereafter NNAI] CWC 1-5, “Nigerian Pogrom 1966,” Biafran Directorate of Propaganda [1967].

¹³⁰ NAUK FCO 38/216, Summary of meeting between Lord Shepherd and Sir Louis Mbanefo, 11 June 1968.

¹³¹ Interview with Ejike O. Ume, SAN, in his chambers on Enugu Road, Onitsha, 12 March 2015. Indeed, when the many Igbo lawyers and jurists throughout Nigeria fled to the east in 1966, a glut of legal practitioners resulted.

recalled that although courts remained open, they operated only “at the level of keeping up appearances.”¹³² They did not feature the “flare, decency, and openness” that Eastern Nigeria’s eminent judges had demonstrated in peacetime.¹³³ Many recalled that the standards of behavior and comportment at court declined considerably.¹³⁴ Claimants appeared before the courts in work clothes or in “native attire” rather than suits, and the use of the wig and gown temporarily fell away, much to the consternation of some traditionally minded judges.¹³⁵ In short order the problems the Biafran legal system faced would become much greater than a lack of wigs.

To call Biafra a “regime of law” was more a political article of faith than an objective description of the regime.¹³⁶ Biafra did not feature the rule of law in any conventional sense – that would imply a greater degree of fidelity to the principles of the legal system than judges exhibited and a greater coherence to the patchwork of statutes and fora that made up the Biafran

¹³² Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

¹³³ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

¹³⁴ The rules of the court remained rigid, though. The lawyer Jacob Ibik recalled Chief Justice Sir Louis Mbanefo frequently dressing down lawyers who used the conditions of the war to excuse poor preparation or informal conduct in court. Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

¹³⁵ Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

¹³⁶ This is true beyond Biafra. Many systems that purport to be “legal” are in fact highly repressive and arbitrary, and feature no internal ethos of justice. See Gregory Mann, “What Was the ‘Indigénat’? The ‘Empire of Law’ in French West Africa,” *The Journal of African History* Vol. 50, No. 3 (2009): pp. 331-353. Moreover, as Samera Esmeir argues, the idea of the rule of law has the capacity to conceal and reproduce the forms of despotic power that it allegedly prevents: “The rule of law places its rules on higher planes, untouched by the biased, particularly mortal, and material bodies of its subjects. This self-abstracting technology, which disavows its own concrete applications, constitutes another historicizing force of positive law: the rule of law associated with the rule of men with despotism, chaos, and factual decisions, while claiming their historical overcoming through a polity of rules in counterpoint to one of personal discretion.” Samera Esmeir, *Juridical Humanity: A Colonial History* (Stanford: Stanford University Press, 2012): p. 199

legal system.¹³⁷ But Biafra did rule *by law*; the *by* gestures to law's political instrumentality, which the Biafran legal system had throughout the war. Biafra's existence as a nation-state depended on its army, but its internal administration was a function of its legal system. Even in the midst of this famously disordered and violent episode Biafra's legal system had some coherence and generative power – of jurisprudence, of legal subjects, and of a national ethos. This forces historians and legal theorists to think critically about law's force in postcolonial Africa, how it functions, and how it works upon the people caught up in it. Why, when everything else was on the brink of disaster, did Biafra devote scarce resources to the operation of its legal system? This chapter argues that legalism – fleeting and tattered as that idea became in a time of war – was at the heart of Biafra's political ideology and its practice of administration.¹³⁸ It describes the idea of orderliness as it operated in Biafra, focusing on the implementation of martial law through the Special Tribunal of Biafra. It then moves on to a discussion of how legal processes overlapped with politics, concluding with an analysis of a well-known treason case from early in the war.

The ideology of orderliness

To many of its citizens, “Biafran” was not a geographic, religious, or ethnic marker, but a category of political membership that valorized order, discipline, and adherence to the law. In much Biafran propaganda, Biafran nationality was more about loyalty to the national cause than ethnicity or regional identification. As a Biafran journalist asked at the beginning of the war,

¹³⁷ There is a voluminous legal literature on the meanings of the rule of law. See for example Brian Z. Tamanaha, *On the Rule of Law* (Cambridge: Cambridge University Press, 2004); A. Hutchinson and P. Monahan, eds., *The Rule of Law: Ideal or Ideology* (Toronto: Carswell, 1987); Piero Calamandrei, *Eulogy of Judges* (Princeton: Princeton University Press, 1942); Tom Bingham, *The Rule of Law* (London: Penguin, 2011).

¹³⁸ Law was also important in the semiotics of Biafra's authority and legitimacy. See figure 1.

“Biafrans are all at this time confronted with the onerous task of nation building. We are all involved in this task because we are all citizens of this young republic: but the big question we ask ourselves is whether we are responsible citizens.”¹³⁹ For this journalist and others like him, Biafran citizenship was an expansive category that did not need to be defined clearly; what was most important was that Biafrans were “responsible” – which is to say law-abiding, loyal, morally upstanding, and committed to the war effort.¹⁴⁰

“Order” was the barometer by which all things were measured in Biafra, and “discipline” was the constant refrain of judges, government officials, and others. To this end, the legal system was Biafra’s main implement of governance. Aside from the army, the Ministry of Justice was the only part of the Biafran government still operating by the end of the war. Discipline for the purpose of survival remained at the center of Biafran administration and rhetoric, even as public order collapsed in the later periods of the fighting (to which this dissertation turns in later chapters).¹⁴¹ For many Igbos especially, implementing the rule of law and safeguarding the court system was the most important task in “deodorising the region of the diabolical wrongs

¹³⁹ *The Biafra Sun*, 6 January 1968, p. 9.

¹⁴⁰ Family law cases describe the moralizing strand of Biafran ideology with particular clarity. In a case from Owerri early in the war, a man sued his wife for custody of their son after she had run away with her son and taken up work as a prostitute. Ruling in favor of the man, the High Court found that not only was he legally entitled to custody as the child’s legal father, but that the woman was an unpatriotic person “unfit to raise a Biafran child,” since “she is a prostitute having children for as many men that come her way.” Prostitution, though hardly particular to Biafra and arguably not the most pressing concern of the day, seemed to the judge in this case to be one of the greatest threats to Biafra’s cohesion and moral identity. Enugu State High Court [hereafter ESHC], uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Owerri, Suit No. OW/133/1966, *Emmanuel Ngbeanulu v. Sunday Okeke*, 4 September 1967.

¹⁴¹ After the war ended this would become the primary language of Nigeria’s political culture, culminating with Muhammadu Buhari’s “War on Indiscipline” in the early 1980s.

perpetrated by politicians of the fallen regime,” as one petitioner wrote just prior to Biafra’s secession.¹⁴²

The establishment of the Biafran state was foremost the establishment of a legal order. In his speech announcing Biafra’s independence, Ojukwu said that he saw “the idea of the rule of law [as] one of the driving forces behind the founding of the Republic of Biafra. The future Biafra will be guided by this knowledge.”¹⁴³ One of Ojukwu’s first official decrees was the Legal Practitioners Decree of June 17th 1967, which “established a Biafran Bar Association, and Biafra Bar Council and a Roll of Court for legal practitioners in the Republic.”¹⁴⁴ This decree was preceded only by the orders nullifying all decrees issued by the Federal Military Government of Nigeria. Prioritizing the operation of the legal system before all else demonstrates Biafra’s administrative – and rhetorical – commitment to “discipline” as a political ideology. The language of law and order figured prominently in Biafra’s performance of its legitimacy, both to its own populace and to the outside world. For this reason, the courts received pride of place in the moment of the new country’s foundation.

This rhetoric of law and order was not unique to Biafra. Nigeria also invoked law to justify its military intervention against the secessionist region. In a speech on the eve of Biafra’s secession, Gowon argued that the Eastern Region could not be allowed to secede because the rule of law had collapsed there and the regional government was behaving illegally. It had violated the law by expelling non-easterners, appropriating railways and aircraft owned by the

¹⁴² Arewa House, Ahmadu Bello University, Kaduna [hereafter AH] PR1/59/429, Secretary, Zikist Movement of the Far North Provinces to Military Governor, Northern Provinces, 18 May 1966.

¹⁴³ NAUK DO 186/1, “Transcription of Ojukwu’s 29th May Biafran Anniversary Address,” [30 May 1967].

¹⁴⁴ NAUK FO 25/232, G.D. Anderson, British High Commission, Lagos to F.S. Miles, West and General Africa Department, Commonwealth Office, 8 July 1967.

federal government, and hijacking a plane owned by Nigeria's national airline. In their dueling accusations of lawlessness, both sides drew upon the language of legality. The fact that Nigeria's first reaction to Biafra's secession was to stage a "police action" to end the crisis also suggests that the political struggle of the war took place partially within the space of the legal and criminal justice system. In short, law and legality was a crucial part of the war's discursive terrain – in the same way that the former Eastern Region was its physical terrain.

The notion that there was a deficit of law and order in Nigeria did not begin with the pogroms of 1966.¹⁴⁵ Lawlessness had already been the predicate of political change in independent Nigeria a number of times. Along with corruption and "indiscipline," it had been the main justification for the military coup that toppled the Nigerian First Republic. Six months later Gowon justified his own coup by claiming that the "lawless" Ironsi regime had failed to prosecute the killers of the Northern Region Premier Ahmadu Bello and others assassinated in the first coup. More generally, before Biafra's secession there had been a widespread feeling that Nigeria's politics were out of control, which electoral fraud and sporadic unrest in the Western Region seemed to confirm.¹⁴⁶ One political analyst in Eastern Nigeria put the blame on the political implosion of the Western Region some years before, writing that "the beginnings of the breakdown came in 1962 with the crisis in Western Nigeria which necessitated a Declaration of Emergency... This may be cited as the commencement of the indiscipline and lawlessness

¹⁴⁵ Nor was the salience of "orderliness" as a grounds of politics and political critique confined to the east. See Ruth Watson, *"Civil Disorder is the Disease of Ibadan": Chieftaincy and Civic Culture in a Yoruba City* (Oxford: James Currey, 2003). Crime, especially when it was committed by young people, was a major preoccupation of the colonial state. Crime had also been a major site for the articulation of ideas about gender, comportment, and relationships between young and old. See Abosede George, *Making Modern Girls: A History of Girlhood, Labor, and Social Development in Colonial Lagos* (Athens: Ohio University Press, 2014); Laurent Fourchard, "Lagos and the Invention of Juvenile Delinquency in Nigeria, 1920-60," *The Journal of African History* Vol. 47, No. 1 (2006): pp. 115-137.

¹⁴⁶ Olushola Fadahunsi, *Nigeria: The Last Days of the First Republic* (Ibadan: AOF Press, 1970).

which was to lead eventually to civil war.”¹⁴⁷ Others pointed to the process of decolonization as the root of political disorder, especially the Willinck Commission’s 1957 recommendation to leave the large regions intact rather than split them into smaller, ethnically defined states, thereby ensuring political infighting within them. Many Biafrans understood the war as both cause and consequence of a dramatic increase of “lawlessness,” “indiscipline,” and “disorder” – all of which became central in the language of politics in this period.

Despite Biafra’s legalism, Ojukwu and his advisers were anxious about the common law’s capacity to foster a secure and cohesive society in a time of crisis. In the very beginning of the war Ojukwu implemented emergency measures that were anathema to the country’s judiciary. In the legal system, emergency manifested as a turn to martial law. All of Biafra’s courts were tasked with keeping the new republic intact and functional, but the part of the legal system most explicitly responsible for preserving order was the Special Tribunal of Biafra.¹⁴⁸ The tribunal was established under Biafra’s emergency measures, also known as the Law and Order (Maintenance) Edict of 1967. These measures remained in force for the entire duration of Biafra’s existence. Official notice of the emergency measures was published on June 1, 1967, in dense language that nonetheless left little doubt about the shape of the new legal order:

¹⁴⁷ SOAS Christian Aid Collections, CA/A/6/5, “Information paper written for the Joint International Department of the British Council of Churches and the Conference of British Missionary Societies,” November 1967.

¹⁴⁸ Like other aspects of the Biafran legal system, the declaration of the state of emergency had its origins in colonial legal and administrative practice. Emergency measures had been implemented at many points in Nigeria in the twentieth century, most notably in Igboland in the context of the 1929 *Ogu Umunwaanyi*, a major anti-colonial rebellion led by market women in the city of Aba. See Misty L. Bastian, “Vultures of the Marketplace: Southeastern Nigerian Women and the Discourses of the *Ogu Umunwaanyi* (Women’s War) of 1929,” in Jean Allman, et. al., eds., *Women in African Colonial Histories* (Bloomington: Indiana University Press, 2002). On the colonial genealogy of emergency measures, see Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor: University of Michigan Press, 2003).

The powers of the Military Governor [Ojukwu] to make laws shall be exercised by means of decrees signed by him while a decree is made when it is signed by the Military Governor as Head of State and shall come into force on the day it is made or any other day specified therein or by a subsequent notice. The validity of a decree shall not be questioned in a court of law. The decree also [vests] on the Military Governor the executive authority of the Republic of Biafra which he might exercise either directly or through persons or authorities subordinate to him.¹⁴⁹

Edict number six gave Ojukwu wide authority to pursue internal enemies – both real and imagined –and established a bifurcation in the legal system between the common law courts and the Special Tribunal. In the absence of a constitution, it became the guiding document of Biafra’s administration. In theory the emergency measures were balanced by the common law courts, which continued to operate, but the fact that there was no possibility of appeal from the tribunals meant that they were a law unto themselves. The tribunal suspended *habeas corpus*, could strip defendants of their right to legal counsel, and had restrictive rules of evidence that appeared to be stacked against defendants.

The implementation of martial law

Over the course of the war the Special Tribunal’s jurisdiction crept into many areas of life. Its remit included cases of misconduct by soldiers, acts of sabotage, unauthorized possession of arms, and acts of public disturbance by civilians. It also had jurisdiction over acts of fraud, profiteering, and embezzlement, all broadly glossed as “subversion.”¹⁵⁰ Subversion was a

¹⁴⁹ *Biafra Sun*, 5 June 1967, p. 1.

¹⁵⁰ There were frequent debates in the tribunal over what kinds of crimes could be considered “subversion.” For example, in a case where the theft of gasoline intended for a civilian hospital had been committed, the question arose of whether it necessarily constituted subversion. They ruled that it did; “this plant generates electricity which is used in the Queen Elizabeth Hospital where the inhabitants of this country go for medical and surgical treatment. Without the electric plant the welfare of the inhabitants would be adversely affected. The surgeons will not see to operate nor can various apparatuses which are electrically operated be of any use. Any theft, therefore, of the gas oil

capacious category of misconduct. It accounted for the majority of the cases heard before the Special Tribunal at Nbawsi, which was the busiest tribunal and the one for which there are the most complete records. The next most common charge at Nbawsi was killing, followed by selling petrol or food above the official price ceilings.¹⁵¹ In effect a military officer or state prosecutor could bring anything related to the conduct of the war, or involving soldiers, before a tribunal instead of a civilian court. In theory the Special Tribunal was only allowed to treat matters originating in “disturbed areas” of Biafra and was intended to last only as long as the war. However, how to define an area as “disturbed” was not specified, and six months into the war it was declared that for the purposes of the tribunal’s jurisdiction *all* of the Biafran Republic would be considered disturbed. The Special Tribunal heard a larger number of cases after this point, and on a wider range of offences.

For better and for worse, perhaps no Biafran institution captured the spirit of Biafra’s independence – and the tensions within it – than the Special Tribunal. Some jurists argued that, more than any other part of the Biafran legal system, the Special Tribunal could reflect the interests and character of the new state. Because it was not tied to the body of jurisprudence that Biafra shared with Nigeria and the rest of the common law world, they felt that the Special Tribunal was the place where Biafra could best fashion its distinct identity. Its only source was to be Law and Order (Maintenance) Edict of 1967. No precedent or informal comparison was supposed to be made to jurisprudence or emergency measures from elsewhere. The Attorney-General of Biafra cautioned the Special Tribunal that “I learnt from bitter experience not to apply

used in generating the plant is a crime against the inhabitants of the Republic. It is an offence of subversion within the context of present emergency.” National Archives of Nigeria, Enugu [hereafter NNAE] MINJUST 117/1/4, In the Special Tribunal of the Republic of Biafra, No. ST/11c/69, *The State v. Gilbert Obazi Ihejiobi*, 11 May 1969.

¹⁵¹ NNAE, loose file, “Table of Cases of the Special Tribunal of Biafra Sitting at Nbawsi,” 1969.

judicial decisions based on foreign law to situations in my country.” In one case, he chastised the judges of the tribunal for admitting precedent from Ghana and Sierra Leone to determine what constituted profiteering. This was inappropriate, since “our own basic emergency law is the Law and Order (Maintenance) Edict, 1967, and section 10(2) thereof provides: ‘the Evidence Law and any other rule of evidence shall not apply to the proceedings of a special tribunal.’”¹⁵² This was not just a matter of procedure, but a statement of Biafra’s independent legal identity.

The proceedings of the Special Tribunal were recorded irregularly, often by the judges themselves. Government stationery from before the war was used when it was available, with “Nigeria” crossed out and “Biafra” typed over it. Many lawyers remember the Special Tribunal as a “rough” form of justice – a necessary but temporary concession to the situation of the war. The tribunal was composed of two civilian judges and a military officer and sat in various parts of Biafra. Like all courts, it moved with the war front and as a result its proceedings were often conducted in an *ad hoc* manner. Ojukwu also reserved for himself the ability to detain anyone “at the governor’s will,” which could not be appealed.¹⁵³ He exercised this prerogative frequently.¹⁵⁴

The lawyer Joseph Ibik remembered of his practice in Biafra that the tone of the proceedings in a military tribunal was combative, treacherous, and unfamiliar. The tribunal invariably included at least one military officer with no legal training. Some officers respected the due process of law, others did not. Many had contempt for civilian lawyers who represented defendants. There was always at least one legally trained judge among the panel of three that made up the tribunal, but the real power seemed to lay with the officer. That said, most lawyers

¹⁵² NNAE MINJUST 115/1/1, Attorney-General/Commissioner for Justice to the Chairman, Special Tribunal, Nbawsi, 10 November 1967.

¹⁵³ NNAE MINJUST 90/1/31, M.O.I. Idigo to Chwuemeka Odumegwu Ojukwu, 2 July 1968.

¹⁵⁴ NNAE MINJUST 115/1/1, “Special Tribunal Nbawsi – Return of Cases,” 11 December 1969.

recalled that a defendant appearing before a military tribunal would usually receive a fair hearing; the soldiers delivered conscientious and moderate judgments, even if their rhetoric in the courtroom tended to be fiery.¹⁵⁵ An examination of these cases reveals that even for capital offences the Special Tribunal usually imposed fairly modest sentences rarely exceeding twenty years imprisonment – no more than the common law courts. But in spite of their relative equability and restraint the tribunal was a suspension of the normal working of the law, and the presence of a military officer on the bench alongside the civilian judges was a radical departure from the normal order of things. “It was the same people practicing the law in Biafra as had practiced in Nigeria,” Enechi Onyia recalled, “but now they were more afraid of the government than they had been in Nigeria.”¹⁵⁶

Unsurprisingly, the Special Tribunal had a different conception of justice from the common law courts. It constituted an area of legal exception that coexisted with the normal workings of the civil and common laws. Although it nominally answered to a civilian ministry, the tribunal often displayed notably martial conceptions of order and justice. Many of the crimes within its jurisdiction were actions that were legal in peacetime, including loose talk, commercial activities that could be considered war profiteering, and public assembly.¹⁵⁷ One lawyer remembers that “it was wartime, so you could not say what you thought openly. Even suggesting

¹⁵⁵ Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

¹⁵⁶ Interview with Chief Enechi Onyia, SAN, in his chambers on Zik Avenue, Enugu, 29 September 2014.

¹⁵⁷ David M. Jemibewon, *An Introduction to the Theory and Practice of Military Law in Nigeria* (Lagos: Friends Foundation Publishers, 1989): p. 16.

that they should make peace with Nigeria could be considered sabotage.”¹⁵⁸ Martial law was unfamiliar and treacherous terrain for many of Biafra’s lawyers.

Judges and lawyers who had been trained in the common law tradition were acutely aware of the dangers inherent in this kind of justice. Many legal practitioners privately worried that the expanding remit of martial law threatened to hollow out Biafra’s legal culture. The lawyer Anthony Mogboh recalled that he went to some lengths to avoid the tribunal. Like many Biafrans he gave the military as wide a berth as he could, refusing to take on clients whose cases would require him to go before a tribunal. His avoidance of the Special Tribunal was a statement of principle: “If I did not believe in you I would not go to the court for you, and if I did not believe in the court I would not go to the court,” he recalled.¹⁵⁹ Legal practitioners and most judges evinced hope that these tribunals were temporary, and that their effects on the integrity of the legal system could be contained. But it was plain to most that the establishment of tribunals and the martial legal order that they represented compromised the idealism of Biafra’s independence.

To many lawyers and judges, the implementation of the emergency measures and the establishment of the Special Tribunal soon after secession did not bode well for the new country’s future. The common law legal system – even though it remained functional – was not the model of equitability that Biafra’s lawyers had hoped it would be, and could hardly operate normally when martial law and a whole parallel system of tribunals were also in force. Even in ostensibly civilian cases that were not under the emergency measures, the military often had a role in the proceedings. In the absence of state prosecutors (due to death, conscription, or

¹⁵⁸ Interview with Chief Enechi Onyia, SAN, in his chambers on Zik Avenue, Enugu, 29 September 2014.

¹⁵⁹ Interview with Anthony Mogboh, SAN, in his chambers in City Layout, New Haven, Enugu, 2 October 2014.

inability to travel to court – all common problems in the circumstances), military officers sometimes took on the role of the prosecutor in civilian courts. Given their lack of legal training they were not particularly astute prosecutors, but their presence in the courtroom alarmed many lawyers.¹⁶⁰ As one of them recalled, “in a military regime it is just decree after decree,” and the principles that underpinned the common law eroded as the legal system was adapted to the war.¹⁶¹ All facets of social, commercial, and political life in Biafra were turned towards the fight against Nigeria.

Politicized law in Biafra

The Special Tribunal was shaped by the politics and exigencies of the war to a greater degree than the civilian side of the Biafran legal system. Despite the fact that it dealt largely with cases arising from the war, the tribunal was part of the Ministry of Justice rather than the army. It was implicated in the ministry’s politics far more than the common law courts, which at least in theory operated behind the partition of judicial independence. The Attorney-General weighed in on cases before the Special Tribunal frequently. In one case, two men stood accused of subverting Biafra’s economy for purchasing a large bag of salt for 5,600 pounds (far above the government control price), on the grounds that they were driving inflation. The tribunal acquitted the defendants on a technicality – it could not be confirmed that the bag reading “British Salt – 40 lbs.” indeed contained salt because the police had not taken a sample of its contents. The acquittal infuriated the Attorney-General. He wrote,

One recalls the ageless principle of interpretation established in Heyden’s Case centuries ago, which is that a law must be interpreted so as to suppress the evil

¹⁶⁰ Their ability to secure convictions perhaps owed more to their intimidating presence in the courtroom than to their legal acumen. Interview with anonymous informant, Enugu, September 2014.

¹⁶¹ Interview with anonymous informant, Onitsha, March 2015.

and advance the remedy. The evil here is in the inflation of prices against the welfare of the people of Biafra. The remedy is to stamp it out by means of sanctions provided by law. To avoid those sanctions by means of technicalities is to advance the evil, and this is a thought I do not find refreshing.¹⁶²

To this Biafran administrator, a particular application of the law was crucial to preserving order.

In his mind, a preoccupation with the rules of evidence or process should not be allowed to obstruct that end. The rules and protections embedded within the legal system eroded under this pressure.

From the very beginning, Biafran jurists' sober legalism clashed with the political demands of the time. The tension between the imperatives of law and politics was especially apparent in cases involving "strangers" present in Biafra. These foreigners, most them non-Igbo Nigerians who had stayed in Biafra after secession, were often made the objects of discourse about public order, ethics, and identity.¹⁶³ In late 1966, prior to Biafra's secession, the Eastern Region government had issued an edict that all northerners were to be expelled from the east, which resulted in chaos in the small Hausa neighborhoods of the region.¹⁶⁴ There was little suggestion in the edict of how the expulsion would be carried out. As a result it was implemented arbitrarily, with many abuses. In practice, people would arrest their northern neighbors and take them to police stations, from where they would be dispatched to the north by train at their own expense. With the tacit approval of the Eastern Region government, many people used the vague terms of the edict to extort money from northerners or expropriate their property. For the most

¹⁶² NNAE MINJUST 115/1/1, Attorney-General/Commissioner for Justice to the Chairman, Special Tribunal, Nbwasi, 10 November 1967.

¹⁶³ See for example NNAE ENJUST 5/31/6, *The State vs. Ibrahim Bakar*, August 1967.

¹⁶⁴ The Eastern Region's expulsion of northerners was clearly illegal under the Nigerian constitution, which guaranteed the right of abode to Nigerians anywhere in the federation – though whether the constitution could be considered in force at this time was not clear. At any rate the expulsion was understood as a direct provocation of the Lagos government and a prelude to the region's declaration of independence.

part the Eastern Region government turned a blind eye to these abuses, ostensibly because the Northern Region government was, as far as they knew, not only failing to protect easterners resident in the north but actively encouraging violence against them. Merely expelling northerners was, as far as the Eastern Region government was concerned, generous compared to the treatment Igbos had received in the north. Easterners who lived with or were seen to be friendly towards northerners also suffered abuse and extortion. Igbo women who had married northern men were treated with particular contempt.

The tension between the principles of law and those of politics is visible in the case *Heraclitus Onwumere and two others v. The State*, decided by the Biafran Court of Appeal.¹⁶⁵ The case concerned an unmarried couple who lived together in a village outside of Abakaliki, the woman being an Igbo retired prostitute and the man a Hausa itinerant trader. They were disliked by the other people who lived in their compound, and it is not hard to imagine that their relationship in this small village would have been controversial given the larger political climate. In September of 1966, while the pogroms in the north were in full swing, four men broke into their house in the night and found that the Hausa trader, Magaji, had gone to the market. The woman, Bettina Okpe, testified that the men abused her and called her names, eventually leaving with her handbag, a basket of kola nuts, some head ties, and twelve pounds in cash. As the Court of Appeal noted, the events of the case “occurred at a time when Hausas were requested by the Government of Eastern Nigeria (now Biafra) to leave the country and members of the public, anxious to assist in ridding the country of Hausas exhibited unbridled zeal in this direction.” The men’s defense was that they were merely acting as patriotic Biafrans, following the military governor’s order to arrest any non-easterners that they encountered. In the trial, the woman

¹⁶⁵ NNAE BCA 1/1/74, In the Court of Appeal of the Republic of Biafra, Holden at Aba, No. CA/102/67, *Heraclitus Onwumere and two others v. The State*, 12 March 1968.

claimed that she did not know the Hausa man, but following testimony from her neighbors she broke down and admitted that they lived together. In normal circumstances, housebreaking would be considered a crime, and there was no doubt that the men had broken into the house because the landlord and other witnesses had seen them do it.

Given the political state of affairs, however, their defense that housebreaking was a patriotic duty was not an unreasonable one. Harassing Hausas and others “illegally” resident in Biafra was given a blind eye. The men claimed that a man named Okorie, who had prepared lists of Hausa people in the area to facilitate the process of arresting them, had told them that a Hausa man lived at that address. Despite his apparent importance in the case, the prosecution declined to call Okorie as a witness. The High Court found them guilty and gave them a light sentence, but the Biafran Court of Appeal took the unusual decision to hear the appeal even though it raised no new legal questions, pointing to a possible intervention by a higher authority. The men remained in prison for six months while their appeal was processed, which eventually took place in March 1968, by which time the war was in full swing. Taking the woman’s initial denial that she was Magaji’s lover as proof of her unreliability, the court of appeal concluded that

her credit is, at the least, very doubtful; and she alone gave the eyewitness account of the alleged burglary. In any event, we are satisfied that the defence of the appellants [the men accused of burglary] did not receive sufficient consideration in the court below; their conduct was equally consistent with that of citizens overzealous in their endeavor to assist in the execution of an *order* given by the Government.

This order had been the edict to round up northerners for deportation. In what seems to have been a politically motivated decision, the senior state counsel appearing for the Biafran government chose not to contest the appeal, resulting in an acquittal for all four of the men. Here, as in many Biafran cases, the principles of justice and equability that meant so much to Biafra’s

independent national identity chafed against the emotion, violence, and administrative compromises of the war – but with great attention to the performance of legalism.

In keeping with its stated adherence to the rule of law, the Biafran government did prosecute some of the perpetrators of violence or theft against northerners, though in most cases they were acquitted. They went through the motions of prosecuting easterners who harassed northerners even when the violated parties had long since fled to the north, and so had not raised the grievances themselves. For Biafran jurists, this was a performance of the difference between themselves and Nigeria; no such cases were brought by the Northern Region government against those who had participated in the pogroms of 1966, performative or otherwise. Although the Northern Region government set up a commission of inquiry into the pogroms, it resulted in many reports but no trials. Many Biafrans saw this as a great miscarriage of justice, and it had been one of the main justifications of Biafra's secession.

Martial law was in force on both sides throughout the war, but Biafra's tribunals had wider powers than Nigeria's. Nigeria declared a state of emergency in June 1967, which included a mobilization of the federal army and the assumption of broad powers to detain people and investigate those thought to have sympathies with the "rebel regime."¹⁶⁶ Unfortunately the records of Nigeria's tribunals have not been preserved, but it is clear that they had a narrower jurisdiction than Biafra's and applied only to members of the military.¹⁶⁷ Whereas Nigeria's tribunals under the Military Courts (Special Powers) Decrees of 1968 applied only to soldiers

¹⁶⁶ The federal government had effectively had these powers before Biafra's secession, but the war gave Nigeria a reason to expand them, formalize them, and keep them in place. CADN 332PO/1 Box 4, "Note: Nigeria, Sécession de la province orientale," 1 June 1967, p. 174

¹⁶⁷ NAUK FCO 38/285, Sir David Hunt to Commonwealth Office, 29 January 1969. There are few extant cases from Nigerian tribunals, but see for example *The State v. Major Baba Sukai* (unreported), in which a Brigade Major at Asaba threatened his commanding officer with a rifle. Cited in David M. Jemibewon, *An Introduction to the Theory and Practice of Military Law in Nigeria* (Lagos: Friends Foundation Publishers, 1989): p. 60 n. 32

below the rank of lieutenant-colonel,¹⁶⁸ the Biafran Special Tribunal could hear any cases touching on military activities in even very tenuous ways, including those between civilians. In the later stages of the war, even the robbery of a civilian by a gang of other civilians would come under the jurisdiction of the Special Tribunal on the grounds that it was a “disruption of Biafra’s economy.”¹⁶⁹

The State v. Victor Banjo and three others

The emergency measures that Biafra implemented early in the war were used not only to maintain “order” in a general sense, but to blunt political dissent and root out saboteurs both real and imagined. In the opening gambit of the war, the Biafran state turned its powers of coercion to the elimination of spies and traitors to the cause of independence. As the *Biafra Sun* editorialized, “In our present war with Nigeria, we Biafrans must not overlook the Biblical saying that in every 12, there must be a Judas. The fact and the question now is not that there will be no Judas among us but who that Judas will be.”¹⁷⁰ The Biafran case *The State v. Victor Banjo and three others*, in which a prominent officer was tried for treason, provides a view of how the political and the legal overlapped in Biafra. The case also reveals the paranoia engrained in Biafra’s political culture. This important trial had many dimensions; it was not only about an

¹⁶⁸ David M. Jemibewon, *An Introduction to the Theory and Practice of Military Law in Nigeria* (Lagos: Friends Foundation Publishers, 1989): p. 140. The fact that the Nigerian tribunals had fewer powers did not necessarily mean that federal Nigeria was more tolerant of dissent. The most famous prisoner in Nigeria during the war was the writer Wole Soyinka, who was arrested and tried before a magistrate for illicitly travelling to Biafra to visit his friend, the poet Christopher Okigbo, and for causing a public disturbance through his opposition to the war. One commonly cited effect of martial law in Nigeria was the erosion of the principle of trial by jury, which began in the First Republic and quickened in both Nigeria and Biafra during the war. The use of civilian juries would be totally discontinued by the Federal Military Government in 1976 and was not resumed.

¹⁶⁹ NNAE MINJUST 116/1/4, In the Special Tribunal of Biafra, *The State v. Simon Atulobi and two others*, 21 October 1969.

¹⁷⁰ *Biafra Sun*, 24 July 1967, p. 2.

isolated act of treason, but a referendum on the content of Biafran nationality, the ethnic composition of the new country, and the relationship between the fighting and the larger task of crafting a Biafran state. It pushed Biafra's internal political culture towards suspicion and intrigue, providing a justification for greater absolutism in everyday administration.

The pressures that the war placed upon Biafra's legal system came to a head in September 1967, when Major General Victor Banjo of the Biafran Army was tried and executed for subversion. Banjo was a Yoruba military officer from southwestern Nigeria who had been imprisoned in January 1966 for his role in the abortive coup that toppled Nigeria's First Republic. He was serving his sentence in the Eastern Region when Biafra seceded. Seeing Banjo as a figure who might be useful in making the case for Biafra's independence to Yorubas and other southerners, Ojukwu offered him the opportunity to leave prison and become an officer in the Biafran Army. Banjo would lead a "liberation army" to occupy the Mid-West, and then march on to capture Lagos. In his orders to Banjo, Ojukwu promised that the Biafran troops under his command would remain in the southwest "only for as long as we in Biafra consider it necessary for the Yorubas to consolidate their position and sovereignty against any external threat," by which he meant the north.¹⁷¹ As a British intelligence source noted, "Banjo's line will touch sympathetic chords in many Yoruba circles in Western Region which is likely to create further strains in the West with the help of people like Wole Soyinka (who has been campaigning for a negotiated peace)."¹⁷² What Banjo hoped to achieve by accepting this offer is a topic of

¹⁷¹ H.M. Njoku, *A Tragedy Without Heroes: The Nigeria-Biafra War* (Enugu: Fourth Dimension, 1987): p. 224.

¹⁷² NAUK FCO 38/284, "Changes brought about in Nigerian situation by recent changes in Mid-West," [August 1967].

sharp contention in the historiography of the war, and he himself was cryptic in his intentions.¹⁷³ He wrote to his wife shortly after Biafra's secession that "I never approved of the idea of my friend here [Ojukwu] declaring a separate state, but one cannot always control the behaviour of one's friends. Everyone is entitled to his own opinion on any issue and in political as well as military situations the final test of sagacity is in eventual success or failure."¹⁷⁴ Banjo's release and commission into the Biafran Army caused some dissent within the leadership there. When suspicion later turned against Banjo he would find little support among his fellow officers.¹⁷⁵

Banjo accepted the offer, and in July 1967 he was put in charge of Biafra's first and only major offensive – to capture the Mid-West State. The mission was initially a success, with seven thousand Biafran troops taking its capital city of Benin in only a few days, sending the state's military governor fleeing the advancing Biafran troops on the back of a bicycle. Despite this success, many within the Biafran government began to question Banjo's loyalty at this point; Chinua Achebe recalled later that his speech announcing the occupation "sounded to me far more like a lament of the breakup of Nigeria than a speech coming from 'a Biafran military leader' or an explanation for the invasion of Nigerian territory or Biafran secession."¹⁷⁶

Biafra's brief occupation of the Mid-West, which in August 1967 was declared the "Republic of Benin" in an attempt to appeal to the non-Igbo Bini majority, was divided and

¹⁷³ Banjo's friend and admirer Wole Soyinka considered his actions to be a "third movement" opposed to both Biafran secession and military rule by the Lagos government, "which was, whether you like it or not, founded on a certain genocidal event," as he later put it. Soyinka's poem "And What Of It If Thus He Died" is a tribute to Banjo's memory. Biodun Jeyifo, ed., *Conversations with Wole Soyinka* (Jackson: University Press of Mississippi, 2001): p. 17.

¹⁷⁴ Victor Banjo and Olayinka Omigbodun, *A Gift of Sequins: Letters to My Wife* (Ibadan: Mosuro Publishers, 2008): p. 230.

¹⁷⁵ Alexander A. Madiebo, *The Nigerian Revolution and the Biafran War* (Enugu: Fourth Dimension, 1980): p. 145.

¹⁷⁶ Chinua Achebe, *There Was a Country: A Memoir* (New York: Penguin Books, 2012): p. 130.

tenuous.¹⁷⁷ Although Biafran troops enjoyed support from some Igbo-speaking mid-westerners, much of the population remained loyal to the federal side and engaged in subterfuge against the occupying Biafran forces. As one Nigerian administrator recalled, Biafra ruled the occupied territory harshly; “there were fears of abduction, torture, detention and even murder of opponents. Anxiety had gripped the people of the Midwest – as you could not tell who was an agent for the secessionist authority.”¹⁷⁸ Banjo had orders to continue marching onwards to Lagos, but the Biafran troops encountered resistance at the town of Ore and retreated in September 1967, losing control of the Mid-West State as they did so. Biafra’s ignoble retreat was a source of embarrassment to Ojukwu, a major blow to Biafran morale, and to many observers the first step towards Biafra’s eventual military defeat.

Upon their return to Enugu, Banjo and Major Emmanuel Ifeajuna, along with their subordinates Major Philip Alale and Samuel Agbam, were arrested and tried before the Special Tribunal of Biafra for two counts against the Law and Order (Maintenance) Decree of 1967.¹⁷⁹ The first was that the officers “without lawful authority made preparation of carrying out an armed disturbance against the Military Governor and some officers of the Republic of Biafra,” in effect a charge of insubordination for having turned back at Ore and failing to capture Lagos. The second charge, framed as “subversion,” was that they “with intent to cause breach of public order, agreed to procure the downfall of the Government of the said Republic by violent and

¹⁷⁷ The contemporary Republic of Benin was at that point still known as the Republic of Dahomey.

¹⁷⁸ Samuel Osaigbovo Ogbemudia, *Years of Challenge* (Ibadan: Heinemann Educational Books, 1991): p. 98.

¹⁷⁹ The records of the trial have not survived in archival form, but transcripts and summaries of it have been included in a number of post-war memoirs by people who were present. These include Nelson Ottah, former editor of *Drum* magazine’s Nigeria edition and a prominent propagandist in Biafra who later defected to the Nigerian side, and the Biafran Director of Military Intelligence Bernard Odogwu, who was a key witness for the prosecution. These incomplete recollections, together with oral reminiscences of the trial and the records of ancillary cases, form the source material for this account of the trial.

unlawful seizure of the Military Governor and Head of State of the Republic of aforesaid, and Commander-in-Chief of its Armed Forces and other military officers.” The state prosecutor claimed that the officers had hatched a vague and inconsistently described “plot” against Ojukwu that would culminate in their seizing power in either Biafra, Nigeria, or both, which in most versions of the story would be followed by handing over power to former Western Region premier Obafemi Awolowo.¹⁸⁰ Although the existence of such a plot is supported by various sources, the particulars of the accusation as it appeared in Banjo’s treason case appear to have been fabricated.¹⁸¹ In addition to subversion, the charges against Banjo and the others included stockpiling foreign currency, conspiring with foreign agents, and other lesser offences. Philip Alale was charged with a third crime, “intent to cause a breach of public order,” for having liaised with trade unionists.¹⁸²

Why Banjo stopped at Ore and did not continue on to capture Lagos (which would likely have been an exceedingly difficult order to carry out, despite Ojukwu’s confident claims to the contrary) was not clear. The trial did little to settle the matter. One interpretation, supported by Banjo’s sister, is that Banjo had a change of allegiance while the fight was still underway, deciding that he did not want to see Ojukwu in charge of all of southern Nigeria. In this interpretation, Banjo “saved [the southwest] from domination and occupation knowing fully well that he was putting his own life in jeopardy ... The Western Region was saved from a second

¹⁸⁰ Olusegun Obasanjo, *My Command: An Account of the Nigerian Civil War, 1967-1970* (Ibadan: Heinemann, 1980): p. 31.

¹⁸¹ NAUK FCO 38/284, Sir David Hunt to Commonwealth Office, 9 August 1967.

¹⁸² Ekong Sampson, *Law and Statesmanship: The Legacy of Sir Udo Udoma* (Lagos: Patrioni Books, 1997): p. 79.

occupation by Ibo soldiers, after the spell with Hausa soldiers.”¹⁸³ Other interpretations posit that Banjo’s intentions had been treasonous from the beginning, claiming that his plan was always to hand over power in the Mid-West to Awolowo. Bernard Odogwu, Biafra’s Director of Military Intelligence, wrote that “for Banjo, his life ambition was power and the rulership of Nigeria... After all, it was only a mere accident of fate that he found himself around in Biafra; Banjo had been detained in Eastern Nigeria after the January coup by the Ironsi regime, which fact alone was insufficient to change a Yoruba like Banjo overnight into a Biafran.”¹⁸⁴ Foreign intelligence reports suggest that there was credence to these claims. At a meeting with the British Deputy Commissioner in Benin on 9 August 1967, Banjo is reported to have said that “he does not (repeat not) agree with Ojukwu on the separate existence of Biafra. He is convinced that a united Nigeria is essential,” and Banjo had approached both British and American operatives about whether he could count on their support if he defected from the Biafran Army.¹⁸⁵

The trial was a confused and hurried affair. Banjo’s hearing took place over a single day on September 20th, 1967, with Justice George Nkemena presiding, accompanied by a military officer and a civilian administrator. Evidence for the prosecution was presented by the heads of Biafra’s army and Directorate of Intelligence, along with various witnesses whom the conspirators had allegedly tried to recruit to their plot, or had witnessed the discussions taking place. Exhausted and poorly fed, Banjo and Ifeajuna cross-examined the witnesses for the prosecution cursorily and ineffectively. Banjo, speaking on behalf of all four men and without

¹⁸³ F. Adetowun Ogunshaye, *A Break in the Silence: A Historical Note on Lt. Colonel Victor Adebukunola Banjo* (Ibadan: Spectrum, 2001): p. 79.

¹⁸⁴ Bernard Odogwu, *No Place to Hide (Crises and Conflicts Inside Biafra)* (Enugu: Fourth Dimension, 1985): p. 22.

¹⁸⁵ NAUK FCO 38/284, Sir David Hunt to Commonwealth Office, 9 August 1967.

legal representation, mounted only a brief defense of their actions, perhaps realizing that the decision had already been made:

The statement of accused 1 [Banjo] merely consisted of the activities of the accused persons in assisting the Governor in one way or the other to prosecute the war successfully. He admitted that there was a group of young men who met occasionally to air their views on the current affairs of the state and the war. This group, he said never plotted to subvert the Government. He said that accused persons could not have been parties to such a plot in view of their past performances and the high esteem in which they held the Governor.¹⁸⁶

This appeal to Ojukwu's favor failed, but there was likely no defense that Banjo could have mounted that might have succeeded. The tribunal had been stacked against the defendants. A civilian lawyer initially placed on the tribunal later claimed that he had been ordered to convict the four men regardless of whatever defense they presented, or how weak the case was against them. When the lawyer refused to do so he was detained. He spent the remainder of the war in prison.¹⁸⁷ Justice Nkemena, otherwise known as a defender of judicial independence, had no such misgivings.

The trial was officially held in secret, but a large crowd gathered outside the school building where the Special Tribunal sat. The Biafran leadership feared that if the proceedings were held in public people might sympathize with the plotters, which Ojukwu wanted to avoid as much as possible. A "secret" trial also allowed the Biafran government to maintain the appearance of judicialism, which a summary execution would have precluded. One observer recalled that the trial was "a solemn and scrupulous affair,"

despite the hysteria and white-hot hate that were riding the wind. ...Outside the heavily guarded court room were thousands of men and women who, however mistaken they were in this, strongly believed that the four men on trial had sold them and Biafra down the river and therefore deserved nothing but death. "Have

¹⁸⁶ Quoted in Nelson Ottah, *Rebels Against Rebels* (Lagos: Manson and Company, 1981): p. 120.

¹⁸⁷ Adewale Ademoyega, *Why We Struck: The Story of the First Nigerian Coup* (Ibadan: Evans Brothers, 2012): p. 242.

them all shot!” was the popular cry of these thousands of men and women wherever they gathered to exchange views and gossips about how the secret trial was going.¹⁸⁸

Nkemena conducted the proceedings as if they were impartial, even though in the journalist Nelson Ottah’s view it was, “a trial that, in normal circumstance, he would have thrown out of hand.”¹⁸⁹ That they faced likely exaggerated charges was widely known in the Biafran intelligentsia. Ottah and other observers recalled that although the trial was generally held in a manner consistent with legal principles, it would be naïve to think that they could have received anything like a fair trial in the context of the war.¹⁹⁰ Banjo, Ifeajuna, and their subordinates were sentenced to death by firing squad. They were executed four days later in a yard near Biafran Army Headquarters, the government fearing that Enugu could be overrun by Nigerian troops at any moment. Ottah recalled that “their execution by a firing squad was conducted under the perfect glare of massive publicity. Everybody who could stand the sight was permitted to go along and witness how ‘Biafra deals with saboteurs.’ ... The crowd of people on the way to this twentieth century Calvary was so massive that thousands failed to get within eyeshot of the execution platform.”¹⁹¹

The power of the Special Tribunal rapidly increased following Banjo’s execution. With martial law only a few months old, all parties involved in the Banjo trial found themselves on unfamiliar ground. Many observers were angry with Banjo and Ifeajuna for their betrayal, but were also disturbed by their executions and for the note of paranoia that it brought into Biafra’s political life. The military administrator of Aba Province recalled that “personally, I was not

¹⁸⁸ Nelson Ottah, *Rebels Against Rebels* (Lagos: Manson and Company, 1981): p. 65.

¹⁸⁹ *Ibid.*, p. 65.

¹⁹⁰ *Ibid.*, p. 115.

¹⁹¹ Quoted in Nelson Ottah, *Rebels Against Rebels* (Lagos: Manson and Company, 1981): p. 124.

surprised that the whole expedition had eventually ended in fiasco. Nor did my heart bleed at all when the whole sordid plot to subvert Biafra finally blew up in Banjo's face."¹⁹² A Yoruba officer who, like Banjo, fought on the Biafran side recalled that the executions "set the pattern for the way Biafra was to react in times of difficulty, to look for a scapegoat after every defeat, a sacrificial lamb to explain every set-back."¹⁹³

The trial was important for what it revealed about the fault lines within Biafra and the new country's national identity. Banjo, who was neither Igbo nor a member of one of the eastern minorities, represented a strain of thinking about Biafran nationality that was not rooted in ethnicity, but in regionalism and a politics of opposition to the north. The trial's outcome tightened the definition of who could be considered a Biafran to exclude Yorubas like Banjo, bringing to a close the rhetorical notion that the boundaries of Biafran national identity were drawn in a way that could include all southern Nigerians. Following the trial, the popular and official conception of who could be considered a Biafran shrank from this expansive notion to one more narrowly associated with being Igbo, or at the very least "eastern." The courts became a site of sharp dispute over the country's political future, making the legal system increasingly politicized.

A wave of suspicion washed over Biafra in its wake. Biafrans with ties to Onitsha, where Ifeajuna had hailed from, suffered the greatest recriminations in the aftermath of the trial. A non-Igbo officer who managed to shield himself from the intrigue recalled that "every known friend of Ifeajuna (male or female) was hunted, his relations had to denounce him and dissociate themselves from the crime he was alleged to have committed. The family house and any other house that had anything to do with Ifeajuna were destroyed. The toughs were at work, it was

¹⁹² Ben Gbulie, *The Fall of Biafra* (Enugu: Benlie Publishers, 1989): p. 72.

¹⁹³ Fola Oyewole, *Reluctant Rebel* (Akure: Olaiya Fagbamigbe, 1977): p. 76.

mob rule nearing anarchy.”¹⁹⁴ Any Biafran officer who had served in the Nigerian Army, a category that encompassed all but the most junior Biafran officers, was also subjected to intense scrutiny. Suspicions ran especially high amongst the small group of advisers surrounding Ojukwu. These people, many of whom were from Ojukwu’s hometown of Nnewi and had known him since childhood, used their influence with him to pursue their own ends. Some used their access to Ojukwu to pursue personal vendettas. Numerous purges were made of government agencies suspected of being “infested” with spies. Public officials could be accused of treason on the slightest of pretexts; one circular established that “instances of abrupt excuses for casual leave or sick leave without genuine medical certificate should be regarded as reasonable indication or evidence in concluding that the staff/employees who absent themselves from duty have deserted to the enemy.”¹⁹⁵ People at the very top of the Biafran government were not above suspicion and were dismissed or imprisoned on very slim pretexts.¹⁹⁶ Although Biafra relied heavily on military and humanitarian assistance from the outside world, any contact with individuals outside the enclave was treated with suspicion. An internal circular warned government employees from communicating with foreigners attached to humanitarian projects, warning that loose talk or criticism of Ojukwu could lead to arrest.¹⁹⁷

The State v. Victor Banjo and three others was a choreographed political performance staged to show the Biafran public that everyone was being carefully watched.¹⁹⁸ A former law

¹⁹⁴ Ibid., p. 73.

¹⁹⁵ NNAE MINJUST 23/1/24, “Absentee Local Government Staff/Employees,” 18 April 1968.

¹⁹⁶ Bernard Odogwu, *No Place to Hide (Crises and Conflicts Inside Biafra)* (Enugu: Fourth Dimension, 1985): p. 94.

¹⁹⁷ NNAE MNJUST 25/1/3, “Conveyance of letters, parcels, etc. to persons outside Biafra by Relief Organisations,” 23 December 1968.

¹⁹⁸ While this kind of surveillance was not unthinkable in this early stage of the war, when the Biafran state apparatus was relatively intact, in the later periods of the fighting it would become clear

professor recalled that the case was a “message to the judiciary and to government employees in general that you were not allowed to go against Ojukwu’s wishes in any way.”¹⁹⁹ There were, in the eyes of one Biafran propagandist, three types of saboteurs in Biafra – hired agents of Nigeria, expatriates whose sympathies lay with Nigeria, and finally, “the last brand of saboteurs, whose activities though detrimental are usually unintentional and sometimes unconscious, are indigenes who indiscreet actions such as loose talks, spread of demoralising rumours for prestige reasons or hoarding of food items are creating artificial difficulties to the society.”²⁰⁰ “Saboteurs, think again,” he warned. “Your ancestors tilled Biafran soil, why help the Northern vandals to kill your countrymen?”²⁰¹ Biafrans were actively encouraged to mistrust their neighbors, to inform on one another, and to bring the presence of strangers to the attention of the police or army. In this political and social climate, it became increasingly common for Biafrans to turn the state’s suspicions against their rivals. This new and untested legal order entrapped some people, proved advantageous to others, and gave the Biafran government an expansive ability to punish individuals.

Three days after Banjo’s execution, Biafra’s capital city of Enugu was overrun by Nigerian troops. The government fled, along with most of the city’s residents, to the market town of Umuahia. Banjo’s body was left tied to a post as a public reminder that Biafra would not tolerate disloyalty. From this point on the Biafran government became increasingly dispersed and distracted, operating out of army camps and makeshift quarters rather than government

that the Biafran state had no capacity to actually keep tabs on its citizens – even prominent ones like those in this trial.

¹⁹⁹ Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

²⁰⁰ *The Biafra Sun*, 5 August 1967, p. 3.

²⁰¹ *The Biafra Sun*, 24 January 1968, p. 3.

buildings, and expending as much energy on keeping the fragile state together as on engaging Nigeria in battle.

Conclusion

The period of the war is short, but the Biafran state's composition and character changed in the three years that passed between secession and surrender. To speak broadly, the story of the war within Biafra is one of fragmentation and loss. This pattern applied to the Biafran legal system as it did to Biafran families, fortunes, and territory. In both Biafra and Nigeria, martial law entailed unsavory and disturbing new forms of "justice," as displayed by Victor Banjo's trial and execution. The emergency measures that both sides implemented would also prove to be one of the war's most lasting and most pernicious influences. Martial law, with its draconian conception of what constitutes guilt, became a permanent feature of Nigerian legal and public life after the war. Former Western Region governor David Jemibewon described the logic of martial law in the following terms: "the doctrine that it is better that ninety-nine guilty men go free than one innocent be convicted is not easily squared with the need to maintain efficiency, obedience and order in any army, which is an aggregation of men (mostly in the most criminally disposed age brackets) who had strong appetites, strong passions and ready access to deadly weapons."²⁰² When this doctrine was applied to civilians, as it first was during the war, the result was a massive curtailment of civil liberties. Wartime measures implemented in Biafra (and Nigeria, though less dramatically) made juridical norms like these seem tolerable and even normal. Later, the Biafran crisis would give the Nigerian government a rationale for the implementation of a more-or-less permanent state of emergency.

²⁰² David M. Jemibewon, *An Introduction to the Theory and Practice of Military Law in Nigeria* (Lagos: Friends Foundation Publishers, 1989): p. 16.

In Biafra, the vanishing boundary between common law and military tribunals made for substantial confusion over matters of jurisdiction and procedure. Legal practice increasingly appeared not to be animated by the “constant and perpetual disposition to render every person his or her due” that Biafran lawyers considered their lodestar, but by something more vague and sinister – by the prerogatives of war.²⁰³ For some practitioners, this threw into doubt whether this patchwork of tribunals and courts was in fact a system – whether it was even “legal” in the sense that they understood it from their educations in Britain and the United States. Was this unsystematic, in many respects “a-legal” order law? To most Biafran jurists the answer remained yes. While the practice of law in Biafra was chaotic and politicized, and to many practitioners degraded, it remained a system of rules backed by institutional force. Over the course of the fighting it would lose much of its internal coherence, but even in the most frenzied moments of the war it remained something more than a normative order or a political instrument. In addition to what it reveals about Biafra’s political ethos, Biafra’s jurisprudence of emergency contains rich information about the erosion of the Biafran state’s authority, survivalism, and crime in wartime. As subsequent chapters will show, it vividly depicts a society in crisis.

²⁰³ Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014.

Chapter 2

Entropy and disorder: the rise of vigilantism in Biafra, May 1968-January 1970

Writing one of many letters of complaint to his increasingly unresponsive superiors in Biafra's capital, the head of the local civil defense organization in the village of Umuobom described the dire situation there in mid-1969:

It is Umuobom again, where anything can happen unchecked, where any crime can be committed in the name of keeping Umuobom one, where people live by the Law of the Jungle where the strong overpowers the weak, where stragglers are bribed into beating people who are not on the good books of the Chief and his gangsters, where the law of the Military Government is replaced with that of [local administrators]. ... We are human beings. We have been oppressed, we have been kicked and we have noticed all sorts of unspeakable degradation and have witnessed the most inhuman atrocious calamity perpetuated on us. We are human beings who should be handled with delicate hand. We have endured enough.²⁰⁴

As a result of Biafra's diminishing ability to enforce laws and resolve disputes, other forms of informal administration and law enforcement developed. Using a remarkable cache of records from a local militia, this chapter describes how Biafra's legal system came apart in the later stages of the war, and how communities policed and defended themselves in the absence of a cogent state. I will discuss this with reference to three particular dynamics: the difficulty of keeping the legal system operative in wartime, the growth of vigilantism, and the splintering of state authority in Biafra in the second half of the war.

The rule of law was central to Biafra's sense of itself as a sovereign government, but in the eyes of its citizens the country seemed to constantly teeter on the edge of anarchy. Everyday life in Biafra was shot through with violence and treachery. This was largely at the hands of

²⁰⁴ National War Museum, Umuahia [hereafter NWM] uncatalogued collection, Chairman, Local Civil Defence Committee, Umuobom to Divisional Officer, Nkwere, 15 June 1969.

soldiers (both Nigerians and hungry Biafran troops), but civilians also committed acts of violence and deception against one another, often out of self-preservation.²⁰⁵ In the latter period of the war, stability and public order in the Biafran enclave seemed to be under assault from all directions. The fighting seriously compromised the workings of the justice system; as the Biafran government's material resources ran out, its ability to police behavior and enforce the decisions of courts diminished. This chapter describes how state authority in Biafra buckled in the second half of the war, and how vigilantism and other decentralized forms of authority filled the void that this created. Part two of the dissertation will analyze the forms of crime that emerged in this context. To describe the vigilantism before describing the crime may seem curious, since in most cases vigilantism is a consequence of crime rather than something that emerges parallel to it. In Biafra, crime, the dissolution of state power, and the fracturing of authority into vigilant movements all happened *at once*. For that reason this chapter and the two that follow it take place in one dense, complicated, and bloody historical moment from May 1968 to the end of the war in January 1970.

A major point of inflection in the military history of the war, and an important moment for the present account, is the fall of Port Harcourt to the Nigerian Third Marine Commando in

²⁰⁵ In keeping with the inward-looking perspective of this account of Biafra, this analysis mainly treats acts of crime and indiscipline by Biafrans against one another. However, this is not to suggest that Biafrans had some sort of monopoly on acts of violence, fraud, or official misconduct during the war. Although many Biafrans had reasons to fear their own military (as will become clear), most had good reason to fear Nigerian troops more. The most obvious source of disorder in Biafra was the fighting itself. Violence by soldiers was not the preserve of one side or the other; in the Rivers State and the South-Eastern State Biafran soldiers killed, raped, and destroyed the property of many civilians in the course of the occupation and their eventual withdrawal. In areas recaptured by Nigeria, especially in the Rivers State, acts of violence and expropriation against Igbos by the Nigerian armed forces took place on a large scale. The Nigerian reoccupation will be discussed in chapters five and six.

May 1968.²⁰⁶ In the first year of the war the fighting had featured moments of intensity – battles, bombings, and treachery included – interspersed with periods of relative calm. A British aid worker wrote in late 1967 that “one can now travel about quite easily and very rarely meets a soldier or a militia man who is aggressive... After all the chaos that followed all the treachery, there has been a most astonishing recovery of nerve and order.”²⁰⁷ In this context Biafra’s government had been optimistic that order could be maintained so long as the Biafran public kept up its morale. This hope was short lived. After May 1968, conditions in Biafra quickly and dramatically deteriorated. At this point Biafra was landlocked, cut off from the outside world except for dangerous and irregular airlifts by friendly humanitarian organizations. This marked the beginning of Nigeria’s total blockade. Famine set in. The events discussed here, including the collapse of the criminal justice system, the creeping influence of criminal disorder, and the expansion of vigilantism, began in earnest at that point in the war.

The dissolution of the legal order

The situation came to look increasingly like a war of endurance, and “survival” became the watchword of the war.²⁰⁸ An oral history project conducted in the 1990s found that “many people perceived their individual survival and the survival of Biafra as being closely linked. This was a widespread conviction even if, in reality, the government was distant, did not take care of

²⁰⁶ In most military accounts of the war, the major turning point is the Biafran retreat from Ore, signaling the end of Biafra’s offensive against Nigeria. Within Biafra itself, however, the fall of Port Harcourt and Biafra’s resulting isolation represented a more meaningful defeat.

²⁰⁷ SOAS Christian Aid Collections, CA/A/13/13b, “Extracts from Christopher Jones’ Letter from Nigeria,” 9 December 1967.

²⁰⁸ Even Biafra’s locally distilled liquor was branded “Biafra Survival Gin.” Lloyd Garrison, “In Biafra’s Beleaguered Capital, War Is Just Around the Corner,” *The New York Times*, 8 March 1969, p. 5.

local society, but rather demanded local resources for the continuation of the war. Few civil government functions remained.”²⁰⁹ By the final year of the war the Biafran government was almost completely unable to perform even basic administrative functions. Even the security of the courts themselves could not be guaranteed; staff were instructed to apply for police or army escorts going to and from work.²¹⁰ But Biafra never became completely anarchic, even though it was often depicted that way in the international press. Life there unraveled, but it never came completely off the spool.

After Port Harcourt fell to Nigeria, the war did not end as quickly as nearly everyone predicted it would. Nigeria’s greater military capacity was balanced by the existence of disorganization within the Nigerian military and by Biafra’s willingness to use guerilla tactics. The Nigerian blockade and the sporadic, low-intensity aerial bombardment of Biafra were not enough to defeat Biafra outright, but they made daily life in the enclave precarious and nervy. Towards the beginning of the war, British intelligence had reported that “the military picture, as it slowly unfolds, looks more and more like turning out to be a stalemate, with the probably long-term advantages of the Federal forces being largely neutralised by their ponderous and unimaginative direction and their shortage of officers.”²¹¹ Shortly thereafter the situation became more muddled. Under the blockade, guerilla tactics became Biafra’s primary mode of engagement. Ojukwu characterized the fighting in the following way:

Generally, the enemy pattern has been... to keep to the main roads. Ours has been to dominate the rural areas off the main roads and collect as much enemy equipment as possible, while preventing further enemy incursion along the roads.

²⁰⁹ Axel Harneit-Sievers, Jones O. Ahazuem and Sydney Emezue, eds., *A Social History of the Nigerian Civil War* (Enugu: Jemezie Associates, 1997): p. 52.

²¹⁰ NNAE MINJUST 25/1/3, Senior State Counsel for Customary Courts Adviser to State Counsel, Ministry of Justice, Enugu, 20 July 1968.

²¹¹ NAUK FCO 38/203, E.G. Norris to Minister of State, 26 September 1967.

Guerrilla activities by our men are on the increase. The enemy is not wanted in any part of Biafra so that even the villagers are also potential guerrillas. The enemy cannot be said to be in complete control of any part of Biafra because he is being harassed by guerrillas wherever he goes.²¹²

Nigeria and its allies wanted to avoid an incomplete victory or a drawn-out fight in the Igbo regions – one that would lead Biafra to take up guerilla tactics in a more sustained way. Nigeria constantly reassured its allies that its army had the capacity to occupy the central provinces of Biafra quickly and without undue casualties, but British and other intelligence sources doubted that this was true; “the past performance of the FMG [Federal Military Government] has been lamentable ... they are unlikely to better this performance when fighting their way into the Ibo heartland where major resistance is likely to be met.”²¹³ As 1968 went on, it became clear that Nigeria did not have the capacity to quickly defeat the remaining Biafran forces without splintering them into guerilla movements, so they held the blockade and hoped that Biafra could be starved into defeat.

The effect of this tactical decision was a slow, strangling defeat for Biafra, in which the state of crisis was constant but the fighting was not. A British intelligence source at the front in Asaba wrote in 1968 that

I have never seen any war fought in quite the leisurely fashion of this one. The C.O. of [Nigerian] 7th Brigade is still in bed at 9:30 a.m. the Mess full of officers drinking beer and casually dropping in for breakfast. Do wars stop here on Sundays? ... Even as near the war front as this, Star Beer is the order of the day and the acting C.O. is in civvies (as were most officers on the other side of the river). All very pleasant and nice but hardly to be described as vigorous prosecution of the war.²¹⁴

²¹² National Archive of Ireland, Dublin [hereafter NAID] 2000/14/22, Address by Lt. Col. C. Odumegwu Ojukwu to an international press conference, 18 July 1968.

²¹³ NAUK FCO 38/288, P.D. McEntee to Mr. Moberly, 23 August 1968.

²¹⁴ NAUK FCO 38/286, Tony Ingledow to British High Commission, Lagos, 5 April 1968.

The unevenness of Nigeria's assault meant that throughout the war there were always some parts of Biafra that were actively engaged in fighting and others that were tensely quiet. This and similar intelligence reports about the allegedly relaxed pace of the fighting should not be taken to mean that it was in any way an easy war, but it was true that the fighting took place in fits and starts.

Within Biafra, legal process continued in the lulls – though not very effectually. Cases were frequently interrupted by the war, and courts sitting in improvised conditions in schools and village squares were regularly interrupted by air raids. One case before the Special Tribunal was cut short because the defendant was killed in the middle of his trial by an air raid on the tribunal's headquarters.²¹⁵ Witnesses often could not be called because they disappeared at the war front, or because by the time of the trial the setting of a case had become enemy territory. Crime scenes often could not be visited because there were “war activities” there, and alibis could not be confirmed because people went missing or could not travel to a court to testify. Bailiffs found it increasingly difficult to find people in order to arrest them or to serve them with notices.²¹⁶ In one case a bailiff was sent on a perilous journey to the front to collect three witnesses. He returned shaken and empty handed – all three witnesses had been killed since the beginning of the trial.²¹⁷

As an essential government body, the Ministry of Justice was somewhat insulated from the material shortages that struck Biafra after the blockade, but over time it became difficult to keep the courts running. When the Ministry of Justice attempted to compile an audit of the law

²¹⁵ NNAE MINJUST 116/1/3, In the Special Tribunal of the Republic of Biafra, No. ST/11c/69, *The State v. Stephen Mbuko*, 2 October 1969.

²¹⁶ NNAE 1/1/96, Deputy Bailiff, Onitsha to Court of Appeal Registry, Enugu, 2 April 1969.

²¹⁷ NNAE BCA 1/2/35, In the Court of Appeal of the Republic of Biafra, Holden at Aba, No. CA/40/68, *Kalu Njoku and Ekea Udensi v. Ukwu Eme and four others*, 13 July 1968.

reports that had been saved from destruction in early 1968, the State Counsel in Awka wrote to the Solicitor-General to say that “there is no single Law Book in this office.”²¹⁸ Judges and lawyers cited precedent from memory, frequently getting the details wrong. The lack of personnel and growing administrative disorder gummed up the appeals process, making it difficult for trials to be completed expeditiously. This often had disastrous consequences for individuals, who remained stuck in Biafran jails.²¹⁹ Communication difficulties and the constant movement of courts and personnel made it difficult to dispense justice of any kind; when a prisoner awaiting an appeal hearing wrote to complain that he had been forgotten, he was told matter-of-factly that the date of his appeal was “very uncertain due to the present war between Nigeria and the Republic of Biafra.”²²⁰ Speedy justice was impossible in these circumstances.

Lack of personnel was a major impediment to the functioning of the Biafran legal system. The Ministry of Justice found ways to muddle through when all of the court bailiffs were drafted into the army, but as young magistrates were drafted and female administrative staff joined up as civil defenders, the legal system began to fall apart in earnest. No one was immune from conscription. In March of 1969 an elderly Senior State Counsel of Biafra was forcibly drafted by a recruiter despite having a pass saying that he was exempt and was beaten by officers when he

²¹⁸ NNAE MINJUST 25/1/1, “List of Law Books at Awka,” 26 January 1968.

²¹⁹ A letter of complaint from a convicted rapist gives a glimpse of how administrative inertia and confusion brought about by political crisis and later war could lead to serious miscarriages of justice: “Strange, enough, in July 1967, when I went to ask permission from the Chief Superintendent of Prisons – Enugu to write to the Registrar, High Court, Owerri, for my records of proceedings, he referred me to the Welfare Section where I was shown a letter from the Registrar High Court, Owerri telling me that my Notice and Grounds of Appeal posted on the 15th of December, 1966, reached his Registry when the time for my appeal had expired.” NNAE BCA 1/1/66, In the Biafra Court of Appeal, Holden at Enugu, No. HOW/851c/66, *Kingston Ugoji and another v. The State*, 11 August 1967. In lower courts it was not uncommon for an arrested person to wait as much as twelve months for his or her trial to commence. ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Owerri, HOW/17.c/67, *The State v. Levi Ohaletto*, 22 August 1967.

²²⁰ NNAE BCA 1/1/16, Affidavit of Benjamin Onwuka, No. CA/16/67, *The State v. Benjamin Onwuka, Humphrey Achebe and others*, 6 June 1968.

tried to escape.²²¹ Compelling those who remained out of uniform to report to their posts was also difficult. Many lived in mortal fear of traveling through or into areas of active fighting.

After being chastised for his absenteeism, a court registrar wrote to his superiors to explain that

In the first instance I was in charge of Isoba District Court under Owerri Zone and a native of Biakpan in Biase Division, Calabar Province. My home and my station were disturbed and I have since then lost contact with my people. Since then I have been taking refuge here at Orlu where I have some few friends to keep with as my relations. In regard to my deployment to Divisional Office at Ohafia I find it very difficult to report for duty there as I have no body there. Further more, I made to understand that four lorry load men of my people were carried away by people of Ohafia many were be-headed out right at the town. The matter is still under investigation by the Biafra Government. So, Sir, for fear of my life I have not been able to find my way to Ohafia.²²²

These were not unreasonable fears, and rumors about danger on the roads made people reticent to travel any more than was absolutely necessary – even if it meant not going to work.

It was an even greater challenge to enforce the rulings that courts made. The courts could be as tough as they wished in their sentencing, but this was no guarantee that a sentence handed down would be a sentence served. Courts and tribunals imposed sentences knowing that they probably would not be served in full – not only because the survival of Biafra itself was uncertain, but because many people imprisoned in Biafra did not stay there for long. The instability of the war sometimes worked in prisoners' favor. It was easy to lose track of a prisoner as he or she was moved from prison to prison as Biafra lost territory. Inmates were held in schools and police stations, and the lack of fortified prisons meant that it was relatively easy to escape. It was also common knowledge that wardens could be paid for an unofficial release.²²³

²²¹ NNAE MINJUST 21/1/2, M.O.I. Idigo to Solicitor-General, Enugu, 17 March 1969.

²²² NNAE MINJUST 34/1/1, O.A. Ajong to State Counsel, Ministry of Justice, Mbandaka, 3 December 1969.

²²³ NNAE BCA 1/1/6, Ministry of Home Affairs, Prison Division, Okigwi to Registrar, High Court of Appeal, Aba, 16 January 1968.

Biafra also commuted the sentences of many convicts who had been imprisoned prior to secession. These releases reflect both practical concerns (like the desire to ease overcrowding in Biafra's prisons), and the fact that Biafra was not particularly interested in enforcing sentences that had been imposed by Nigeria. At the urging of the Eastern Region, many people who had been imprisoned elsewhere in the federation before secession were transferred back to the east during the disturbances of 1966, ostensibly for their safety. After the Eastern Region seceded as Biafra, many of these people were released. Some of them were serving terms for offences that Biafra considered "political." These prisoners included Major Chukwuma Nzeogwu, who was released just prior to secession where he was serving a sentence for having played a role in the assassination of the Sardauna of Sokoto in 1966. He was immediately commissioned into the Biafran Army and hailed as a "national hero."²²⁴ The Biafran Army also regularly emptied prisons of able-bodied men to fight at the war front, which, if one could survive the front, at least meant not having to serve an entire sentence.²²⁵ Some of these freed prisoners were ordinary criminals. This was the case of Chukwuma Agu, who had been imprisoned for a murder that he committed in Benin City in 1955 and was released without trial in Biafra. His release prompted some protest within the Ministry of Justice, but he and many other Biafrans serving terms for

²²⁴ CADN 332PO/1 Box 5, Marc Barbey to Maurice Couve de Murville, 31 March 1967. Nzeogwu died in battle shortly thereafter.

²²⁵ Similarly, men facing criminal charges for crimes like drug use or battery who had not already been conscripted were occasionally given the choice of going to jail or joining the army, though in the later stages of the war there was hardly a man who appeared in court who was not already a soldier, a civil defender, or a deserter. One witness in a criminal case put the bargain offered to him in the following terms: "I am now a Biafran soldier. I decided to join the Army on the 24th December 1968. I resolved to join the army instead of going to prison for Indian hemp for ten years. So let me go to the army and fight for my father land. I received only one week training." NNAE MINJUST 42/1/4, In the Magistrate's Court of the Republic of Biafra, Awka, *Inspector General of Police v. Peter Nweke*, 19 January 1969.

offences committed in pre-war Nigeria – usually more petty than Agu’s – were released in the same general amnesty as political prisoners like Nzeogwu.²²⁶

Civil defense, vigilantism, and the diminishing authority of the Biafran state

Over time, Biafra began to concede its monopolies on the language of legality and the use of force. Vigilantism, the informal arbitration of disputes, and self-defense in the form of village militias all proliferated as the state’s reach diminished. Life did not grind to a halt in the enclave – goods were bought and sold, people fought with one another, stole things, and made and dissolved their families just as they did in peacetime. To structure and arbitrate all of these facets of life, Biafrans increasingly relied upon themselves and their local communities, rather than on the distant and increasingly impotent Biafran central government. Vigilantism became important as formal administrative and legal institutions collapsed.²²⁷

There was much potential for abuse in these informal mechanisms. Some seemed to do more to produce crime than to control it. As Joseph Ibik recalled,

people still needed a system of justice. If you did not nourish the common law in Biafra and devote scarce resources to its functioning, the fear was that “jungle justice” would take over in Biafra, which could lead to the same kind of situation there that had allowed Igbos to be slaughtered in the north. This happened in some places despite all of our best efforts.²²⁸

²²⁶ NNAE MINJUST 90/1/31, Discharge on Licence made under Section 401(2) of the Criminal Procedure Law, Chukwuma Agu, 2 June 1968.

²²⁷ Vigilantism has come to play an important role in law enforcement in many places in contemporary Africa, and its historical origins are an important question for many postcolonial historiographies. The terms in which African vigilantism is broadly framed are best summarized by Jean Comaroff and John Comaroff, “Policing Culture, Cultural Policing: Law and Social Order in Postcolonial South Africa,” *Law and Social Inquiry* Vol. 29, No. 3 (Summer 2004): p. 515. See also David Pratten and Atreyee Sen, eds., *Global Vigilantes* (New York: Columbia University Press, 2008); Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: University of Minnesota Press, 1996); Joseph Hellweg, *Hunting the Ethical State: The Benkadi Movement of Cote d’Ivoire* (Chicago: University of Chicago Press, 2011).

²²⁸ Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

For this reason and others, legal professionals in Biafra were wary of vigilantism. But as the war continued and the Biafran legal system withered, various forms of “self-defense” became necessary evils. By the final months of the war the disintegrating authority of courts, tribunals, militias, and local authorities – and the fact that the boundaries between those institutions was vanishing – made all but the most rudimentary forms of justice impossible. In one illustrative case, a small town “special tribunal” (not related to the Special Tribunal of Biafra) convened to arbitrate a dispute between a prominent gangster and the chairman of the local civil defense committee ended with the two men going out “behind the yard to settle their grievances.”²²⁹ The highly localized forms of authority that developed in Biafra against the better judgment of the country’s leadership eroded the authority of the Biafran state, especially in rural areas.²³⁰

The practical problems and ethical dilemmas of what Ibik called “jungle justice” were evident in Umuobom, a small town near Orlu. A collection of papers from the Civil Defence Committee from this small place offers a unique internal perspective on life in the rural, predominantly Igbo central provinces of Biafra that held out until the bitter end of the war. By

²²⁹ NWM uncatalogued collection, “Statement of C.J. Okpara, Local Civil Defence Committee in the case with the Police,” 6 December 1969.

²³⁰ Historians and legal anthropologists of Africa, and sometimes of the wider world, tend to valorize the ability of communities to settle disputes without recourse to a legal system. It is often interpreted as a tool of the disenfranchised – as a subaltern strategy that antagonizes or supplants state authorities that are corrupt, ineffectual, or despotic. In some of this work, the deficit of formal legal infrastructure comes to look like a lucky break for African societies, since forms of community policing and dispute resolution may more closely reflect the character of the place where they take root. Thus, what appears to be a problem is recast as a solution. Those who make this argument contend that more law does not necessarily mean more order, and indeed many Nigerian communities throughout the twentieth century have viewed the law as an implement of coercion as well as a public resource. However, informal dispute settlement does not ensure a more just outcome than settlements made through formal legal processes, and tends to be seen by the people who use it as a compromise rather than an achievement. See, for example, Robert C. Ellickson, *Order Without Law: How Neighbors Settle Disputes* (Cambridge: Harvard University Press, 1991); John Lonsdale, “States and Social Processes in Africa: A Historiographical Survey,” *African Studies Review* Vol. 24 No. 2/3 (1981): pp. 139-225.

the middle of 1969 Umuobom's Civil Defence Committee was responsible for all aspects of the town's administration. It was effectively self-governing, but the committee's conscientious secretary dutifully sent reports of the its meetings and activities to the Provincial Secretary at Orlu. These improbably preserved files somehow ended up in a storeroom of the National War Museum in Umuahia, a federal museum established in 1989. These rare records, rich with small town intrigue and wartime treachery, show how the turn towards civil defense in the later stages of the war shaped life and politics in Biafra. If there were no functional courts nearby, as was the case in Umuobom in the second half of the war, villages were largely left to their own devices. A highly localized form of governance emerged – one which had little ability to compel people other than by force.

Records from Umuobom reveal that civil defenders claimed broad authority to enforce laws and settle disputes in the communities where they operated, in many cases causing more problems than they resolved.²³¹ In theory, civil defense organizations were overseen and funded by the Biafran central government, but in fact they usually were paid for and managed locally. Few were in regular communication with the central government, and most had unchecked authority in their bailiwicks. They operated checkpoints, conducted investigations, interrogated strangers passing through, and guarded villages and roads at night. Militias could also be mobilized for political purposes; at a rally to celebrate the Ahiara Declaration, the local Civil Defence Organisation in Umuobom was encouraged to have its members be seen carrying signs

²³¹ In addition to the civil defense organizations there were groups like the Akanu Ibiam National Ambulance, a voluntary society set up to provide medical care and evacuation assistance to civilians. NWM uncatalogued collection, "Letter of Introduction," 28 August 1969.

denouncing “the treachery of Nnamdi Azikiwe,” for his having defected to the Nigerian side, and declaring a “pledge of unflinching loyalty to Head of State.”²³²

Civil defenders played an increasingly active role in law enforcement, even though their remit was theoretically narrow. A code of conduct for civil defenders published in the first months of the war included things like “see to it that members of your company do not take the laws into their hands,” “do not harass any person simply because he happens to come from a particular province or speaks a particular language,” and “avoid unnecessary delay at check-points. Most people are, like you, on urgent assignments connected with the war effort.”²³³ This code of conduct was observed less consistently as the situation in Biafra deteriorated. A Biafran army officer interviewed in the 1990s remembered civil defense as being “‘very useful’ ‘at the initial stages of the war.’ However: ‘Later, when many army deserters joined it, it was used to commit havoc on the community, for example harassing people.’” In some cases, the officer recalled, Civil Defence Councils acted as local governments, or supplanted the authority of traditional rulers.²³⁴ Some Biafrans became entrapped in this confusion of authorities, while others turned it to their advantage.

Civil defenders practiced an improvisational kind of justice – one that did sometimes satisfy local demands, even if not everyone perceived their actions as “just.”²³⁵ They routinely investigated crimes, arrested people for theft, assault, and for trafficking in humanitarian

²³² NWM uncatalogued collection, “Biafran Revolution and Ahiara Declaration by His Excellency,” 24 September 1969.

²³³ *Biafra Sun*, 7 August 1967, p. 3.

²³⁴ Axel Harneit-Sievers, Jones O. Ahazuem and Sydney Emezue, eds., *A Social History of the Nigerian Civil War* (Enugu: Jemezie Associates, 1997): pp. 53-55.

²³⁵ NWM uncatalogued collection, “Arrest of Jonah Anyiani,” 11 September 1969.

materials and black market commodities. They also meted out punishments.²³⁶ But to most people in Umuobom and elsewhere the civil defense organizations seemed like a poor substitute for a criminal justice system. The shortcomings of these organizations in maintaining order were especially clear when soldiers of the regular Biafran Army made trouble. In 1969 Umuobom's civil defenders begged a nearby army camp to incarcerate a sergeant named Adeodatus Echere until the end of the war. The committee complained that Echere had "his own gang who parade at night and make life and properties insecure, He possess a saboteur's tendency of parading these his gang to menace the young farm products [sic]."²³⁷ The Biafran Army sometimes investigated these cases of abuse or wrongdoing and sometimes ignored them, but in nearly all cases showed itself to be a poor guarantor of civic order.²³⁸ In this case the army denied the request for help, which the less charitable members of the civil defense committee attributed to the fact that some of the soldiers were also members of Echere's gang. Biafrans in places like

²³⁶ Individuals, in addition to civil defense organizations and militias, were expected to be vigilant in protecting the interests of the Biafran state and advancing the war effort. A case from a magistrate's court in Nnewi illustrates how Biafra's injunction for people to be vigilant was taken up by Biafrans in the everyday. While sitting on the porch of the hotel where she worked, a middle-aged woman witnessed a young man stealing a drum of oil from a cart across the street. She ran over to the man, wrestled the drum away from him, and held him to prevent him from running away while she called other people over. He tried to beat her off but she was too strong for him, and although she sustained some injuries she managed to hold him until others could arrive on the scene. Applauding her bravery, the magistrate ruled that "in exercise of her civil right [she] on seeing accused committing an offence was justified in arresting him." He further observed that "stealing of petrol and diesel has been rampant since the shortage of fuel in the Country. This sort of thing must be checked. A gallon of diesel sells up to 5 pounds and even more. It is big easy money and attractive. Accused is however a first offender. The diesel was for supply of water to already suffering people of Biafra." He was sentenced to a lengthy prison term. This kind of "citizen's arrest" was legal, but was seldom actually carried out until the war, when it became more common. NNAE MINJUST 127/1/74, in the Magistrate's Court of the Republic of Biafra, Holden at Nnewi, No. MO/715c/68, *Inspector-General of Police v. Joshua Okezie*, 19 July 1968.

²³⁷ NWM uncatalogued collection, "Removal or Deportation of a Criminal," 24 November 1969. For a similar case, see NWM uncatalogued collection, "Lt. Peter Ebbe Again," 24 August 1969.

²³⁸ NWM uncatalogued collection, "Tracking Down Soldiers' Malpractices," 7 November 1969.

Umuobom came to think that if any justice was to be done in the later stages of the war, it would be by informally organized civil defenders.

Their membership was drawn predominantly from women of all ages and men who were older or physically incapacitated. Women played a critical role in the administration and organization of civil defense organizations, and it is largely for this reason that many former Biafrans remember the war as a time when gender equity was advanced.²³⁹ A British reporter found the presence of women in the civil defense forces as evidence that “morale in Biafra is reasonably high. Girls wearing khaki caps and carrying revolvers and shotguns searched me at road checkpoints. They seemed super-confident.”²⁴⁰ Attempts were also made to shore up civil police forces; in the absence of male police officers, many women were recruited into local constabularies. Even in places where they were barred from leadership, women often controlled financial matters and therefore wielded considerable influence in civil defense. The Biafran government generally acceded to women’s requests for greater responsibility. As a 1969 circular argued:

From actual experiments and experiences, it has been found that there is a lot to gain and hardly anything to lose by allowing women and women’s organisations the representation or participation they reasonably demand. The actual nature of participation to be allowed has also been fully considered, and it has been decided that, apart from clerical and light duties at the local civil defence offices and check-points, women should be represented in suitable sub-committees, particularly that in-charge of Funds and Donations... The responsibility to win our war of survival does not by any means belong to men alone. Very serious views would be taken against any Civil Defence Unit that refuses to admit women and so gets into difficulty about raising contributions from them. It is most undesirable to do anything that is liable to put our fighting forces into a starving position or mar our war efforts. Together we fight, united we win.²⁴¹

²³⁹ Women served on the Nigerian side as well, as medics, signalers, and in a few cases as combatants. SOAS Nigerian Civil War Collections MS 321463 Box 1, “Nigeria’s War: A Diary of Events,” 1970, p. 15.

²⁴⁰ NAID 2000/14/21, Clipping from London *Daily Express*, 29 April 1968.

²⁴¹ NWM uncatalogued collection, “Women in Civil Defence,” [December 1969].

The Biafran press celebrated this policy: “the sight of Biafran volunteer women corps in uniform ... is a joy, not only because of their look of innocence and reliability, but mainly because in most cases women are more determined and more business-like than men... they are taking the same risks as men.”²⁴² In practice women in uniform often encountered resistance in carrying out their duties. In a case where a man assaulted a female police officer on patrol in a market, the magistrate gave the general warning that “he did not see why innocent women should not move about in market without molestation by some ‘irresponsible’ citizens.”²⁴³ Some Biafran women thought of their participation in the war effort as a continuation of the militancy that Igbo women had displayed in the *Ogu Umunwaanyi*, a major anticolonial revolt led by women in Aba in 1929.²⁴⁴ A *New York Times* reporter reported a conversation with a female bartender in Umuahia who expressed a similar sentiment: “‘I don’t know why Ojukwu won’t let women join the army,’ she says. ‘In the old days, before the white man came, we women used to fight right along with the men. So why not now?’”²⁴⁵ Many women remember with pride having served alongside men in Biafra’s defense.

Some civil defense organizations were reservoirs for the indigent and the mentally ill. One eighteen year old with a criminal record wrote in his application to be a civil defender that he would have preferred to be in the army, but an illness which “at time scatters my brain” made him better suited to civil defense.²⁴⁶ His application was accepted. Some civil defense officials

²⁴² *Biafra Sun*, 9 August 1967, p. 2.

²⁴³ *Biafra Sun*, 19 June 1967, p. 1.

²⁴⁴ Interview with Flora Udechukwu, Rivers State Government Secretariat, Port Harcourt, 15 February 2015.

²⁴⁵ Lloyd Garrison, “In Biafra’s Beleaguered Capital, War Is Just Around the Corner,” *The New York Times*, 8 March 1969, p. 5.

²⁴⁶ NWM uncatalogued collection, Application of Felix Aladi to Biafra Civil Defence, 10 June 1969.

privately worried that giving responsibility for defending towns to physically or mentally ill men was dangerous. There was little to be done about these misgivings, however, given that nearly all able-bodied men were away at the front. The Civil Defence Committee in Umuobom expressed hope that the presence of women and older men in patrols would make them more moderate and responsible in their duties.²⁴⁷ Serving as a civil defender did not exempt one from recruitment into the army, though younger men with political connections often tried to use their status as civil defenders to avoid being conscripted.²⁴⁸

Not all vigilant organizations were informal – some were officially deputized arms of the Biafran government. The largest and most important militia in Biafra was the Biafran Organisation of Freedom Fighters (BOFF), a semi-official “front” that engaged in guerilla fighting against Nigerian troops, operated in clandestine cells in Nigerian territory, and engaged in vigilante activities within Biafra.²⁴⁹ It was a loosely organized confederation of vigilantes, civil defense cadres, and ex-soldiers that operated alongside the Biafran Army, intended to function as a leaner, stealthier complement to the Biafran Army proper.²⁵⁰ The BOFF had an

²⁴⁷ NWM uncatalogued collection, Umuobom Civil Defence Committee Minute Book, 1969.

²⁴⁸ NWM uncatalogued collection, “Civil Defence Offices,” 30 September 1969.

²⁴⁹ An organization that straddled the divide between formal government initiative and local militia in a similar manner was the Land Army, a food production scheme established in 1969 in an attempt to encourage people (mostly women) to produce food within the enclave. Modeled on a military structure, the Land Army attempted to modernize and collectivize farming in order to stem the famine that had unfolded as a result of the blockade. Despite Ojukwu’s command for people to “dispel fear from their minds and embrace the ‘Land Army’ scheme with enthusiasm,” the initiative was highly unpopular and did not succeed in producing much food. *Biafra Sun*, 19 March 1969, p. 2.

²⁵⁰ The Nigerian government was aware of the BOFF and doubted its effectiveness, while also expressing wariness that it might push the conflict towards guerilla warfare: “when asked about activities of Biafran Organization of Freedom Fighters (BOFF) [Federal administrator Ukpabi] Asika tended to downplay their significance, saying there had been only ‘isolated acts of sabotage.’ He claimed that many BOFF teams sent to disrupt the federal area quietly stayed on without fulfilling their mission. When pressed for details, he admitted there was pro-Biafran influence in ‘more remote’ areas but cited several instances where loyal villagers handed over BOFF agents to federals. [A federal administrator] argued forcefully that BOFF unlikely to succeed in organizing effective

ambiguous relationship with the regular army, and there were frequent disagreements about its structure and responsibilities. One BOFF zonal commander recalled that the fighters also played a role in the organization of aid distribution: “Our job as freedom fighters was partly to cater for the welfare of the sick, the victims of war and the starving civilians. The international agencies had no idea they were working with Biafran guerillas. We wore no uniforms in order to blend and hide among the civilian population undetected. We protected the Relief Organizations, because our collective survival depended on their services.”²⁵¹

BOFF members had a price, and some of its less regular units operated in ways that had more in common with “gangsterism” than civil defense.²⁵² The employees of a feeding center at Umucheke complained that the center’s administrators were embezzling funds and food, stating that

We have no confidence in them, because we have no trust on them, therefore it is needless to allow them to feed our children and destitutes in this centre in accordance with the situation in the town. ... They failed to listen to the suggestions from the community, instead they are causing confusion and calling BOFF Army against us if we venture telling them to do things as arranged before.²⁵³

There were many cases where civil defenders, irregular militias, and BOFF units overstepped the boundaries of their authority – which were at any rate largely unmarked. The central government saw the danger in giving authority to these semi-official groups, warning “that all criminal cases

guerrilla campaign, claiming it hard to convince a man to risk his life in guerilla activity ‘when salt costs 30 shillings a cup in Biafra and 6 pence in Enugu.’” NAUK FCO 65/213, United States Embassy, Lagos, to Secretary of State, 27 October 1969.

²⁵¹ Ewa Unoke, “Biafra, Human Rights, and Memory: A Transitional Justice Perspective,” in Chima J. Korieh and Ifeanyi Ezeonu, eds., *Remembering Biafra: Narrative, History, and Memory of the Nigeria-Biafra War* (Owerri: Goldline and Jacobs, 2010): p. 164.

²⁵² Interview with Flora Udechukwu, Rivers State Government Secretariat, Port Harcourt, 15 February 2015.

²⁵³ NWM uncatalogued collection, Fidelis Iwucha to Civil Defence Committee, Umuobom, 9 January 1969.

should be directed to the law enforcement officers.”²⁵⁴ In practice, there were usually no law enforcement officers to be found.

One of the most important tasks that civil defenders performed was searching for unfamiliar faces. Colloquially called “combing,” this practice empowered Biafrans to harass their neighbors, enter houses, and challenge the presence of anyone they deemed a “stranger.” Often, they were accompanied by mandates to collect money from civilians in the form of “war levies,” some of which were official and others not. Combing missions, many of them organized by the Ministry of Justice and its functionaries, became one of the Biafran government’s most visible displays of power. Everyone, including women, was expected to participate in these expeditions – often creating confused situations where everyone in a given village was out looking for everyone else. In some cases women were preferred for leading them because they were thought to be less inclined to accept bribes or grant favors to friends. A circular from the central government warned that “This is no frolic. It is a serious exercise and it should be treated with all the seriousness it deserves.”²⁵⁵ Civil defense organizations were told that

In searching you should look for strange faces, arms, and munitions. If you have any Police or Army Unit in or near your village you should approach this Unit to give some armed men to you for effective operation. All arms, etc. recovered should be sent to the nearest Police or Army Unit and this office informed immediately. Strange faces should be interrogated and anyone who cannot give good account of himself should be taken to the nearest Police or Army Unit for further questioning. Civil defenders should generally be alert in their duties and night guards should be re-mounted in all the villages. The security of your village, the Province, and the Republic of Biafra in general is in your hands.²⁵⁶

²⁵⁴ NWM uncatalogued collection, “Meeting of Chairmen, Leaders and Instructors of Local Civil Defence Organization in the Province Held in the Provincial Civil Defence Office, Orlu,” 16 November 1968.

²⁵⁵ NWM uncatalogued collection, “Combing for Strange Faces,” 11 October 1969.

²⁵⁶ NWM uncatalogued collection, “Combing for Strange Faces,” 30 December 1969.

Although the number of revolutionary plots was almost certainly exaggerated, the preponderance of “strange faces” in Biafra was not. Even by late 1967 humanitarian organizations had estimated that there were half a million “refugees for a second time” wandering in the interstices between villages in the central areas of the enclave – called so because they had been displaced first from the north and then from other parts of Biafra.²⁵⁷ There are no reliable figures for how many displaced people wandered Biafra later in the war, but it would have been a far greater number than half a million.

Combing missions gave a wide latitude for abuse. A court case from late 1968 gives a sense of how combing missions and levy collections could turn violent:

We went to the village square after the combing and the names of those who had not contributed to the Civil Defence Fund were disclosed to us. One Silas Nwandiko a brother of the accused, was one of the defaulters. We then proceeded to his house to collect his contribution. He lives in the same compound with his brother, the accused. Silas was not at home but his brother the accused who was present said his brother Silas would not make any such contribution because the villagers were envious of him. The accused is not a defaulter. After saying what he said, accused cut me with a machet. He cut off my hand. He also cut the right palm of one Jonah Abengowe. ... We were about 20 persons in the group. We had all left our matchets on the instruction of the Elders of the Town Hall, before proceeding to the compound of the accused.²⁵⁸

The war’s urgency increasingly rested on the idea that there were saboteurs everywhere, so cases of sabotage and treachery were played up in the press and in propaganda. In October of 1968, a Biafran officer encountered a man wandering along the road between Umuahia and Okigwe, “black in complexion, quite stark naked or on his birth-day suit with minor rashes over the body standing. As people were jeering at him as a mad-man, I became apprehensive as to assess him.”

The officer questioned him, and after being fed and clothed the man revealed that he was

²⁵⁷ SOAS Christian Aid Collections, CA/A/6/5, “Involvement of the World Council of Churches in the Nigeria Crisis,” 8 November 1967.

²⁵⁸ NNAE MINJUST 1/5/5, In the High Court of Biafra, Enugu, *The State v. Nwandiko Ajaogu*, [1968].

Corporal Frederick Nwagwu, alias Areawire, of the Nigerian Army. In return for clemency, he offered to lead the Biafran officer to the place where his men were in hiding in the bush.

Areawire's story turned out to be a ruse and the Biafran soldiers were ambushed when they reached the place where the infiltrator led them.²⁵⁹ Stories like this circulated widely in Biafra, and made Biafrans both in and out of uniform wary of anyone they did not recognize. But the Biafran government's warnings about saboteurs and infiltrators were undoubtedly exaggerated – not every refugee and displaced person was a Nigerian agent, as many militia leaders and administrators seemed to fear. The Civil Defence Committee in Umuobom reported in January 1970 that “after a whole week we were unable to comb out any strange faces. Some few passerby we got were interrogated and identified by some people and then we had to release them.”²⁶⁰ The civil defenders were told by the Ministry of Justice bureaucrat who was in charge to look harder.

Splintering authority and violence

Authority was diffuse and malleable in these conditions. Civil defenders blurred into guerilla “freedom fighters,” police blurred into soldiers, and with a baton and a loud voice almost anyone could claim the mantle of law enforcement.²⁶¹ The number and size of militias grew precipitously as the territory that Biafra controlled shrank. Some were the stubs of Biafran Army units that had deserted or been cut off from their superiors, while others emerged organically in

²⁵⁹ NWM uncatalogued collection, “Secret OP Torch – Need for Extra Vigilance,” 5 November 1968, “Report on Extra Vigilance by BA/18150416 WOI Peter Iwueke – DHQ,” 5 November 1968.

²⁶⁰ NWM uncatalogued collection, “Report of Combing,” 2 January 1970.

²⁶¹ NWM uncatalogued collection, “Beating up of Civil Defenders and Allegation of Conspiracy with the Artillery Soldiers,” 20 October 1969.

small communities. In some cases, the line between “militia” and “criminal gang” was hazy.²⁶² The proliferation of authorities allowed people to lay claim to powers usually reserved for governments.²⁶³ In Orlu, small militias and even the occasional individual attempted to collect war levies for themselves, which the main Civil Defence Committee and the Biafran Army tried to prevent.²⁶⁴ Similarly, militias, “ambulance corps,” and an array of paramilitary organizations demanded money and payment in kind from the communities where they operated. Many different entities claimed to act under state orders.

Most attempts to clarify the difference between soldier and civilian were unsuccessful. The Biafran government tried to impose a system of standard identity cards for civil defenders, but had little success distributing the cards to the right people.²⁶⁵ Similarly, uniforms did little to clarify the difference between soldier and civilian. In the early stages of the war the Biafran Army went to some lengths to ensure that only soldiers wore the image of the rising sun, the

²⁶² This vanishing boundary applied especially to the BOFF. An embarrassed official at the BOFF’s clandestine headquarters outside of Enugu wrote to the Civil Defence Committee in Umuobom that “It has come to our notice that stragglers and other civilians in Umuobom come to the market and commit any irresponsible acts and claim that they are ‘BOFF boys.’ This happens especially on stragglers’ drive days. As from now, inform those who come on stragglers’ drive that people claiming BOFF identity should be reported to Civil Defence Committee for identification. In such cases get the person’s name and his number and if possible demand his pass and then inform us. . . . Any of our boys doing anything unworthy of BOFF should be reported officially to us and what he did clearly stated for full disciplinary actions.” In practice BOFF members were seldom disciplined for misconduct. When they were brought to task it was usually by courts or the Special Tribunal rather than through internal investigations. NWM uncatalogued collection, “Identification of Soldiers claiming ‘BOFF,’” 18 September 1969.

²⁶³ For comparative purposes, on the blurring of police and other local forms of authority in South Africa see Jonny Steinberg, *Thin Blue: The Unwritten Rules of Policing South Africa* (Johannesburg: Jonathan Ball, 2008).

²⁶⁴ NWM uncatalogued collection, Circular from Civil Defence Committee, Umuobom, “Stay Clear of Our Activities,” 14 September 1969.

²⁶⁵ NWM uncatalogued collection, “Identity Cards,” 5 September 1969.

image on Biafra's flag, on their uniforms.²⁶⁶ Over time militias adopted the symbol of the rising sun as well, blurring the visual line between soldier and militia member. This ambiguity was compounded by the fact that not all regular soldiers wore uniforms – mostly due to shortages rather than tactical considerations – whereas some of the better organized militia units did. In some cases people with no claim to military authority – formal or informal – made use of the confusion to rob people. Christopher Nwokocha and Godson Onunekwu (alias Captain Marvel), for example, donned Biafran uniforms and made a small fortune searching cars and requisitioning valuables from their drivers before they were arrested.²⁶⁷ This kind of deception became very common.

Sensing that the Biafran government had a diminishing ability to support them and not much leverage to control their actions, vigilant groups began to act under their own orders. A minor crisis emerged in Umuobom in late 1968, where “the civil defenders who have just been trained are claiming full authority of themselves and refused to take orders from the existing committee. They are misled by some elements who are at the verge of dissolving our committee.”²⁶⁸ In this particular instance the committee managed to suppress the insurrection, but it was clear that civil defenders increasingly answered only to themselves. In some places there were multiple militias that all claimed to be responsible for the “maintenance of law and order.” Writing to complain that he was being harassed by two separate militia organizations, the manager of a marketplace outside of Umuobom wrote to his local Civil Defence Committee, asking “as the leaders of local affairs here are you [serving] your own interest or that of the

²⁶⁶ NWM uncatalogued collection, “Armed Forces Identification Sign: The Biafra Sun,” 4 November 1967.

²⁶⁷ *Biafra Sun*, 25 July 1968, p. 8.

²⁶⁸ NWM uncatalogued collection, Civil Defence Committee, Umuobom to Chairman, Rehabilitation Committee, Orlu, 28 September 1968.

Government of the Republic of Biafra?”²⁶⁹ One man wrote to a local official to complain that “we have been seeing a lot of soldiers whom use to harass civilians over this our area” and asked “whether their coming is official or not.”²⁷⁰ The official did not know, and wrote to his superior to see who was formally in charge in that area. He did not receive a response.

Militias and civil defenders bullied local people and refugees into giving up their belongings, insisted that aid given to their regions pass exclusively through their hands, and commandeered food and seedlings from refugee camps in the name of their “absolute authority to transact all matters” of town administration and refugee affairs.²⁷¹ Civil defense forces came up with many ways to harass civilians, often using restrictive interpretations of poorly understood laws and edicts to justify actions which to most people looked like simple theft. One such tactic was to claim that Nigerian coins were illegal to possess Biafra. While Nigerian notes were in fact banned and their possession attracted heavy penalties, Nigerian coins were entirely legal to own and use. Civil defenders routinely arrested people for possessing coins, confiscating the money and using its possession as an excuse to shake people down for larger sums. The Biafran government condemned this practice, but knew that it had little ability to stop it.²⁷² The checkpoints that civil defenders set up along roads and outside of villages could easily become

²⁶⁹ NWM uncatalogued collection, A. O. Anyikila to Secretary, Civil Defence Committee, Umuobom, 20 November 1969.

²⁷⁰ NWM uncatalogued collection, Paulinus [illegible] to Charles Okwara, 18 December 1969.

²⁷¹ NWM uncatalogued collection, “Overstepping bound of authority,” 14 May 1968.

²⁷² NWM uncatalogued collection, “Meeting of Chairmen, Leaders and Instructors of Local Civil Defence Organization in the Province Held in the Provincial Civil Defence Office, Orlu,” 16 November 1968.

devices to shake down people passing through, to intimidate neighboring communities, and to punish rivals.²⁷³

Civil defenders also came into conflict with what remained of local administrative structures. At a market near Arondizuogu in late 1969, a BOFF militia arrested members of the local police after the police told the men to stop demanding money from people – “they seize people with even a cup of corn meal and on their way to the station they release them after paying sums of money from ten to twenty pounds,” one witness complained. In turn, the BOFF men “mercilessly beat up” the local police and the civil defenders,²⁷⁴ and the situation quickly developed into “uncontrollable combat,” leaving local leaders stunned at how “two arms of the military authorities should fail to cooperate,” with such dramatic consequences.²⁷⁵ Markets were attractive targets for conscription campaigns, combing missions, and general harassment by militias and other groups. They were regularly subjected to raids by groups ranging from Biafran Army units to criminal gangs posing as militias.²⁷⁶ The Oye Market near Umuobom was “menaced” frequently by both stragglers organized into militias and by the soldiers who were sent in to collect them.²⁷⁷ Soldiers tasked with defending the market often abused the power that

²⁷³ This took place not only at the level of everyday transactions between individuals, but between communities. An easy way to tar an enemy was to say that they were not being sufficiently vigilant in the operation of checkpoints, which could lead to heavy fines for the accused. NWM uncatalogued collection, David Irechukwu to Civil Defence Committee, Umuobom, 28 August 1968.

²⁷⁴ NWM uncatalogued collection, “Statement of C.J. Okpara, Local Civil Defence Committee in the case with the Police,” 6 December 1969.

²⁷⁵ NWM uncatalogued collection, “Victimisation of civil defenders,” 16 November 1969.

²⁷⁶ NWM uncatalogued collection, Rangers office, Orlu to Chairman, Local Civil Defence, Umuobom, 7 September 1968.

²⁷⁷ NWM uncatalogued collection, “Soldiers menace in mkt.,” 19 August 1969.

this duty gave them. Once a unit of men had settled into a marketplace it was often difficult to convince them to move on.²⁷⁸

The problem of indiscipline was not unique to Biafra's civil defenders and paramilitary organizations. Discipline in the regular Biafran Army, too, was low by the war's mid-point and only grew worse after that.²⁷⁹ It became especially difficult to control the behavior of soldiers who were stationed near towns. Soldiers used their authority to commandeer goods, demand money, and in some cases to settle personal scores. Lieutenant Mark Ebbeh of the Biafran Army was a "broken elementary teacher with the most objectionable reputation, [who] was forced to join the army after committing a lot of crimes for which he was punished by the military police." He returned to his home town in June of 1969 with an eye to taking revenge on the town leaders who had made him join the army:

For the four days he was at home [he] caused a lot of panic. He paraded [with his band of] stragglers in the streets and illegally conscripted so many people whom after giving him some sums ranging from three to five pounds each he released them. There was a lot of indiscriminate shooting by him with the hard-paid-for Biafran bullets bought for the vandals [Nigerians].

²⁷⁸ NWM uncatalogued collection, "Victimisation of civil defenders," 16 November 1969.

²⁷⁹ Soldiers were not always the ones aggravating civilians, and in some war-weary communities soldiers were harassed or intimidated by civilians. A delegation from the Biafran Army's Re-Education Unit reported that "in the course of our trips to the various fronts, we notice that the personnel of the Armed Forces are often cajoled, molested and subjected to a great deal of molestation from the civilians in many areas. All armed forces personnel carry passes and this is not often known to the civilians who often beat up soldiers on official trips. A case in point is at Nawfia/Abagana/Awka in which civilians killed many soldiers who were retreating to a reconnaissance vehicle on the pretext that they were runaways, or saboteurs. This is because the Public Enlightenment Committee hardly educates the civilians as to their relationship with the soldiers... if anything the civilian leaders antagonize the soldiers with their people." NWM uncatalogued collection, "Troops Re-Education Unit, Fourth Interim Report," 9 April 1968. In general, however, soldiers were the perpetrators of harassment rather than the victims.

Following their brief “reign of terror” in Umuobom, Ebbah and his band of deserters kidnapped the chairman and secretary of the Local Civil Defence Committee and held them ransom for fifty pounds. After the ransom was paid, they released the officials and headed out of town.²⁸⁰

The dissolution of state authority in Biafra is well illustrated by the case *The Police v. Ichabod Oruchalu and others*, from the Biafran Magistrate’s Court at Awka.²⁸¹ This was a sordid and elaborate case that touched on the suppression of political dissent in Biafra, the fracturing of authority between militias, and the creeping violence in everyday life. In November 1968, a pair of Biafran policemen were investigating a murder in which a young man was killed and partially eaten in famine-stricken Achina. They arrested fifteen suspects and brought them by foot from Achina to the police station at Aguata. As they were leaving Achina, a woman and three men blocked their way on the road and roughed up the policemen, saying that the town “had enough forces to counteract the police department.” They incited the fifteen suspects to flee and, according to the policemen, declared that they were “Achina revolutionists.” The police returned with reinforcements from the army and searched the houses of the four people accused of obstructing the arrests, finding a bottle of penicillin which they claimed was an illegally obtained “poison,” the owner of which was charged with unlawful possession of a deadly substance. The magistrate threw out this charge. In the longer trial that followed, the four people accused of obstructing the police claimed that the policemen had “interviewed” forty people in the town, demanding money from everyone, and that the fifteen people they arrested were those unable or unwilling to pay. They included the father of one of the accused. The magistrate (Ada Adogu, who had been the first female magistrate in the Eastern Region), did not rule on this matter of

²⁸⁰ NWM uncatalogued collection, “Kidnapping of some members of the Civil Defence Committee by Lt. Peter Ebbah and Umuobom Stragglers,” 10 June 1969.

²⁸¹ NNAE MINJUST 42/1/4, In the Magistrate’s Court of the Republic of Biafra, Holden at Awka, No. CA/68/67, *Police v. Ichabod Oruchalu and others*, 19 November 1968.

whether bribes had been demanded, dismissing out of hand that such brazen corruption was even possible.

The “revolutionary movement” that the police claimed the protestors were part of proved to be a chimera. All of the defense witnesses denied that the act of obstructing the police had anything to do with a political revolution. As an accused man who worked in the Ministry of Education stated, “as far as I know there is no revolutionary movement at Achina. If there were, I belong to none.” Adogu remarked that calling someone a “revolutionist” was an effective way to tar their reputation, which she interpreted as a sign of the broader paranoia in Biafra about coups, sabotage, and subversion. Although all of the defendants had tried to physically bar the way of the policemen, they were not tried for assault. In the end, one of the defendants was acquitted on a point of technicality. The remaining three were found guilty of willfully obstructing a police action. All received a light sentence.

State authority in Biafra waned, but even in the final months of the war Biafra remained obsessed with collecting information about its population, encouraging people to make their whereabouts known to what remained of the state bureaucracy. “Up to the time of writing some villages have not submitted, as requested, the particulars of their sons and daughters in the Biafran Army. I view this with great concern,” complained an administrator in Orlu in late 1969.²⁸² Local defense committees were warned that

it is regrettable that some Local Civil Defence Committee Chairmen have completely ignored our directives regarding the keeping of an up-to-date list of stragglers and helping the Military Authorities to retrieve them. ... One of the tests of the efficiency of your committee is the ability to deal with stragglers without fear or favour. Failure to execute this assignment conscientiously will be regarded as a betrayal of the cause of our struggle for survival.²⁸³

²⁸² NWM uncatalogued collection, “Recruitment and Stragglers Drive,” [September 1969].

²⁸³ NWM uncatalogued collection, “Collection of Stragglers,” 25 February 1969.

This kind of official rebuke had become a rather empty threat in the stages of the war, when the Biafran government was unable to perform even basic administrative tasks. Biafra even began issuing identity cards to civilians as part of a larger attempt to crack down on impersonation of government officials, but by this late stage in the war things proved much too far gone for official identity cards to sort out who was in charge.²⁸⁴

Over time even Biafra's military leadership began to lose faith that the army's soldiers could be trusted, as a case from the Special Tribunal illustrates. In November 1968 a clerk in the Ministry of Justice was tasked with delivering the uncollected salaries for the ministry's employees, who were scared to travel by road to collect them. The ministry did not provide him with a car, expecting him to deliver the money on foot. He went about his dangerous and difficult task. When a car full of soldiers pulled up alongside him and offered him a lift, he thought it was a lucky break. In the eventual tribunal against the clerk, it transpired that he had been

foolish enough to tell them he had some money with which to pay staff salaries. He went to the stupid extent of showing them the money. ... After the car had covered a short distance the accused said the driver stopped and requested him to go to the rear of the car and find out if anything was wrong with the rear bumper. The accused went and bent down to look. As he was doing this the driver drove off with his bag containing the sum of 1198 pounds, his cheque book, many treasury books, etc.

The soldiers got away with the crime. The clerk was charged with robbery, but the tribunal found that there was no evidence that he had stolen the money himself – and in fact the idea that the money had been stolen in broad daylight by soldiers on active duty did not surprise them in the least. The clerk was acquitted, but the judges made it clear that they held him in very low esteem

²⁸⁴ NWM uncatalogued collection, "Identity Cards," 30 September 1969.

for being naïve enough to trust the Biafran soldiers. The message of the case was that it was common sense not to trust Biafra's own soldiers.²⁸⁵

Conclusion

In 1968 Ojukwu gave a speech in the city of Aba, where civilians had been accused of staging an insurrection against the Biafran troops quartered there. In his furious speech, he accused the people of Aba of being murderers and cannibals, and burst into tears as he stormed off the dais. Ojukwu declared the entire city a military area, and ordered that those responsible for having killed Biafran soldiers “should be rounded up and publicly shot or hanged.”²⁸⁶ The crackdown on Aba was swift and vindictive, but by this point conditions in Biafra were too far gone for it to have much effect.²⁸⁷ Like many of the social and administrative dynamics that emerged there, the militias and civil defense organizations that grew up in the rubble of the state apparatus had important consequences for how the peace would later unfold. The wartime injunction to trust no one – to look out for oneself first and to be suspicious of strangers – would also outlast the war in various ways.

Under these circumstances the Biafran state lost its monopoly on force. To some of Biafra's founders, the potent mixture of crime, martial law, vigilantism, and executive authoritarianism that brewed over the course of the war weakened Biafra mortally – even if Nigeria's long assault and blockade was what finished it off. No one was more alarmed by

²⁸⁵ NNAE MINJUST 117/1/1, In the Special Tribunal of the Republic of Biafra, No. ST/2c/69, *The State v. Peter Abanonu*, 3 January 1969.

²⁸⁶ Ntieyong U. Akpan, *The Struggle for Secession, 1966-1970: A Personal Account of the Nigerian Civil War* (London: Frank Cass, 1971): p. 195.

²⁸⁷ This crackdown, entailing summary trials, public executions, and the implementation of strict curfews is also described by Aba Province's administrator in his memoir of the war. See Ben Gbulie, *The Fall of Biafra* (Enugu: Benlie Publishers, 1989).

Biafra's apparent deviation from the rule of law and its descent into chaos than Chief Justice Sir Louis Mbanefo. Mbanefo came to fear that the Biafra that he had risked his life and career for might be a "bandit state" rather than the vanguard of order and modernity that he and his contemporaries had envisioned. Lawyers and judges became disillusioned with the Biafran project for various reasons; for some it was taking cases involving forms of violence which had been unthinkable before the war, while others came to feel betrayed by the implementation of martial law. Some took issue with Biafra's class identity. Ikenna Nzimiro, an official in the Biafran Ministry of Information who was responsible for political education, came to see Biafra as a "bourgeois" regime rather than a "revolutionary" one, attributing the failure of the state to class cleavages that he and other Biafran leftists were unable to prevent from emerging.²⁸⁸

Those at the top of the legal system began to lose faith in the Biafran cause.²⁸⁹ In late 1969 a Senior Crown Counsel defected to her home country of Trinidad, taking her Biafran husband with her. Some of her colleagues tried to follow suit. When Mbanefo travelled to London with a diplomatic delegation in 1968, Ojukwu would not let his wife travel with him, insisting that she stay in Biafra as a surety that he would return. Another defector from Biafra reported that he was "convinced that but for Lady Mbanefo, Louis would never have returned to Biafra."²⁹⁰ For Mbanefo, disenchantment had first come early in the war, when the managing director of Shell was abducted in Port Harcourt by "some over-enthusiastic paramilitary

²⁸⁸ Ikenna Nzimiro, *The Nigerian Civil War: A Study in Class Conflict* (Enugu: Frontline, 1982): p. 181.

²⁸⁹ This was not a problem unique to the Ministry of Justice. Many prominent Biafrans, most famously Nnamdi Azikiwe, returned to the Nigerian fold in the last year of the war. Ordinary Biafrans, who had fewer connections to the Nigerian government and who were familiar with what had happened in Asaba and other territories recaptured by Nigeria, were less likely to defect to Nigeria in the final stages of the war.

²⁹⁰ NAUK DO 186/1, C.E. Greatorex to Mr. Barrington, House of Commons, 4 November 1969.

personnel” over Shell’s refusal to pay oil royalties to the Biafran government rather than Nigeria. Ojukwu refused to release him on the grounds that he was sabotaging Biafra’s economy. Mbanefo was shocked that Ojukwu had incarcerated the foreign executive, an act which to his mind was tantamount to kidnapping him for ransom – though he would not say so publicly.²⁹¹ This would not be the first instance of something like state kidnapping in Biafra. Two years later in May 1969, Biafran commandos famously took hostage eighteen foreign oil workers from an installation in federal-controlled territory, sentencing them to death on fabricated charges of spying.²⁹² A lawyer who served as their state-appointed defender recalled that this was “theatre, not law,” but by this point most people in the legal profession had lost faith in the courts.²⁹³ As one of Mbanefo’s friends recalled of him, “here was this black ‘Englishman,’ at home in the most exclusive clubs and European royalty, caught in this tragic tangle of Biafra, to which all of us were equally committed.”²⁹⁴ Mbanefo continued to preside over Biafra’s atrophying legal system, but he and many others were shaken and discouraged by the conditions that emerged there in the second half of the war.

²⁹¹ Godwin Alaoma Onyegbula, *The Memoirs of the Nigerian-Biafran Bureaucrat: An Account of Life in Biafra and Within Nigeria* (Ibadan: Spectrum, 2005): p. 147. See also Ntieyong U. Akpan, *The Struggle for Secession, 1966-1970: A Personal Account of the Nigerian Civil War* (London: Frank Cass, 1971): p. 149.

²⁹² This was in part a bid to force other countries to recognize Biafra diplomatically. In the end the hostages were released after protracted negotiations and the payment of a ransom, which did more to damage Biafra’s cause than it did to force foreign recognition. See Roy Doron, “Biafra and the AGIP Oil Workers: Ransoming and the Modern Nation State in Perspective,” *African Economic History* Vol. 42, No. 1 (2014): pp. 137-156.

²⁹³ Interview with anonymous informant, Enugu, September 2014.

²⁹⁴ Godwin Alaoma Onyegbula, *The Memoirs of the Nigerian-Biafran Bureaucrat: An Account of Life in Biafra and Within Nigeria* (Ibadan: Spectrum, 2005): p. 147.

Part II: Crime in Biafra

Introduction

A small crowd from the refugee camp was beating and kicking a young man crouched on the ground, his hands placed on his head to shield some of the blows. His trousers were splattered with holes and his collar was almost ripped off but the half of a yellow sun still clung to his torn sleeve. . . . “Stop it!” Kainene said. “Stop it right now! Leave him alone!” “You are telling us to leave a thief? If we leave him today, tomorrow ten of them will come.” “He is not a thief,” Kainene said. “Did you hear me? He is not a thief. He is a hungry soldier.” The crowd stilled at the quiet authority in her voice. – Chimamanda Ngozi Adichie, *Half of a Yellow Sun*²⁹⁵

From the fall of Port Harcourt in May 1968 to Biafra’s final surrender in January 1970, the Biafran enclave was in a state of crisis. The number of people who died during the war is not known, but credible estimates range from one to three million.²⁹⁶ Most of those who died were Biafrans, most were civilians, and because starvation was used as a weapon the very young and old suffered disproportionately high rates of mortality. Everyday life in Biafra was extremely precarious in the second half of the war; hunger, bombardment, and internal threats to liberty like press ganging were increasingly common features of life as the war went on. It was in this later stage of the war that images of children suffering from protein malnourishment (known as kwashiorkor) began to circulate internationally. “Biafra” became shorthand for suffering. More erratic and grim with each passing month of the fighting, the records of Biafra’s disintegrating legal system show how certain kinds of crime and misconduct emerged and changed shape over the course of the war. These cases paint a picture of the lengths that Biafrans went to in order to

²⁹⁵ Chimamanda Ngozi Adichie, *Half of a Yellow Sun* (New York: Anchor, 2006): p. 505.

²⁹⁶ What this number was is impossible to estimate confidently, but as Alex de Waal writes the actual number “is not the point.” The cost of the war in human life was enormous, with political and social consequences to match. Alex de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford: James Currey, 1997): p. 75.

survive – and in some cases to turn the chaos of the war to their advantage. The war enabled new forms of criminal behavior by breaking the bonds of trust that guaranteed security in small communities. It also dramatically expanded people’s access to firearms, making violent crime easier. Intermittent Nigerian air raids disrupted life in towns and cities, and the Nigerian blockade and attendant famine drove many people into situations of precarity in which breaking the law was necessary to survive. All of this added up to a public perception that, as a former magistrate recalled, “one could get away with anything” in Biafra.²⁹⁷

The two following chapters demonstrate how the conditions of the fighting and administrative collapse described in part one contributed to the spread of violent crime and fraud within Biafra during the war. This section of the dissertation understands the social meanings of crime in Biafra, beyond a description of it or an attempt to explain its immediate causes.²⁹⁸ To do this I combine thick description of crime with a discussion of how violence and fraud changed in form and degree. This reveals how individuals negotiated the violent or precarious situations in which they found themselves during and after the war, without reducing the conditions of war to a state of chaos that resists description or analysis. Wartime violence in Biafra was unpredictable and took many different forms. That does not mean that it was inscrutable, nor that it was without logic or direction.²⁹⁹ These chapters constitute, to borrow a phrase from Roberto Bolaño,

²⁹⁷ Interview with anonymous informant, Enugu, September 2014.

²⁹⁸ In this I follow Gerd Schwerhoff, “Social Control of Violence, Violence as Social Control: The Case of Early Modern Germany,” in Herman Roodenburg and Pieter Spierenburg, eds., *Social Control in Europe, Volume 1, 1500-1800* (Columbus: Ohio State University Press, 2004).

²⁹⁹ As the political scientist Stathis Kalyvas writes, violence in all of the many iterations that it takes in civil war, “is never a simple reflection of the optimal strategy of its users; its profoundly interactive character defeats simple maximization logics while producing surprising outcomes.” Stathis N. Kalyvas, *The Logics of Violence in Civil War* (Cambridge: Cambridge University Press, 2006): p. 388.

a “part about the crimes” – a disquieting catalogue of individual stories about crime that, when added together, reveal a phenomenology of violence.³⁰⁰

Although the details of the actual fighting are largely beyond the scope of the analysis, it is impossible to understand the importance of violent crime and acts by soldiers within Biafra without some sense of what was going on in the larger war against Nigeria. Biafrans’ will to continue the fight despite enormous material hardship was stoked by the fear of what would happen should Biafra lose. Ukpabi Asika, the civilian administrator of the federal-controlled parts of Biafra’s Igbo-majority provinces (i.e. the East Central State), described how the fear of extermination affected Igbos who remained in Biafra:

Waxing philosophic, Asika cited Kafka, Sartre and [American philosopher] Eric Hoffer in support of his claim that rebel leadership have worked themselves into “schizophrenic state” and have fundamentally lost touch with reality. Thus, according to Asika, rebels [are] capable of simultaneously recognizing “subconsciously” that victory (secession) and a viable Biafra are impossibilities; but, on the other hand, a fear of genocide and an hysterical loyalty to Ojukwu have induced a kind of self-hypnosis marked by a blind determination to keep fighting.³⁰¹

This fear was given credence by the massacres of civilians in Biafran towns that fell to Nigeria.³⁰² When Nigeria captured the town of Asaba in October 1967 a unit of the Nigerian

³⁰⁰ Roberto Bolaño, “La parte de los crímenes,” 2666 (Barcelona: Editorial Anagrama, 2004).

³⁰¹ NAUK FCO 65/213, United States Embassy, Lagos, to Secretary of State, 27 October 1969.

³⁰² The Nigerian Armed Forces printed and distributed a code of conduct for soldiers to carry with them at all times, outlining Nigeria’s commitment to uphold the Geneva Conventions, admonishing that civilians must not be molested and rights in property must be respected. A personal message from Gowon addressed to the troops stressed that “you must remember that some of the soldiers Lt. Col. Gowon has now forced to oppose you were once your old comrades at arms and would like to remain so. You must therefore treat them with respect and dignity except any one who is hostile to you.” NAID 2000/14/23, “Operational Code of Conduct for Nigerian Armed Forces,” [1968]. The Irish ambassador noted that despite its assurances, “it is unlikely that a large number of his troops can, in fact, appreciate this document even if they are able to read it. Nonetheless the need for restraint and civilized behaviour is being impressed on the commanding officers.” NAID 2000/14/23, Paul Keating, ambassador of Ireland to Nigeria to Department of External Affairs, Dublin, 5 September 1968.

army systematically killed a large number of Igbo men and boys. When Calabar and Port Harcourt fell to Nigeria in the following year even larger numbers of Igbos were killed, often in personalized acts of violence by their neighbors (these events will be discussed in part three on the Nigerian reoccupation). As an Irish intelligence report described, public knowledge of these events suggested that Biafrans' fears of genocide were not unfounded:

seven or eight million Ibo people are now crowded together in their own homeland and the great majority of them are absolutely convinced that if the Biafran Army lays down its arms, under any conditions or in any circumstances, all of them are likely to be massacred in cold blood. The massacres of Ibos in Northern Nigeria on three separate occasions in 1966; the recent massacres of Ibos following the 'liberation' of the Mid-West by Federal forces, at Benin City, Warri, Sapele and Asaba; the complete clearance of all human life from that part of Biafra between the Northern border and Enugu which has been occupied by Federal troops; all these precedents give ample reasons why the Ibo people should fear a total massacre. Whether or not their fears are exaggerated on this point, the vital factor is that those fears exist and exist with a persistence and a strength which amounts to conviction.³⁰³

Fear galvanized public commitment to continue the fight. To Aba Province administrator Ben Gbulie, the stakes of defeat were high:

I could not help conjuring up all kinds of ugly scenes to which an outright military defeat was liable to give rise: an abrupt but total breakdown of the social order to which we Biafrans had grown accustomed in the past thirty months; an indiscriminate, genocidal massacre of both soldiers and civilians, ... even Nuremberg-type trials as well as kangaroo courts, with convictions based on perjured evidence; public executions by firing squads; deportations, especially of

³⁰³ NAID 2000/14/19, Kevin Rush, Ambassador of Ireland to Nigeria to Department of External Affairs, Dublin, 30 October 1967. Most foreign observers remained "tolerably [sure] that when the area is firmly in Federal hands there is little danger of the sort of large scale massacres which many feared would result from the Federal occupation of Iboland. [Informants from humanitarian agencies] say however that there was a good deal of indiscriminate killing of people who happened to be in the line of the Federal advance, and they are apprehensive about the behavior of Col. Mohammed's troops who are, as you will have seen from our telegrams, now in action in the area between the Nsukka/Enugu road and the Niger. Mohammed has an ugly reputation and there is no doubt that in Asaba, as well as Benin and Agbor, his troops rounded up and shot large numbers of Ibos in cold blood." NAUK FCO 38/285, M.J. Newington, British High Commission, Lagos to Commonwealth Office, 20 January 1968.

pro-Biafra aliens; widespread anti-Igbo measures, including suppression of liberties, calculated to destroy for good the much-envied Igbo psyche.³⁰⁴

As a result, Biafra continued to fight even as the humanitarian crisis there became acute. This fight continued long after the point when the idea that Biafra could be the well-ordered and “modern” state that its founders had promised seemed viable, and well beyond the time when Biafra controlled the oil producing regions.

This points to one of the most intractable questions in the historiography of the war, which is its connection to genocide. The Biafran government made the case to the outside world that Nigeria’s conduct was genocidal, which rested on two separate but related lines of argumentation. One was that the pogroms of 1966 in the north constituted genocide because in some towns and cities they had been they had been orchestrated by government officials. The second was the fighting of the war itself, especially the policy of blockading Biafra in order to starve it into submission, was an attempt to exterminate the Igbo people. The former Western Region Premier Obafemi Awolowo was the figure most associated with this policy. His fiery rhetoric about starving Biafra out of existence was taken as evidence that the Nigerian government’s intent in the war was to not only defeat Biafra, but to destroy the Igbo people. Many Igbos and their allies in the international community found ample evidence for this view. If one considers the experience of the war from the vantage point of Asaba, for example, the conduct of the war fits most definitions of genocide.

In other locations, the conduct of the Nigerian government did not suggest genocidal intent. In Nsukka, for example, the Nigerian reoccupation brought the provision of food and medical care, followed by immediate reintegration of Igbos into Nigerian society. As an internal memorandum from the Nigerian Air Force reminded officers, “the aim is to preserve the

³⁰⁴ Ben Gbulie, *The Fall of Biafra* (Enugu: Benlie Publishers, 1989): p. 207.

Federation, not to destroy the Ibos, whom we want to keep in the Federation.”³⁰⁵ Nigeria went to great lengths in Lagos to assure Igbos that the capital city welcomed them, even though the few Igbos who remained there during the war feared for their safety constantly. Former president Nnamdi Azikiwe would make a highly publicized visit to Lagos after defecting to Nigeria mid-way through the war.³⁰⁶ His visit was staged to show Igbos that they had nothing to fear if they went over to the federal side. In the Mid-West, “West Niger” Igbos, many of whom had remained loyal to Nigeria and had closer historical ties to Benin than they did to Igboland, were often held up to foreign observers and the press as proof that the Nigerian government had no genocidal intentions against Igbos.³⁰⁷ “Loyalist” Igbos who remained in Nigeria usually lived anonymously.³⁰⁸ Indeed, the intentions of the Nigerian government looked very different from one place to another. As the political scientist Scott Straus concluded, the patterns of violence that emerged were “consistent with mass categorical violence, rather than genocide.”³⁰⁹

The fighting took many forms in Biafra, but one of the most destructive and widely remembered parts of the military dimension of the conflict was aerial bombardment by Nigeria. Like the blockade, Biafrans took the bombing of civilian areas as evidence of Nigeria’s

³⁰⁵ NAK MOI/326, “Priority of Air Force targets and suggestions for prosecuting the war,” August 1967, p. 2.

³⁰⁶ Azikiwe’s reasons for doing so included disillusionment with the Biafran project, personal differences with Ojukwu, and a desire to prevent further loss of life. The defection was extremely demoralizing in Biafra. Alfred Obiora Uzokwe, *Surviving in Biafra: The Story of the Nigerian Civil War: Over Two Million Died* (self-published, 2003): p. 141.

³⁰⁷ Some, however, had supported Biafra’s brief occupation of the Mid-West. This placed West Niger Igbos in a delicate position in which both Nigeria and Biafra doubted their loyalties.

³⁰⁸ Prominent Igbos who remained loyal to Nigeria lived under the protection of the federal government. For example, Ukpabi Asika, who would later become the administrator of the East Central State (and the only civilian governor at that time), was kept under constant watch on the campus of the University of Ibadan

³⁰⁹ Scott Straus, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa* (Ithaca: Cornell University Press, 2015): p. 102.

genocidal intent. The Nigerian Air Force's use of fragmentation bombs, which released shrapnel, suggested that the aim of the bombings was not just to destroy military installations, but to kill as many people as possible. It appeared indiscriminate; Nigeria's pilots, many of them on secondment from the Egyptian Air Force, usually bombed from a great height in order to avoid endangering themselves.³¹⁰ This meant that bombing was imprecise and highly destructive.³¹¹ A British intelligence report argued that within Nigeria, "no-one in higher military circles appeared to be giving any thought for the future: their only concern appeared to be to secure military victory by the application of maximum force, whatever the ultimate consequences."³¹²

Indiscriminate aerial bombings were taken as a sign of that single-mindedness.

The bombing of hospitals was an especially pernicious tactic, and one which took place a number of times throughout the war.³¹³ The Nigerian Air Force had instructions to avoid bombing hospitals marked with a Red Cross, but Biafra sometimes disguised military installations by painting red crosses on them, which the Nigerian Air Force took as license to

³¹⁰ Nigeria claimed that foreigners were only employed in the training of military personnel and that all missions were carried out by Nigerians, but this does not appear to have been true.

³¹¹ Foreign intelligence reports support this contention, which sympathetic journalists and Biafran sources had claimed throughout the war: "Egyptians alleged to have told [a British informant] that they did not regard their contract as committing them to any warfare where they could themselves be shot at and they conceived their role exclusively in terms of dropping bombs on undefended targets. Their rule of thumb was to select biggest building visible and to try to drop bombs on it." NAUK FCO 65/366, Extract from diplomatic telegram, 19 March 1969. Whether due to incompetence or design, Nigerian bombing was unpredictable and unsystematic, and therefore especially alarming to Biafran civilians: "Most of the aircraft that carry out bombing are under the operational command of the Divisional Commanders who select their targets on the basis of inaccurate sources which include ill-founded reports from the front, informers and prisoners of war. Targets sometimes include schools and hospitals which have been reported as in use for military purpose. The sorties are carried out by Egyptian pilots who invariably report a successful mission. There are no facilities such as aerial photographs or daylight reconnaissances for checking the pilots' statements." NAUK FCO 65/366, Confidential memorandum on bombings, 20 March 1969. NAID 2001/43/146, "Press Enquiry through GIB from Irish *Independent* regarding the bombings in Biafra," 17 September 1968.

³¹² NAUK FCO 38/286, E.G. Willan to Mr. L'Estrange, in re: Sam Silla, 8 April 1969.

³¹³ NAID 2001/43/146, "Copy letter received from Sister M. Conrad, Ogbor Nguru, Biafra," 22 October 1968.

bomb targets of all types.³¹⁴ Nigeria's allies publicly refuted the reports of indiscriminate bombing and the targeting of civilian installations. They were convinced that the "missionary stories were exaggerated and unreliable... the Observers had looked carefully in the liberated areas to find evidence of damaged hospitals and had not been able to discover any."³¹⁵ This was an unsatisfactory explanation to Biafra's allies and sympathizers. Lloyd Garrison, a *New York Times* reporter who spent the first half of the war in Biafra, wrote that

Britain's senior officer on the Nigerian observer team, has said he is not convinced that these raids are deliberate, and he cites "standing orders" to Nigeria's Egyptian pilots which declare: *You will not, repeat not, bomb any non-military target. Any gathering of any civilian population will be avoided. Military targets in most cases will not normally be in towns.* And yet it is Biafra's towns and markets teeming with people that are almost daily targets. And there is nothing new about this. The bombing has been going on for more than a year now... so what about those "standing orders"? One can only conclude that either the Egyptians are illiterate, which is doubtful, or that General Gowon's power of command extends no further than the edge of his desk.³¹⁶

³¹⁴ Multiple ex-Biafran informants denied that the Biafran government ever did this. Generally, Britain and most other foreign governments believed the Nigerian government's own account of its restraint in how the bombing was carried out: "on bombing, Gowon said that the FMG's policy of keeping civilian casualties to the barest minimum was well known. The code of conduct had been adhered to strictly except in quite exceptional circumstances (he mentioned an incident at Nsukka where Federal troops had refused quarter to rebel soldiers after their officer had shot at close quarters the Federal officer who had trustingly approached him as a former comrade in arms). He had impressed on the NAF the need to err on the side of caution in carrying out raids and the pilots had strict instructions not to bomb non-military targets... Ojukwu however had the clever play of moving civilians to near military targets and since in addition his troops were often in civilian dress it was not hard to get photographs of dead 'civilians'. Gowon added that he considered the airstrips legitimate military targets even though he was not opposed to the supply of relief to rebel areas." NAUK FCO 65/366, Sir David Hunt to Foreign and Commonwealth Office, 10 February 1969.

³¹⁵ NAID 2001/43/146, Paul Keating, Ambassador of Ireland to Nigeria to Eamon O'Tuathail, 23 October 1968. The "observers" were an international observer team consisting of officials from the Organisation of African Unity, the United Nations, and various friendly countries invited by the Nigerian government to monitor the situation. They concluded that there was no evidence of genocide by Nigeria.

³¹⁶ NAUK FCO 65/366, Press clipping, letter to the editor from Lloyd Garrison, *The Times* [London] 14 March 1969.

Irish diplomatic sources chronicled at least fourteen major bombardments of densely populated civilian sites between March 1968 and March 1969 alone, resulting in an unknown number of casualties.³¹⁷

Dozens of such bombings were described by sympathetic witnesses for the international press, which Nigeria and its allies invariably claimed were exaggerated. I will reproduce one of these grotesque accounts – one not intended for public circulation – noting that many like it emerged over the course of the war. After the bombing of Ozu Abam market, an Irish priest described the scene there:

The market area was a complete shambles, and the buildings around the market square all shattered. Almost every square yard of the market place was covered with dead or nearly dead. Small fires were burning here and there, and I saw several bodies burning. The “walking-wounded” were staggering away from the area, dazed and bleeding. I walked around one part of the market and counted at least 35 corpses. In addition, there were literally hundreds of pieces of bodies – arms, feet, heads – lying everywhere. I have the last rites to about 25 people who were almost dead. They were still breathing or twitching slightly, but most had limbs blown off or terrible body gashes. Very many of the bodies were blackened as if by fire or blast, and the scattered fruit and vegetables of the market were likewise charred and sometimes still smouldering. I was in a daze, and felt like vomiting. Of all the bodies I saw in that part of the market, only about 4 or 5 appeared to be men; the remainder were women and children. I personally lifted several badly-wounded infants from where they were lying beside the corpses of their mothers.³¹⁸

These grim episodes punctuated life in Biafra. That the violence of this wartime scene spilled over into other areas of life in Biafra surprised few people who were watching the situation closely.

To understand the shape of violence in Biafra, some account of the war’s international context is necessary – especially with regard to the circulation of weapons. It is difficult to trace

³¹⁷ NAID 2001/43/146, “Note for Minister re Nigerian bombing,” [1969].

³¹⁸ NAUK FCO 65/366, Statement of Rev. Father Raymond F. Maher on the bombing of Ozu Abam market by the Nigerian Air Force, 27 February 1969.

the complicated routes by which firearms travelled to Biafra. Moreover, the local manufacture of weapons and explosives make it impossible to get a clear picture of how many armaments circulated there. Biafra's home-made artillery was a major accomplishment for the country's heroic engineers and a much-publicized source of national pride.³¹⁹ Ultimately, however, the *ogbunigwe* and other improvised military technologies were not a substitute for industrially-produced weaponry, and the Biafran government expended enormous energy importing weapons from abroad. The Nigerian blockade made it very difficult for Biafra to purchase weapons in an above-board manner, even from friendly sources like Portugal or from private arms dealers who had no compunction about selling weapons to the un-recognized state. The extent of the arms trade to Biafra by Tanzania and other African allies remains a topic of speculation.³²⁰ Arms and funds flowed through Ivory Coast, where the government of Félix Houphouët-Boigny was one of Biafra's most enthusiastic supporters. Along with Portuguese-controlled São Tomé, it was one of Biafra's main portals to the outside world.³²¹ Gabon, another supporter of Biafra, was a staging ground for much of the country's diplomatic and logistical organization, including much of the humanitarian aid. It was also where most of the approximately four thousand Biafran children who were airlifted out of the enclave by humanitarian organizations in the final months of the war were settled.³²²

³¹⁹ See Lloyd Garrison, "Ingenuity of Scientists Provides Biafra With Gasoline and Arms," *The New York Times*, 9 March, 1969, p. 7. On the arms trade generally see Frederick Forsyth, *The Outsider: My Life in Intrigue* (New York: G.P. Putnam's Sons, 2015).

³²⁰ Both sides had started trying to stockpile arms as early as October 1966. The Nigerian government successfully bought weapons from Italy, and tried to purchase them from Australia, France, Spain and other countries with varied degrees of success. It received support in various forms from the United Kingdom, the United States, the USSR, and other sources.

³²¹ After the war, this would also be where Ojukwu and other Biafran leaders went into exile.

³²² While most of them were returned to Nigeria after the war, some of them lived out their lives in Gabon and elsewhere. This remains a point of contention and regret for many ex-Biafrans.

An examination of the French and Irish records reveals that these countries, which are commonly thought of as Biafra's closest friends in Europe, actually had a somewhat more complicated relationship with the regime than they are remembered as having. The many Irish clergy who remained in Biafra after its independence, and the emotional stakes of Biafra's independence project to the Irish public, meant that Ireland watched the conflict especially closely. Despite this interest, Ireland maintained that "there was no question of our recognising 'Biafra.'" ³²³ Public opinion in Ireland generally favored the Biafran cause, but it was not universal. In particular, members of the Catholic leadership in Ireland and elsewhere feared that an independent Biafra could set back the church's work in Nigeria – although most Biafrans were Catholics, there was no small number of Nigerian Catholics who might leave the church if it openly supported Biafra's independence.

France is often cited as a source of much of Biafra's weaponry, but the extent and nature of France's assistance to Biafra remains unclear. France never officially recognized Biafra's independence, and it provided material and political support to the Nigerian side. The unofficial situation, however, was more shaded. France's reasons for supporting Biafra were complex. As in much of Europe, the French public was enormously sympathetic to the Biafran cause. In government circles, an independent Biafra was attractive to France for a number of reasons. It could be a bulwark of French influence in Anglophone West Africa, and the presence of oil in a friendly client state could be a boon for France – at least in the eyes of some Élysée advisors. There were also larger political and ideological rivalries at work; a French diplomat told his British counterpart that although he officially denied that France was arming Biafra, "in any case we [the British] were supplying arms to the Federal Government, why then should Ojukwu be

³²³ See for example NAID 2000/14/22, "Visit of Mr. Modu (Biafran Office London) to Dublin," 24 June 1968.

deprived of his source. It was traditional French policy to support a nation fighting for its own identity.”³²⁴ French business interests and certain parties within the French foreign ministry, along with private arms manufacturers and dealers, had invested much in the Biafran side. France’s supply of arms to Biafra through back channels declined after Charles de Gaulle left office, but it did not cease entirely – the routes that they travelled to get there simply became more circuitous. To the Biafran government, it seemed as if one hand gave support while the other took it away.³²⁵

The true extent of France and other European countries’ involvement in the arms trade to Biafra remains largely behind the veil of state secrecy, but it appears that many of the weapons that Biafra used came from or through France, Portugal, and Scandinavia. Fragments of artillery

³²⁴ NAUK FCO 65/272, “Denis Greenhill, summary of meeting with the French ambassador,” 19 December 1969. Furthermore, the French position on the question of Biafran secession was also internally divided and changed over time. In the first half of the war “the French position on Nigeria as stated by General de Gaulle in September 1968 was that the Ibos had ‘won the right to self-determination.’” The government of Georges Pompidou did not take “such an extreme stand [as de Gaulle] though they still maintain that the Ibos should have a chance to determine their own future.” In the latter half of the war the French diplomatic mission in Nigeria was steadfastly committed to Nigerian unity, and the official French line was that Nigeria must be kept one. French diplomats frequently invoked comparison to the Katanga secession crisis of 1960-1963. NAUK DO 186/16, C.C.C. Tickell to Mr. Simpson-Carlebar, 5 January 1970; CADN 332PO/1 Box 4, “Note: Nigeria, Sécession de la province orientale,” 1 June 1967.

³²⁵ France’s official face constantly reassured the Nigerian government that it had no intention of recognizing Biafra, and went to great lengths to assure Nigeria that there was no connection between the French government and the Biafran rebels. These guarantees did little to convince the Nigerian government, which saw the French arms that Biafran soldiers carried and the sympathy of the French press to Biafra as evidence of deep involvement. The presence of French mercenaries on the Biafran side in the early stages of the war also infuriated the Nigerian government, and turned Nigerian public opinion solidly against France for its duration (and long after). CADN 332PO/1 Box 4, “Compte rendu de l’audience accordée par M. Michel Debré à M. Arikpo, Commissaire aux Affaires Etrangères de la République fédérale du Nigéria,” 2 May 1969. NAUK DO 186/16, C.C.C. Tickell to Mr. Simpson-Carlebar, 5 January 1970; CADN 332PO/1 Box 4, “Note: Nigeria, Sécession de la province orientale,” 1 June 1967.

used by Biafra were found to be of French manufacture,³²⁶ and an informant's report to the British Foreign and Commonwealth Office gives some sense of how they could be delivered:

He had seen two DC7s at Libreville airport, and learnt that they were regularly used for conveying French arms to Biafra. He had discussed the matter at length with the Belgian pilot who had conveyed Lord Carrington, Mr. Hudson and himself to Biafra. According to this pilot French arms were now sent by ship from Ajaccio in Corsica to Libreville where they were loaded on to the DC7s. The pilots of the DC7s, Rhodesians or South Africans living in Libreville, thus had periods of extreme activity, in which they were flying arms in every night, and periods of inactivity when they waited for the next shipment. The pilot said that so far as he knew no French arms were now coming in by air to Libreville. When asked how the arms shipments were labelled, he said they were addressed to the French military mission or garrison in Libreville.³²⁷

A web of intrigue fell over all parts of the arms trade into and within Biafra, and there may never be consensus about where they originated and how so many of them were brought through the Nigerian blockade. But wherever they came from, firearms shaped life in Biafra profoundly. The following chapters show that many were turned not against Nigeria, but by Biafrans against one another.

³²⁶ NAUK FCO 65/272, "Foreign Affairs Update: Nigeria: The French Position," 8-9 December 1969.

³²⁷ NAUK DO 186/16, C.C.C. Tickell to Mr. Simpson-Carlebar, 5 January 1970.

Chapter 3

Arms and Violence in Biafra

In November 1968 an elderly civilian named Emmanuel Ezeokoye was riding home from the market in Ekwulobia on his bicycle. A Biafran soldier, Cyril Nwafor, called out for him to stop, as he wanted a ride on the back of the bicycle. Nonplussed, Ezeokoye kept riding and Nwafor began to shout and run after him. When Ezeokoye reached a checkpoint a few yards later Nwafor caught up to the old man, shouted obscenities at him, and shot at him. He missed his target but hit a civil defender who was guarding the checkpoint, shooting off his ear. Seeing what he had done, Nwafor ran off into the forest. He was pursued by another civil defender, who wrestled him to the ground, confiscated his weapon, and marched him to the police station. The high court case that followed turned on the question of whether Nwafor had shot at Ezeokoye from close enough range for his actions to be considered an attempt at manslaughter. After lengthy deliberations, the court ruled that Nwafor had been standing too far away for his actions to constitute homicidal intent. He was sentenced to three years imprisonment for a lesser charge. Nwafor's battalion commander asked the court to let him return to his military duties but the judge refused, citing the danger to both civilians and other soldiers of having reckless and impulsive men like Nwafor in the army's ranks.³²⁸

This long forgotten case from the Biafran High Court illustrates how the presence of firearms shaped social dynamics in Biafra, and how soldiers could use their weapons to take

³²⁸ ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Achina, No. O/103c/69, *The State v. Cyril Nwafor*, 16 June 1969. The judge in this case was Justice Chukwudifa Oputa, a respected judge and legal theorist who would become the Chief Justice of the Nigerian Supreme Court after the war. In the early 2000s, he would also be responsible for chairing a controversial commission of inquiry on the legacy of the war.

advantage of civilians. The case was heard in a civilian court despite involving a soldier – further proof that the distinction between common law courts and tribunals eroded in the later stages of the war. Given the circumstances of the fighting, it is remarkable that this and other trials discussed here brought at all. But their having taken place does not imply that all was working well in the Biafran legal system. Biafra’s wartime jurisprudence shows in detail how the Biafran government tried – with very limited resources and not much success – to stem the spread of new and alarming forms of violence.

The judgment in *The State v. Cyril Nwafor* shows Biafran judges struggling to adjudicate forms of violent crime that were largely outside of their experience; armed crime and cases involving military privilege were unfamiliar legal territory prior to secession. By the war’s end these cases no longer confounded judges, but the Biafran legal system was still poorly equipped to handle them. Here, the Nigerian case that the judge cited to determine whether Nwafor’s actions constituted homicidal intent was from peacetime – a crime of passion, rather than an explosive confrontation between soldier and civilian. Although the court claimed that peacetime cases were instructive for the matter at hand, in fact Nwafor’s trial made clear that the legal precedent available to Biafra’s judges had little to say about the exceptional circumstances the war had created. Most tellingly, the weapon in the case that he cited to establish how far away Nwafor had to be from his target for his intent to have been fatal was not a gun, but a machete – a weapon that would be a poor analogue to a military-grade firearm for the legal purpose at hand. Biafra’s atrophying legal system proved similarly mismatched to the circumstances of wartime.

As conditions in Biafra became increasingly unlivable, armed acts of expropriation and violence became major social and criminological problems. Many ex-Biafrans lamented that they lost their sense of security during the war and never regained it; some recalled that before the

war it was never a problem to be out at night, to travel the roads, or to keep valuables in one's house. All of this changed during the war. As a local politician and former Biafran officer recalled, "in the past the eastern part of the country hardly knew armed robbery. But when somebody is hungry it had to be done out of necessity. People were compelled by necessity. That is how crimes like that grew."³²⁹ This chapter considers the incidence of armed and other violence in the period of the Nigerian blockade, describing how the technologies and conduct of war crossed between the battlefield and civilian life in Biafra. It then moves on to analyze violent between soldiers and civilians as told through the Biafran legal record, and concludes with a discussion of how conscription and desertion contributed to the war's brutality.

The battlefield and criminal violence

In the heat of battle the line between combat and criminal violence blurred. The fight against Nigeria introduced guns and the social relationships that they engendered into more and more aspects of civic life. Biafran troops frequently used their weapons to commandeer supplies from civilians, all of whom were experiencing the same shortages – or worse – as soldiers. To most civilians, armed "commandeering" was not so different from armed robbery. Civilians, too, mimicked the manners of the battlefield in how they interacted with one another, muddling the line between the "necessary" violence of waging war and violent crime. In many histories of war, the violence of the battlefield overshadows the kinds of violence that war generates away from the immediate lines of engagement. Legal records reveal that the fight against Nigeria was not the war's only violence. Soldiers and civilians within Biafra often came to see one another as

³²⁹ Interview with Chief A. N. Kanu, in his home in Ibeku, Umuahia, 9 March 2015.

the enemy, and many civilians feared the predations of their own army nearly as much as they feared Biafra's putative opponent.

There was not a moment in the two and a half years of Biafra's existence when it was not at war. Violence was an extremely important part of Biafra's internal life – both as a reality of everyday experience and as a discursive force. Violent crime was not unprecedented, but the form it took in Biafra was new and disconcerting to judges and the public alike. In public memory and in the legal record, pre-war eastern Nigeria was not associated with violent crime; it did not experience the political violence that occurred in the Western Region during the First Republic, and had lower rates of crime than the west (and rates roughly equivalent to those of the north). But the memory of having been subjected to violence was deeply engrained in Biafrans' sense of themselves. Many strands fed into Biafra's ethos of victimization; the violence of the trans-Atlantic slave trade, the coerced labor of the palm economy that followed it, the "pacifications" of the early colonial period, and the strikes and rebellions against British rule that came later were all present in Biafra's accounts of itself. But no memory loomed as large as the most recent one. Independence had been predicated on the anti-Igbo pogroms of 1966, and the argument for a separate Biafran national identity was closely tied to that experience.³³⁰ This violence was ubiquitous in Biafran iconography; a series of Biafran postage stamps issued in 1968 to commemorate the victims of the pogroms of 1966 featured an image of a corpse (see figure 2). The centrality of violence in how Biafra's leaders thought of their new country is apparent in an army officer's description of how he rallied his men and recruited militia members:

I have laboured to illustrate from history a catalogue of man's inhumanity to man, series of injustices and political domination we have suffered in the past from the

³³⁰ Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

hands of the Hausa/Fulani vandals, and for which we have all decided together to say “no more.” In dealing with the other parts of the question, I have tried to fire the soldiers into action by recalling to their conscious minds the pogroms and the genocide directed against their own fathers and mothers and against their own brothers and sisters during the May, July, August and September bloody massacres of 1966.³³¹

Victimization loomed in Biafra’s state ideology, and its memory was one of Biafra’s lodestars; as a sign painted over the entrance to a military base near Aba optimistically read, “The secret of our miraculous military success is our innocence.”³³²

Violence was not invented in Biafra. The forms of crime discussed here were hardly unheard of in pre-war Nigeria, and the patterns of violent crime that would become common during and after the war were visible in earlier periods.³³³ For example, a pre-war case from Port Harcourt in which a group of masked men broke into a merchant’s shop in the middle of the night has all the hallmarks of the armed robberies that would loom so large in wartime urban life; the preference for face-to-face confrontation over burglary, the decision to act as a group, the long process of casing the workshop beforehand, and especially the use of masks and arms (in this case a Second World War-era handgun) would all figure in the alarming picture of armed robbery that became common in postwar Nigeria.³³⁴

But a crime like this was an exceptional event in pre-war Port Harcourt – during and after the war it became a feature of everyday life. The incidence of violent crime spiked not long after

³³¹ NWM uncatalogued collection, “Tour Report on the Propaganda and the Re-Education of Troops,” [1968].

³³² Fr. Ikechukwu Orjinta, *The Death of Biafra* (Enugu: Snaap Press, 2000): p. 46.

³³³ There were high-profile murder cases in eastern Nigeria throughout the colonial period and after, including the famous string of murders staged to appear as if they had been committed by leopards in Annang, but these tended to be seen as exceptional events. Moreover, few of them involved firearms. David Pratten, *The Man-Leopard Murders* (Bloomington: Indiana University Press, 2007).

³³⁴ Although the case was heard on appeal in Biafra, the events took place nearly two years before secession. ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Port Harcourt, No. P/124/1964, *Ada Ube and others v. Uwanwete Alfred*, 13 July 1967.

secession and grew steadily as the war went on, becoming more elaborate and personalized as deprivation set in. Moreover, the forms that it took changed. Before the war blunt objects, agricultural implements and poisons were the most common weapons involved in violent crime cases (the above case notwithstanding). During and after the war firearms became the most common by far – a development that made violent crime a more visible, frightening, and urgent problem. This argument speaks to a debate about the social effects of the firearm as technology. Whether guns kill people or people kill people, to modify the American slogan, the presence of military-grade weapons in the hands of people who were struggling to stay alive deeply marked social, commercial, and political interactions in Biafra. The mere presence of firearms did not necessarily cause a concurrent increase in violent crime, but it made intimidation and theft easier. It also made disputes which otherwise might have been settled in other ways more likely to end in death or grievous bodily harm. Judges occasionally took notice of these changes.³³⁵ Both the judiciary and the public at large were alarmed by what seemed like a steady slide into chaos, compounded by the impotence of Biafra’s imploding government.³³⁶

³³⁵ See for example ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Port Harcourt, No. P/28.c/1967, *The State v. Edwin Martin*, 19 August 1967.

³³⁶ Though not the focus of the present analysis, other forms of non-violent crime added to this perception. Drug use, although not a common phenomenon in matter of fact, was a source of much public concern. In spite of its infrequency, both Biafra and Nigeria established very high penalties for drug use around the time of the war. The Biafran courts prioritized cases involving drug possession even when legal resources had become very limited. One lawyer remembers that the cultivation and trade of drugs “would have been easy in Biafra” given that the state was preoccupied by other concerns, but that most people had no interest in drug use and would not have been able to purchase drugs even if they had. Some soldiers reportedly used cannabis to relieve the stresses of the battlefield, but drug use was far from being a mass phenomenon. Unlike the other categories of crime that I address here – which many Nigerians experienced as real problems – the fixation on marijuana/Indian Hemp in Biafra (and later in postwar Nigeria) was largely a product of state concern about moral decline, rather than a response to a really existing social problem. To law enforcement officials as well as much of the general public, cannabis smoking was a symptom of public disorder and an analogue to unemployment, criminality, and socially crippling anomie. Interview with anonymous informant, Port Harcourt, March 2015. For a more extensive discussion of cannabis in post-colonial Nigeria, see Matthew M. Heaton, *Black Skins, White Coats: Nigerian*

Historians and memoirists of Biafra have commonly used the language of conventional military conflict to describe the war – with clearly delineated fronts, towns that “fall” to advancing forces, and tactical maps with areas colored green for Nigeria and red for Biafra. In fact, the conduct of the fighting was more diffuse and chaotic than the language of conventional warfare suggests. As the war progressed, the lines between soldier and civilian, front and rear, and between Biafran and Nigerian control became indeterminate. Violence, both actual and rumored, thrived in these uncertain circumstances. A report on a Nigerian refugee camp in an area near Nsukka that was full of BOFF forces and militias described the situation there in early 1968:

The Red Cross teams bringing food and medical supplies are now beginning to be trusted, though Biafran infiltrators, especially Civil Defence volunteers (otherwise known as the militia), are active in warning the Ibos to refuse any help from either Federal troops or from the Nigerian Red Cross. There have apparently been cases of intimidation by the Biafran militia, as one would expect in this sort of war, and of course from time to time there are guerilla type attacks on Federal troops which sometimes evoke massive reprisals; but on the whole the Federal forces, in that area at least, seem to have behaved reasonably well. The officers, especially Col. Danjuma in Enugu and Major Njam at Ukehe, are genuinely doing their best to encourage people to return to their villages... Of course discipline is appallingly bad, and the troops do not behave themselves when drunk....³³⁷

Biafrans had much to fear. Aerial bombings, skirmishes along the war front, and predation by Biafran and Nigerian alike soldiers conspired to make life in Biafra extremely violent. This was to say nothing of starvation and material shortages, which generated their own forms of precarity.

Confusion and fear set the tone for how Biafran soldiers and civilians interacted with one another inside the enclave. The fluid conditions of the fighting and the decentralized nature of

Psychiatrists, Decolonization, and the Globalization of Psychiatry (Athens: Ohio University Press, 2013): p. 169.

³³⁷ NAUK FCO 38/285, M.J. Newington, British High Commission, Lagos to Commonwealth Office, 20 January 1968.

military authority bred endemic insecurity, especially near its constantly-shifting fronts. Biafran soldiers often wore no uniforms and moved back and forth constantly across the lines of battle, operating in small and autonomous units which had little communication with one another. The vaguely defined lines of military engagement often cut through densely populated areas. Moreover, the capture of a town or a region by Nigerian forces did not mean the end of the fighting there. The Federal Government went to great lengths to make it seem as if troops totally controlled the areas that they captured, but federal occupation was usually tenuous. Federal “occupation” of an area often only meant patrol of the road that passed through it, with villages out of sight of the road remaining loyal to Biafra. Guerilla warfare continued in the upstream areas of the Rivers State long after the state had ostensibly been “pacified” by federal forces. Ambushes by small cells of militia members continued throughout the war, including in areas like Nsukka that had reverted to Federal control only a few months after secession. Even in occupied Enugu, which was deserted apart from federal troops and a skeletal Nigerian government, sporadic attacks by Biafran snipers hiding in empty buildings made the handful of federal civil servants reluctantly stationed there nervous to leave their offices after dark.³³⁸

A Biafran attack on a Nigerian detention camp near Nsukka in February 1968 – well within the area of Igboland that Nigeria ostensibly controlled – illustrates the fluidity of the military situation. The camp was filled with about one thousand Igbo “refugees” (Biafra called them “prisoners”), of whom only thirty were men of military age. It was attacked by a force of over a hundred Biafrans who appeared to materialize from the bush, much of which remained under the control of Biafran civil defense organizations and militias. In the middle of the night, as an aid worker reported, “‘peculiar’ artillery began to land in Nsukka. [The informant] could

³³⁸ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

not identify the weapons and was later told that they were Biafran home-made mortars. Machine guns and small arms gradually joined until there was a brisk fire fight in progress.” In the course of the fight the thirty men in the camp disappeared, leading the Nigerian commander to believe that the attack had been planned from within the camp. An eyewitness noted that some of the Biafran ammunition had been buried. The Nigerian army thought such an attack could not have been carried out without the cooperation of the villages around Nsukka, which outwardly had pledged their loyalty to Nigeria. Contrary to Nigeria’s confident and highly publicized claims that it controlled this part of Igboland, a British intelligence report concluded that “Biafran ‘militia’ govern the people who are not immediately under the guns of the Nigerian army.” In retribution for the attack, the Nigerian military shut down the water supply in and around the camp for several days.³³⁹ There was much room for violence in this kind of military situation, where the lines of battle were largely undefined and “the front” could be almost anywhere. In the memories of most ex-Biafrans the brutality of this larger fight overshadows whatever acts of violence individual Biafrans committed against one another. In fact these categories of violence – crime on the one hand and the larger war on the other – were linked and in many ways mutually constitutive.

Underpinning the spread of violence both martial and criminal in Biafra was a sudden, dramatic influx of weapons. The availability of firearms was not unknown in pre-war Nigeria, but the war brought thousands of small arms into the enclave in addition to artillery and other military materials. Prior to the war private citizens rarely owned guns, and those who did were usually farmers who had licensed hunting rifles. To many Biafran civilians the country appeared to be awash with weapons. To Biafra’s military leadership it was not awash enough: Biafra was

³³⁹ NAUK FCO 38/285, “Observations at Nsukka, February 5-8, 1968,” 14 February 1968.

dramatically under-armed compared to Nigeria for the duration of the war, and Biafran soldiers made do with arms of inferior quality and number to their Nigerian opponents. The Biafran government constantly reiterated that it was under-armed and was fighting a war of asymmetrical resources.³⁴⁰ As an officer recalled, “we were always ill-equipped, and the Nigerian soldiers had everything they needed – an army, a navy, air force, plentiful weapons and so on. When we had victories it was usually because it was guerilla war, which required fewer weapons. Soldiers were sometimes sharing one gun to two or three men.”³⁴¹ Despite this relative imbalance, however, the war brought to Biafra a glut of weapons the likes of which the region had likely not seen since the era of the trans-Atlantic slave trade.

Not all of these arms ended up in the hands of soldiers, and even those that did were often used against fellow Biafrans rather than in battle. The uptick in armed robbery that took place in Biafra seemed to have obvious links to the fighting. A lawyer who practiced in Port Harcourt recalled how new and destabilizing the rush to arms was in Biafra; “here’s somebody with a gun. He has never had a gun, ever. No normal young man would otherwise have been in possession of a weapon, and suddenly every young man has one. What do you think he will do with it? He is not always fighting the enemy. People saw armed robbery as directly linked to the war.”³⁴² Arms were effectively unregulated, passing easily back and forth between soldiers, civilians, and

³⁴⁰ A British intelligence report from 1967 shows how inferior Biafra’s supplies were at the beginning of the war: “When the great exodus of Ibo soldiers took place in September last year, most of them fled to the East leaving behind their personal weapons. This meant that in the Eastern Region a maximum total of 700 small arms was held and the Federal Government held the remainder, amounting to approximately 9,000. The Eastern Region has been energetically engaged in conversion training of specialist troops into infantry soldiers. There are now four infantry battalions, reasonably well trained but short of weapons. Recruitment in the Northern Region to make Units up to strength which had been depleted by the killings and escapes of Ibos, has not met much response.” NAUK DO 186/30, “Arms deals – actual and alleged,” 21 February 1967.

³⁴¹ Interview with Chief A. N. Kanu, in his home in Ibeku, Umuahia, 9 March 2015.

³⁴² Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

vigilant groups. As a French intelligence officer noted towards the end of the war, “what is coming to pass in this region is what has happened in Vietnam and in the Middle East: an immense illegal trade in arms.”³⁴³

Regardless of their provenance or who carried them, the availability of armaments in Biafra shaped relationships between people profoundly. Whether they were carried by soldiers, civilians, or people who fell somewhere on the spectrum in between, they could be used to intimidate, steal, or appropriate privileges usually reserved for state authorities. The legal status of firearms in Biafra was ambiguous; it was theoretically legal for civilians to own certain types of registered firearms and ammunition, but the emergency measures had criminalized the possession of armaments by civilians. This prohibition was inconsistently enforced. The wielding of firearms by soldiers outside of battle was not addressed by the emergency measures, creating a large grey area. Moreover, military-grade firearms were new technologies to this part of West Africa – and ones that did not fit neatly into the schematics of civilian courts.³⁴⁴ The distinction between hunting rifles, handguns, and military armaments proved difficult to police, and was largely academic in the turmoil of the fighting. In many cases courts felt that “illegal” possession of firearms was critical to civil defense and turned a blind eye to their possession. In other cases the possession of small amounts of ammunition attracted charges of treason. Armed

³⁴³ CADN 332PO/1 Box 4, “Compte rendu de l’audience accordée par M. Michel Debré à M. Arikpo, Commissaire aux Affaires Etrangères de la République fédérale du Nigéria,” 2 May 1969.

³⁴⁴ Biafra’s neighbors were also touched by the war, and in particular by the clandestine trade in arms. Cameroon was particularly disturbed by having a war raging adjacent to its own troubled Anglophone province, and supported Nigeria by closing the border to prevent trade from taking place into Biafra (with limited success). When a plane crashed in Cameroon carrying European arms and diving equipment apparently intended for the Biafran military in 1967, the Cameroonian government took the opportunity to send a message that Cameroon would not allow the war and its intrigues to spill into its territory. The crew of the plane survived to face a public trial ending in a long prison sentence, and their Italian and American conspirators in Douala were arrested. FCO 25/208, British Embassy, Yaoundé to British High Commission, Lagos, 30 May 1967.

crime, especially by soldiers, came to be seen as something that was beyond the ability of the criminal justice system to suppress.

As the war went on more and more lines blurred; did a soldier “requisition” a pail of stockfish from a market woman, or did he steal it? If a soldier wearing civilian dress killed a civilian for refusing to stop at a checkpoint, should he be considered to be on duty even though he was out of uniform? What if he had never been issued a uniform in the first place?

Indiscipline and factionalism in Biafra’s armed forces exacerbated the situation. Strained by the same deprivations as the rank and file, the young and inexperienced officer corps was riven with internal disputes. Disputes in the army leadership had emerged early on and were never fully resolved.³⁴⁵ There were divisions over points of strategy, ideology, personality, and place of origin. Civilians and their communities were often caught up in these conflicts between the army’s leadership. As an officer angrily remembered, “the problem with the Biafran Army was not that they were not gallant, but it was that they protected their own. If you were an officer in the army or responsible for recruiting men for the army you would send them to your rival village to spare your own men.”³⁴⁶ Another lawyer remembers that divisions within the army and between segments of the national government created “many little wars” within Biafra over rights to property and labor, leadership disputes, and other localized disagreements.³⁴⁷ Combined

³⁴⁵ For example, officers who had been in the east during the coup of 1966 often resented those who had come back to the east from their postings elsewhere in Nigeria. Many of the officers from elsewhere outranked their Eastern Region counterparts and felt bitter that they were not immediately integrated into the Biafran army at the top of the ranks. Bernard Odogwu, *No Place to Hide (Crises and Conflicts Inside Biafra)* (Enugu: Fourth Dimension, 1985): p. 8.

³⁴⁶ Interview with anonymous informant, Umuahia, March 2015.

³⁴⁷ Interview with Barinua Moses Wifa, SAN, in his chambers on Azikiwe Road, Port Harcourt, 5 March 2015.

with the hobbling of the criminal justice system described in the previous chapter, weak military leadership had a destabilizing effect on daily life.

The interpenetration of violent crime and military activities can be seen in a High Court case from the last months of the war. In July 1969, civilians on the outskirts of the Nkwo Market in Igbukwu arrested a man suspected of being a thief, tied him to a tree, and beat him nearly senseless – something that they felt they were empowered to do given the Biafran government's increasingly tolerant attitude towards vigilantism.³⁴⁸ A group of armed militia members nearby intervened, leaving one of their number to guard the alleged thief while the others went to the market. In the time that they were gone the man charged with guarding the thief fatally shot him, which he claimed had happened by accident while he was inspecting his weapon. This defense was difficult to believe; the man was an experienced fighter who testified that he knew his own weapon well, which was a rifle that would have been difficult to fire accidentally in the way that he described. It was more likely that the crowd gathered around the thief egged the soldier on to shoot him, as the prosecution claimed, or that the badly beaten accused thief said something to provoke the militiaman who retaliated by killing him. In a brief decision the judge cleared the militiaman of all charges, ruling that

To amount to murder or manslaughter there ought to be an unlawful killing of a human being. A killing is unlawful if it is neither authorised nor justified nor excused by law – Section 306 of the Criminal Code refers. It is clear that the killing of the deceased was not authorised nor was it justified by law. But is it not excused by law? One of the excuses the law allows is the excuse of accident as provided for by Section 24 of the Criminal Code.

The judge believed the improbable defense that the killing had been an accident and was therefore excused by law. The defendant was even acquitted of negligence, the court finding that

³⁴⁸ ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Achina, No. O/115c/69, *The State v. Boniface Achike*, 10 December 1969.

“the evidence in this case does not reveal any recklessness on the part of the accused. The evidence adduced in his case falls very far short of that required to sustain [an offence].” This decision seemed to surprise even the defendant himself. The state prosecutor declined to appeal the ruling. The case was perfunctory and riddled with irregularities; no mention was made of the legality of the thief’s detention, the crowd’s assault on him, or the militiaman’s legally questionable possession of a firearm. No one from the crowd of people who witnessed the shooting was called to testify before the court. The firearm was returned to the head of the militia without any compunction about whether he ought to have had it in the first place. The demands of the war outweighed principles of equity and proceduralism. Here, as elsewhere, the court tacitly condoned forms of violence that were usually impermissible, including unlawful detention, physical assault, and what was likely a summary and extrajudicial execution. The case exemplified how far the legal system had fallen from the principles that Biafra’s leaders espoused to justify its independence.

Soldiers and civilians in Biafran communities and courtrooms

Soldiers often had little to do in the lulls between fighting and were chronically underfed. This combination of unstructured time, hunger, and the presence of weapons often proved dangerous for civilians within reach of army camps, as the cases discussed below demonstrate. To many civilians, Biafran soldiers appeared to be a law unto themselves. The Special Tribunal heard many cases where soldiers used the authority of their uniforms or their weapons to compel civilians to work for them, to intervene in local politics where they were stationed, and especially to requisition food and other materials. A toxic mix of criminal and martial violence resulted.

The murder of a civilian cook by a Biafran officer at an army camp at Ntigha in late 1969 illustrates how hunger and insecurity in army camps could boil over into violence. The events of the case began with the arrest of a Biafran soldier for stealing a pail of stockfish in the market. His friend and ranking superior, Sergeant. Clement Ihemson, went to the military police and pleaded for him to be released. The military police immediately agreed, suggesting that if someone had the right connections it was possible to sidestep the tribunal system. A witness described the events that followed:

After releasing the soldier, the accused [Ihemson] started to tell us his family background and how he joined the second world war and that he travelled wide. He said that the main purpose of releasing the detained soldier was that he was too sorry for the boys who had been fighting without chop [food]. As he was telling these stories the deceased [the cook] came out from one of the rooms in the camp and stood near us leaning on the wall with his hands folded. The accused turned to him and said 'Nwaogugu Ike' meaning Nwaogugu Power. The deceased retorted in Ibo language: Akpokwamam Aha ozo ma mmayi eme ihe ojor – Don't call me again or I have it out with you. Then the accused went to the soldier who came with him and who had a MK 4 rifle and snatched the rifle from him. He cocked the rifle and advanced to the deceased who was still leaning on the wall with folded arms. Then I shouted on him to stop that joke. He pointed the rifle on the right hand chest of the deceased and asked him to repeat what he said. He fired the rifle and the deceased fell down.

In this version of events, which the tribunal ultimately believed, the altercation was explained by a longstanding rivalry between Ihemson's family and that of the cook – who was blind. Ihemson acted upon this old dispute, confident that being in uniform would shield him from prosecution

Ihemson gave a different account of the evening – he claimed that he had been provoked by comments that the cook made about the honor of the army. Claiming that he had dutifully reprimanded his subordinate for commandeering the pail of stockfish rather than letting him go, Ihemson told the court that while this was going on the cook stood in the doorway, complaining to a soldier that

all in the Army were thieves, especially the Commanders, and that that was why God punishes them. The man in green beret warned that such statement could lead him to detention. I then warned the civilian and told him never to call all soldiers rogues. I told him that I fought in the last war and that four of my sons were in the army. I told him but for the gallantry of Biafran soldiers he would not have been there. I told him that but for the fact that he had one eye he would have been in the Army. As soon as I told him that if had he two eyes he would have been in the Army, he said “God punish you” and hit me at the chest with his fist.

Ihemson claimed that a scuffle followed in which the cook was accidentally shot with a military policeman’s gun. This attempt to cast the altercation as being about the honor of the Biafran Army appealed to the tribunal’s sense of patriotism, but they were unmoved.

A lengthy hearing followed, interrupted multiple times by air raids, wherein the tribunal noted with resignation that none of the parties seemed truthful.³⁴⁹ The final sentence is not available for this case, but the proceedings show that tempers ran high in markets, checkpoints, and army camps towards the end of the war. The general sense of desperation that was setting in caused situations to flare up quickly. Incidents that otherwise might only have led to a fight under normal circumstances sometimes proved fatal with the presence of a gun.

Arms could also be used to commit acts of sexual violence. Women who worked as traders were especially vulnerable to assault and harassment by soldiers, since they traveled throughout Biafra and the war fronts alone, laden with goods, carrying Nigerian currency and other contraband. Women went to considerable lengths to avoid assault. Gloria Chukwu describes how some women dressed in their finest and tried to pass themselves off as the wives of military officers. Others “painted their bodies dark with charcoal and wore ragged dresses to look unattractive to the soldiers. Some walked with a stoop or limp to make them look like old women. While some tied wads of cloth on their stomach faking pregnancy, others carried tender

³⁴⁹ NNAE MINJUST 116/1/9, In the Special Tribunal of the Republic of Biafra, No. ST/26c/69, *The State v. Sgt. Clement Ihemson*, 10 December 1969.

babies to disguise themselves as nursing mothers.”³⁵⁰ Rape figures prominently in many women’s recollections of the war as one of the primary forms of violence that women experienced. It forms an important part of the war’s public memory.

Cases of sexual violence figure less prominently in the legal record than oral historical accounts of the war suggest they might. There are many possible reasons for this, including low rates of reporting, reluctance on the part of the judiciary to take on cases of sexual assault, and the fact that cases of unlawful sexual conduct were often settled informally.³⁵¹ In the few cases of sexual violence by soldiers that are reflected in the record, the courts rarely doubted women’s claims of assault, but imposed low penalties on the men charged, especially if the guilty party was “a useful man in the society” or was on active duty.³⁵² In one case from the high court, two members of a civil defense militia arrested two female secondary school students, allegedly for violating a curfew.³⁵³ On the pretext that they had broken the law, the women were “detained at the check point for three hours and then were taken on a night patrol into the bush at about 1 a.m., a most ungodly hour. There all alone with a complete stranger, and far out in the bush where no one can hear her shouts, there and in those circumstances 2nd P.W. was alleged to have consented to an act of sexual intercourse with the 1st accused.” The case turned on whether the

³⁵⁰ Gloria Chukwu, “Biafran Women Under Fire: Strategies in Organising Local and Trans-border Trade During the Nigerian Civil War,” in Eghosa E. Osaghae, Ebere Onwudiwe and Rotimi T. Suberu, eds., *The Nigerian Civil War and its Aftermath* (Ibadan: John Archers, 2002): p. 222.

³⁵¹ Mary Louise Roberts, *What Soldiers Do: Sex and the American GI in World War II France* (Chicago: University of Chicago Press, 2013). This absence of sexual violence from the legal record in post-colonial Biafra may also have to do with the treatment of rape under the common law legal system in the colonial period. For illustrative comparisons, see the conclusion of Elizabeth Denise Kolsky, “*The Body Evidencing the Crime*”: *Gender, Law and Medicine in Colonial India*, doctoral dissertation, Columbia University, 2002.

³⁵² ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Achina, No. O/102c/69, *The State v. Simeon Onuasoanya and Peter Mbaetaka Alias Ikonkwu*, 11 July 1969.

³⁵³ The men in this trial were not soldiers proper but members of a local militia, which is why the case was heard in a High Court rather than before a tribunal.

women had consented to having sex with their captors. Justice Oputa found that they had not consented, ruling that “where a girl is induced by fear or threat to have sex with a man she is no longer a free agent as the threat or fear will surely remove from her acts that element of free voluntary action which alone constitutes consent. ... The whole atmosphere of this case is to my mind designed to breed fear and alarm.”³⁵⁴ To the Biafran judiciary this and other cases were evidence that public order was collapsing, and that misconduct by soldiers and militia members had become uncontrollable.³⁵⁵

Of all the crimes that took place in Biafra the one that most denoted the breakdown of order, and provoked the most horror, was cannibalism. The legal record reveals that a handful of people traded and ingested human flesh out of desperation – a crime that had symbolic significance to the Biafran bench and public far out of proportion to its actual incidence. Cases of cannibalism were exceedingly rare, but the fear of unwittingly buying human flesh in the marketplace was a topic of frequent, wary discussion in the enclave.³⁵⁶ Cannibalism – even though it was more rumor than fact – was a rallying point for anxiety about the breakdown of order and the ubiquity of physical violence. It became an emblem of the dehumanizing effects of the Nigerian blockade. The Biafran government did not wish to publicize these cases abroad, but it made no attempt to suppress reporting on them. While judges appear to have found these cases

³⁵⁴ ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Achina, No. O/102c/69, *The State v. Simeon Onuasoanya and Peter Mbaetaka Alias Ikonkwu*, 11 July 1969.

³⁵⁵ An examination of sexual violence shows that not all of the forms of crime that became endemic during the war remained so after its end. Sexual violence did not disappear in post-war Nigeria, but it did not take place on anything like the scale it did during the war. Though for the reasons discussed in the introduction this observation is difficult to corroborate from legal records. Interview with Comfort Chukwu, Federal Secretariat, Owerri, 22 July 2014.

³⁵⁶ NAUK FCO 23/182, extract from the *Irish Press*, 23 May 1968.

extremely repugnant, they followed the same due process as criminal matters that carried less emotional and moral charge.

In December of 1969, a sergeant of the Biafran Army gave a gruesome deposition before a tribunal near Aba.³⁵⁷ He and a group of five Biafran soldiers and civilians stood accused of fatally shooting a woman who was loitering near the front at Abayi and selling her remains for food to starving villagers nearby. The charge was first brought by his horrified brigade commander, and was then referred to the police and tried before the Special Tribunal. Implicating his comrades in the hope of receiving a lighter sentence, the sergeant described how instead of reporting the civilian's death to his commanding officer, he got some friends to cut the woman's body into pieces

of various sizes, I gave Irondi two pieces, about eight pieces to Nwafor, two pieces to Onyedinda and Emmanuel was given about twenty pieces... The main reason why Onyeuma and Silas reported me to our 21C [second in command] is because I did not share the flesh of the dead woman equally with them. I usually give Emmanuel a flesh to eat whenever I return from oppressions in the bush. I am a rocket launcher and master of many types of instruments and weapons. After launching rockets, we usually collect kits and if a nice flesh is seen we invite civilians to take such flesh for eating.³⁵⁸

Another of the accused told the police when he was arrested that "it was a Hausa person's meat, which he killed at the war front... Uchendu told me to say the person they killed is an Hausa person, if at all I am asked."³⁵⁹ Like many cases from Biafra, this one was disrupted by unspecified "war activities" and it was left unresolved. The case against this sergeant is an extreme example of how the violence of the fighting, the humanitarian crisis, and the practice of

³⁵⁷ NNAE MINJUST 116/1/11, Charge Against BA/148304, [1969].

³⁵⁸ NNAE MINJUST 116/1/11, Deposition of Ude Chinedu, Exhibit 1 in *State v. Ude Chinedu and five others*, 16 December 1969.

³⁵⁹ NNAE MINJUST 116/1/11, "Translated statement by Nwafor [illegible], 7 December 1969.

violent crime were woven together in Biafra. Perhaps more than any of the other cases described here, it illustrates the desperation to which the Nigerian blockade drove ordinary Biafrans.

But shocking crimes like this were not unthinkable. Courts recognized that many crimes in Biafra were committed out of desperation, or in order to survive – even those that involved considerable brutality. This emerges especially clearly in the post-conviction statements of *allocutus* in criminal cases, where people found guilty could throw themselves upon the mercy of the court in the hope of receiving a lenient sentence. In dozens of these statements, Biafrans testified that they had been driven to steal by hunger, or been made mad by kwashiorkor or grief. In most cases there was little reason to disbelieve them. In some, courts took notice of the physical emaciation of defendants brought before them. The Special Tribunal was often sympathetic to the plight of people accused of violent crime, as it was when a refugee schoolteacher became involved in a violent confrontation over some black market food because he and his pregnant wife had been “dying of starvation.” He had also been detained and severely beaten by the army, and the tribunal recommended his release in recognition of his hardship despite finding him guilty.³⁶⁰ In a similar case a young woman who brandished a gun at a market seller to steal a bag of spoiled grain was acquitted despite clear evidence of her guilt, the judge remarking that “her senses have been driven low by our current state.”³⁶¹ These and many other cases demonstrate that the practice of crime and the ethics surrounding it shifted over the course of the war.

In addition to being an actionable offense before the law, armed crime was a touchstone for legal discourse about morality. In the early stages of the war the Biafran courts tended to see

³⁶⁰ NNAE MINJUST 19/2/3, In the Special Tribunal of the Republic of Biafra, No. CX/267A/69, *The State v. Samuel Arokewe and four others*, 24 January 1969.

³⁶¹ ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Owerri, No. OW/43/69, *The State v. Chima Nwachi*, 10 July 1969.

cases involving violent theft as evidence of greed and moral failing, leading them to impose harsh sentences.³⁶² This moral opprobrium waned as the war went on, with judges and tribunals imposing lighter sentences and acquitting many people accused of armed robbery and other forms of property crime. Biafra's judiciary appreciated that the conditions of life there made people vulnerable and desperate, and that the law could not operate as if the ethical terrain there was unchanged. The humanitarian crisis and the actions to which it led people undid the bright-line legal and moral order that Biafra's leaders had hoped to establish.

Violence and self interest

That said, not all crimes were crimes of survival. For some civilians the war was an opportunity to settle old scores, and tribunal hearings reveal that people could use the presence of soldiers in their towns and villages to advance their personal interests. Soldiers could be hired to guard a disputed piece land, sent to conscript a rival, or be paid to harass a competitor. Referring to a case where a landowner claimed that his neighbor was recklessly shooting off prohibited guns and then planting ammunition on the landowner's property and reporting him to the police, the Biafran Attorney General remarked that "it has become a common practice for people here to make false reports to the Army Authority against their opponents with the result that their opponents are brutally manhandled and at times kidnapped by soldiers."³⁶³ A soldier could be hired to settle a family dispute, as when Georgina Eke conspired with a Biafran soldier to beat, detain and rob her sister of a large sum of money that she claimed was owed to her. The sister complained to the military police, and the Special Tribunal of Biafra charged the soldier with

³⁶² See for example, ESHC uncatalogued collection, In the High Court of the Republic of Biafra, Holden at Port Harcourt, No. LOW/4.3.c/66, *The State v. Benson Okopofor*, 19 June 1967.

³⁶³ NNAE MINJUST 123/1/1, *In re: Inspector General of Police v. Ben Eneregbu and another*, 16 December 1967.

robbery. Since he had committed the crime in uniform, he was also charged with offences “against the public welfare of the inhabitants of this Republic.” Georgina Eke was imprisoned and her soldier accomplice was officially reprimanded.³⁶⁴ The most common cases like this were attempts to evict rival claimants to agricultural land. In one case, a farmer took the opportunity of the disorder following a Nigerian bombing to fence in part of his neighbor’s land and plant it with cassava. He then paid two Biafran soldiers to threaten the neighbor with their guns to discourage him from taking the matter to the police. He did so anyway, and in the case before the local magistrate it emerged that the piece of land had long been in dispute between the two farmers. The magistrate ruled in favor of the complainant, though no judgment was made with regard to the soldiers who had hired themselves out.³⁶⁵

Many Biafran soldiers used their position in the army to survive, but some went beyond mere self-preservation and used their positions to enrich themselves. Using the authority of the uniform and the gun to lay claim to civilians’ belongings or labor was common in Biafra, and the army’s capacity to control the rank and file troops (and those to whom they loaned their weapons) diminished sharply as the war went on.³⁶⁶ On a night in October of 1969, Gabriel Nwori was awakened when fifteen Biafran soldiers in uniform broke into his compound.³⁶⁷ When he confronted them they tied him up, threatening to shoot him if he tried to escape. The soldiers ransacked the house, taking all of his paltry belongings including a length of cloth, some

³⁶⁴ NNAE MINJUST 116/1/3, In the Special Tribunal of the Republic of Biafra, Holden at Nbawsi, No. ST/11c/69, *The State v. Philip Mbuko*, 25 November 1969.

³⁶⁵ NNAE MINJUST 42/1/4, In the Magistrate’s Court of the Republic of Biafra, Holden at Aguata, No. MAW/118e/69, *Inspector General of Police v. Ofojebe Okpala*, 20 March 1969.

³⁶⁶ As in NNAE BCA 1/2/16, In the Court of Appeal of the Republic of Biafra, Holden at Aba, No. CA18/68, *Akpan David and nine others v. The State*, 7 February 1968.

³⁶⁷ NNAE MINJUST 116/1/7, In the Special Tribunal of the Republic of Biafra, Charge No. ST/21c/69, *The State v. Godwin Egbuna*, 24 November 1969.

stockfish tails, and a packet of cigarettes. Nwori cooperated with them, and when they demanded food he had his daughter cook for them. In the morning he went to the nearest military camp to file a complaint. The military police tracked down the leader of the alleged robbery, who was known to the complainant. After an investigation, the Special Tribunal established that the robbery had been committed by a “criminal gang” of soldiers led by a private in the Biafran army named Godwin Egbuna, who went by the *nom de guerre* Captain Blood. Even though he was on active duty Egbuna lived at home with his wife, and a mobile police force was dispatched there to arrest him. Finding him missing, they arrested his elder brother instead to encourage Egbuna to present himself for questioning, which he eventually did.³⁶⁸ Egbuna was tried before the Special Tribunal for subversion on the grounds that he had used his authority as a soldier to unlawfully rob a Biafran citizen.

The fact that the Biafran soldiers had acted as a gang was particularly troubling; it suggested a degree of unofficial organization within the army that undermined its formal hierarchy. In his defense, Egbuna claimed that he had not been on the scene the night of the robbery. He called a witness who testified that Egbuna had passed the night in his brother’s house since the roads were too dangerous to travel on after dark. When asked why he would be afraid to travel by night, Egbuna replied that he was “afraid of brigandry on the road.” This was a very common fear, and an entirely reasonable one given how many people – soldiers and civilians alike – were robbed or killed on Biafra’s roads after dark. During cross examination the friend could not recall when he had met Egbuna, leading the tribunal to conclude that Egbuna’s alibi was false and that he and the defense witness were “comrades in crime.” Like many cases, this one was decided on the basis of whether to believe the evidence of a witness, and the reasons

³⁶⁸ Holding family members in this way was not legal, but it was a common police tactic in both Biafra and Nigeria and had been a mainstay of colonial policing.

for the decision to dismiss Iwula's friend's testimony had as much to do with the tribunal's general distaste for him as with the gap in his memory. "Captain Blood" was sentenced to a long prison term and attempts were made to track down his accomplices. The military police investigated many cases similar to Nwori's, but many more were likely never reported to the authorities. Many civilians tried to avoid interacting with the military entirely, and soldiers knew that in most cases their victims would be too fearful to lodge complaints against them.

Soldiers often played an important role in the life of villages, and their actions in communities were not limited to causing disorder and requisitioning goods. They often acted as self-appointed agents of the law, becoming deeply embroiled in the civilian life of the places where they were stationed. This was especially true of cases involving sexual misconduct. In a case from a magistrate's court, Stella Amanaso accused a civilian in her village of having carnal knowledge with her young daughter. In her testimony in Igbo, she claimed that "the accused then at night invited some soldiers to my house to beat me up but when they came I showed them what had happened to my daughter. The soldiers then took me, my daughter and the accused to the police station. The police then took us to hospital where my daughter was examined. My daughter is 5 years old." The civilian defendant, Sunday Agwu, said that he was falsely accused by the girl's mother, whom he claimed was a prostitute who had given him gonorrhoea and was now trying to get rid of him. He testified that a meddling neighbor had "told Stella last night to [break her daughter's hymen] so that I will saffar de consequence [sic]." ³⁶⁹ The magistrate did not believe his defense and he was sentenced to a long prison term. Even though the soldiers who appeared in this case had originally been sent by the accused to beat up the victim's mother, they emerged as the heroes of the incident for having turned against the man who hired them. The

³⁶⁹ NNAE MINJUST 1/5/19, In the High Court of the Republic of Biafra, Aba Judicial Division, No. A/45c/6a, *The State v. Sunday Agwu*, 19 August 1968.

magistrate commended them for having arrested Agwu, overlooking the fact that the reason for their involvement in the first place (as the people Agwu had hired to beat up the girl's mother) was illegal and morally questionable. In the space of wartime, facts that might have been clear (here, that all parties had behaved illegally and unethically) became murky even in cases that did not directly involve battle.

As crime rates rose and scarcity set in, the state was less and less able to seek out and punish people who engaged in violent crime. This was disillusioning to Biafra's legal professionals; in the same breath that they described Biafra's internal orderliness and its commitment to high standards of criminal and legal procedure, many of the former lawyers that I interviewed recalled with frustration that the chance of being caught at various kinds of wrongdoing was very small, especially in the later stages of the war. Military and civilian courts were aware of the fact that they were only able to try a small fraction of the people engaged in assault, armed robbery, and other crimes, but they hoped to make an example of those they were able to bring to trial. But all the same, "for every conviction like this that you will see," one lawyer in Biafra recalled, "there were twenty who got away with it."³⁷⁰

Conscripts and deserters

Civilians bore much of war's violence, but some of the most pointed violence in Biafra took place in the context of conscription. In the early months of the war a piece of propaganda circulated in Biafra featuring a picture of a ten year old child dressed in a baggy uniform. It was captioned: "there is none too small or too big for the important job of defending the Fatherland. The young 'officer' above has sworn to bring back ten heads of Nigerian soldiers in strict

³⁷⁰ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

obedience to the charge made to the nation.”³⁷¹ This was not meant to be taken literally at the beginning of the war, but by its end the Biafran Army counted both children and the elderly among its ranks. The conscription of adolescents, elderly men, and the physically or mentally incapacitated was not “legal,” but it was so widespread in Biafra that it was given frequent judicial notice.³⁷² Conscription was far more ruthless in practice than it was in principle. Companies, churches, and government agencies could petition to Biafran government to exempt their employees from military service, but that did not prevent them from being conscripted by militias and by rogue units of the Biafran army.³⁷³ Conscription drives were a constant feature of life in Biafra. They gave soldiers unchecked authority to detain men suspected of being stragglers, and could also serve as the pretext for various kinds of extortion.

Conscription was disorganized and often arbitrary. As the war went on there was diminishing consistency in how men were conscripted, and it was unclear even to the Special Tribunal who was empowered to conscript people and who could be drafted. In practice, any man of almost any age could be pressed into military service. Conscription meant an immediate and irreversible loss of liberty. The conscription of women, while uncommon, occasionally took place. When a group of young women turned up among the recruits brought to an army camp near Orlu, an officer dismissed them.³⁷⁴ The labor of able-bodied men was also requisitioned for tasks like digging trenches, and the violent coercion of labor which this involved reminded some

³⁷¹ *Biafra Sun*, 12 July 1967, p. 5.

³⁷² For example, NNAE MINJUST 116/1/8, In the Special Tribunal of Biafra, Holden at Nbawsi, No. ST/24c/69, *The State v. Benedict Emene*, 18 November 1969.

³⁷³ NWM uncatalogued collection, H.E. Meniru, B.G.C. Ltd. To Chairman, Civil Defence, Orlu, 30 July 1969.

³⁷⁴ NWM uncatalogued collection. “Recruitment into BA,” [1969].

people of the forced labor policies of the colonial period.³⁷⁵ By the middle of 1968 there were no uniforms given out and almost no training given to new recruits, and a recruit was lucky if he was issued a gun before being sent to the front. By the end of the war conscription had become, as one Biafran bureaucrat complained, a “free-for-all.”³⁷⁶

Matters of life and death in Biafra often turned on the issue of conscription. An administrator wrote to a province that had fallen short of its recruitment targets that “Neglect and carelessness in dealing with the problem is suicidal. You can well understand why any village which defaults in making full contribution to troop requirement is regarded as working against the interest of Biafra. This warning will not be repeated.”³⁷⁷ Villages were told that they were responsible for the collection and transport of their men to a central location, where they would be counted and immediately inducted into the army. The consequences for failing to produce the required number of men were serious. One army circular warned that “failure to comply with this instruction will necessitate the Commando going into open conscription in all the defaulting villages. You are therefore warned to make the best use of this opportunity by making your men available in order to avoid the hardships of conscription.”³⁷⁸ Conscription drives were often punitive, and many people recall that in the later stages of the war “the only time you would see a man in uniform is if he was trying to conscript men or collect money.”³⁷⁹ In the final year of the war one of the ways that the Biafran government was most present in people’s lives in Umuobom and elsewhere was through the collection of levies for military materials. The largest

³⁷⁵ NWM uncatalogued collection, “Provincial Zone F Defense,” 27 November 1969.

³⁷⁶ NNAE MINJUST 21/1/2, M.O.I. Idigo to Solicitor-General, Enugu, 17 March 1969.

³⁷⁷ NWM uncatalogued collection, “Recruitment into the Biafran Army,” 15 November 1969.

³⁷⁸ NWM uncatalogued collection, “Recruitment into the Commando,” 25 June 1969.

³⁷⁹ Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014.

were the “jet levies,” which required villages to raise hundreds of pounds in cash and in kind, theoretically to purchase fighter planes but in fact mostly to keep the Biafran government afloat. Villages were often unable to raise the money demanded of them, and when they failed to do so they would be singled out for particularly brutal recruitment drives.³⁸⁰

Conscripts were both the victims and the perpetrators of violence. A complicated case from Nbawsi illustrates how conscription drives often overlapped with violent crime. Before the Special Tribunal, Abraham Daniel claimed that he was robbed by Biafran soldier Simon Atulobi and two of his accomplices at Okpuala Ngwa.³⁸¹ Daniel testified that

On 17 September 1969 at about 1am I heard a violent knock at my door and the first accused called my name and said “open for your brother Peter.” I opened the door and the 1st and 2nd accused persons rushed in and the 2nd accused, who was armed, asked me to hands up. The 2nd accused said that he was sent by his commanding officer to search my house because I harboured some stragglers. I told him that I had no stragglers but the 1st accused told him to enter a room on the left for there the stragglers used to stay. I opened the door and when the 2nd accused saw my children he started beating me and asked me to produce the stragglers.

The soldiers threatened to “take him to the war front or shoot him” if he did not comply. All of this was a ploy to extort him for money. To add insult to injury, “After giving him the money [the soldiers] demand drinks and chicken pepper soup.” At that point a second, larger group of soldiers – who were *also* on a mission to round up stragglers in the area – showed up and began to question Atulobi and his men. Atulobi lied that he was the man’s brother and that he was dealing with a family matter, but the second group of soldiers did not believe him. Seeing that he

³⁸⁰ NWM uncatalogued collection, Civil Defence Committee, Umuobom to Provincial Secretary, Orlu, 26 September 1969.

³⁸¹ NNAE MINJUST 116/1/14, In the Special Tribunal of the Republic of Biafra, Holden at Nbawsi, No. ST/17c/1969, *The State v. Simon Atulobi, Edward Offong and Shem Emereole*, 26 November 1969.

had been severely beaten, and finding no evidence that Abraham Daniel had harbored deserters, the second group of soldiers turned around and arrested Atulobi and his men instead.

In the trial the accused soldiers claimed that although they had originally come looking for deserters, they beat Daniel because they found ammunition in his possession. Finding ammunition, or sometimes planting it, was a common ploy for soldiers to demand food and money from civilians. The possession of ammunition by a civilian was theoretically a treasonable offence in Biafra, and soldiers knew that many civilians had bullets and gunpowder for various reasons.³⁸² Atulobi also testified that Daniel had paid them to not turn him in to the police. He indignantly argued that if the second group of soldiers not turned up, the matter would have been resolved – Daniel had paid off the soldiers and they had confiscated the ammunition and beaten him up as punishment. In their minds justice had been done. It is telling that the soldiers, who had no legal counsel, thought this would be a reasonable defense. This suggests that by this late stage in the war, extraordinary violence of this type had become so endemic that they could admit to it with no fear of the consequences. Indeed they were right – the tribunal ultimately ruled that the actions of the complainant, especially giving the soldiers food and drinks after they demanded it, was “inconsistent with what a victim of a robbery would do.” It found the Biafran soldiers not guilty, and that “what happened was that when the 15 rounds of ammunition were recovered from the house of the complainant, he sensed trouble and decided to extricate himself by offering money and did give money to the 2nd and 3rd accused persons in

³⁸² Gunpowder, commonly used as a medicine to treat wounds and deformities, was something that many people possessed even if they did not own firearms. There are a few cases before the Special Tribunal where people who used gunpowder in this way were charged with treason. NNAE MINJUST 116/1/10, In the Special Tribunal of the Republic of Biafra, No. ST/31c/1969, *The State v. Pte. Job Anyim*, 13 November 1969.

order to close the matter. We believe that the story of robbery is trumped up in order to cover the real issue.” Daniel was convicted of subversion and the soldiers were unconditionally released.

Even though the decision confidently asserted that justice had been done, this case and others like it challenged the idea that actions in Biafra were bound by law. The fact that soldiers engaged in combing missions could be bribed was common knowledge. Members of the Special Tribunal did not bat an eye when young men testified that they had paid their way out of military service, or when soldiers openly admitted that they had demanded money from civilians in order in exchange for not arresting them for treasonous activity. The Special Tribunal accepted that this was a common problem in Biafra and made no concerted attempt to rectify it. Of all of the extant cases from the Special Tribunal, none are trials of soldiers for overstepping their conscription orders, and none attempted to investigate the payment of money for exemption from military service. While this does not mean that these cases were never tried, it at least suggests that this particular form of violence was not seen as a priority by the legal institutions that had the greatest power to control it. The demands of the war led the judiciary to turn a blind eye to the illegal methods that the Biafran army used to replenish ranks depleted by desertion and death.

The complement of conscription was desertion. The need for new conscripts was so great not only because men were dying in battle, but because large numbers of men deserted the Biafran Army as things went from bad to worse. Falling morale, and the army’s growing inability to monitor its troops, let alone to compel them to fight, encouraged many men to walk away from their units and return home. The fact that rations in the army had ceased to be better than what civilians received was another reason to desert. Few of these deserters were exactly “hiding” – most of them were known to village administrators, and the Biafran government fully recognized that many soldiers had gone to live at home when their bases could no longer support

them. But most men would rather that their whereabouts not be known. Many villages went to great lengths to conceal deserters so that when the anti-stragglers units arrived they would not be able to find any young men.³⁸³ There was generally not much stigma attached to desperate measures to get away from the front.³⁸⁴ The son of one Biafran veteran recalled that his father tried to resign from the Biafran Army when the conditions became unbearable:

They refused. You know what my father did? My father took a machete, because then, he got information that if you got injury you can no longer continue. If you have serious injury, you cannot be fighting the war. They take you somewhere, take care of you. So my father get a big machete and cut his hand. Just a big wound. So that when the chief commandant came, he will see this wound and say “no, leave am.”... For a long time, they keep you there, where you will get proper treatment, so my father was there for a very long time, receiving treatment. So at the end of the day, that was how he ran away from Biafran army because a lot of them died.³⁸⁵

Understandably, Biafran soldiers increasingly placed their personal survival over the survival of the Biafran state.³⁸⁶

Morale declined precipitously when Biafra was no longer on the offensive and the hunger of the blockade had set in; this made soldiers raucous and difficult to discipline, and the pride that Biafrans had in their soldiers in the first year of the war gave way to fear.³⁸⁷ The commander of an army camp near Orlu lamented the “dismaying panic that ensues in this camp whenever the

³⁸³ NWM uncatalogued collection, “Recruitment and Stragglers Drive,” [September 1969].

³⁸⁴ Even though Biafra was a highly militarized society, the prestige attached to soldiering was much lower there than in Nigeria. The refrain of a popular song from pre-secession Eastern sums up the prevailing public perception of soldiering before 1967: “Omulu soja amuro Nwa,” or “the parents of a soldier are childless.” Bernard Odogwu, *No Place to Hide (Crises and Conflicts Inside Biafra)* (Enugu: Fourth Dimension, 1985): p. 249.

³⁸⁵ Interview with C. Collins, conducted by Vivian Chenxue Lu, in his shop in Port Harcourt, 14 July 2015.

³⁸⁶ There were sporadic desertions from the Nigerian side as well. In December 1968, for example, a group of approximately 800 soldiers, mostly Yoruba, deserted in and around Asaba. Where they went and what they did with their arms was not clear. NAID 2000/14/24, Paul Keating, Ambassador of Ireland to Nigeria to Department of External Affairs, Dublin, 6 December 1968.

³⁸⁷ Interview with Comfort Chukwu, Federal Secretariat, Owerri, 22 July 2014.

Air Raid alarm is sounded,³⁸⁸ and officers constantly found fault with enlisted men for running from battle. In the early years of the war, as one employee of the propaganda directorate remembered, “it was easy to get everyone in the war mood. But when ‘sabotage’ found its way into our war dictionary, the morale of the troops crashed down to the very bottom. ... In many locations we found troops who had grounded their arms and refused to move again. In some we found those who were insisting on the blood of their commanders.”³⁸⁹ The presence of so many deserters in Biafran towns – many of them armed – had serious implications for matters of security in Biafra.

Checkpoints had been set up all over Biafra to find deserters (of whom there were many) and Nigerian infiltrators (of whom there were likely few). It was at these checkpoints deserters, soldiers, and civilians most commonly encountered one another, sometimes with violent results. In October 1968 a group of seven palm tappers between the ages of six and twelve had their bicycles and palm knives seized at one of these checkpoints while fleeing Okigwe after it fell to “the Hausas.” The soldiers manning the checkpoint told the eldest tapper that, as one of the children testified before the Special Tribunal,

we should take oath that we were not enemies. ... He took me to a place where he said I was to take oath. 1st accused told me to undress. I did as I was told. He asked me to kneel down, and raise my hands to the heavens and then place my hands on the ground. I did so as he said this was the method of taking oath in their village. One man wanted to hit my head with a stick. I dodged but it hit my right shoulder.

One of them, a six year old boy, was killed “on the pretext that he was an enemy infiltrator” in the course of the “oathing.” The rest of the children managed to run away, and they reported the soldiers at a nearby army post. After being brought before a military tribunal in Umuahia, the

³⁸⁸ NWM uncatalogued collection, “Anti-Aircraft Drill,” 5 October 1968.

³⁸⁹ NWM uncatalogued collection, “Re-Education Team – Functions,” 8 June 1968.

soldiers defended their actions by saying that the palm wine tappers were deserters from the Biafran Army. One testified that he saw the children abandon their uniforms in the bush, which the tribunal did not believe. The prosecutor argued that because they were so young the palm wine tappers could not have been deserters. The tribunal sided with the prosecution, believing that the main prosecution witness, “had never been in the army before and could not have been because of his tender age. If he could not, it is very unlikely that the deceased, could have been in the army at the age of six years.” The Special Tribunal did not believe that the children could have been soldiers because they were too young, but the fact that the soldiers’ counsel thought their being deserters could be a plausible defense suggests that the presence of minors in the Biafran military was not unthinkable by late 1968. The judges issued a warning of what would happen if behavior like this went unchecked:

No one has a right to kill another Biafran on the mere pretext that the person being killed is an enemy infiltrator. The burden becomes heavier on the accused to explain how he can be justified for killing an unarmed boy of six years of age, and who produced a pass showing that he had come from Okigwe as a refugee. ... If persons are at liberty to kill at random no one will be stopped. What will stop a person killing his enemy on the pretext that the enemy is either an infiltrator or a straggler? Finally, we would like to stress that the reason for this killing was simply to steal the properties of the deceased and his brothers.

The soldiers were found guilty and executed.³⁹⁰ This was a demoralizing trial, and one that affected the members of the Special Tribunal profoundly. It was a stark illustration of how far the reality of life in Biafra had fallen from the ideals that had guided Biafra’s independence.³⁹¹

By this point in the war Biafran soldiers, civil defenders, and civilians harassed one another with impunity, theft and violence were rampant, and the state had little capacity to

³⁹⁰ NNAE MINJUST 116/1/1, In the Special Tribunal of Biafra, *The State v. Emmanuel Eke Onwuachimba and six others*, [1969].

³⁹¹ The case also illustrates the fuzziness of jurisdictional questions in the context of the fighting. In their decision, the tribunal remarked that a case like this would have been better tried before a High Court, but that given the circumstances a hearing before the Special Tribunal would have to do.

administer what remained of Biafra's territory. But even in these conditions the language of law remained salient in Biafra. After a failed attempt to overthrow the leader of the local militia by a rival faction within the town, the local civil defense committee in Umuobom noted that "Umuobom is burning because of inflammatory injustice"³⁹² – a curious choice of words given that at this time the town was also burning in a more literal sense following a series of Nigerian air raids. Even in the depths of the war, "justice" was the language in which political and interpersonal conflicts were understood.

Conclusion

These cases about violence, firearms, and excessive military force show how security in Biafra frayed over the course of the war. The Special Tribunal and other legal institutions tried to maintain some semblance of public order and contain the excesses of men in uniform. But as the cases described discussed here demonstrate, the pressures of the war were in many ways greater than the legal system could handle. The wide availability of weapons, the difficulty of survival in the enclave as a result of the Nigerian blockade, and the diminishing ability of the Biafran government to impose order – through a civilian judiciary or otherwise – conspired to create a situation where acts of violence were increasingly seen as unavoidable and even normal. It is at this point that armed robbery came into focus as a criminological phenomenon. Armed robbery – as practice and idea – worked its way deeply into Biafran life. It would become enormously important in postwar Nigeria as an object of national politics, a barometer of public order, and a symbol of postwar insecurity.

³⁹² NWM uncatalogued collection, Civil Defence Committee, Umuobom to Divisional Officer, Nkwerre, 15 January 1969.

Godwin Egbuna (alias Captain Blood), the ringleader of the gang described earlier, disappears from the public record with his conviction. He may have died towards the end of the war, or changed his name, or perhaps like many former Biafrans he simply chose to keep a low profile after 1970. The legal record gives no indication of what happened to Egbuna himself, but for many combatants the acts of violence that they committed in uniform would not be their last. Men like Egbuna had grown accustomed to the authority they enjoyed as soldiers. As multiple informants told me, once a person has learned how to shoot a gun he or she will not forget how to use it. After the war, soldiers like Egbuna would find that there was no work for them in eastern Nigeria. There was certainly no place for them in the Nigerian military, though few of them would have wanted one. Many buried their guns and made their way as best they could in the lean conditions of the postwar. For the most part, their buried weapons were not a promise that they would one day resume the fight for Biafra's independence, but a guarantee that if things took a turn for the worse they would be able to provide for themselves.³⁹³ For some, burying their guns turned out to be a prescient decision. In many ways, it would also be a self-fulfilling prophecy.

³⁹³ Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014. See also Patrick Idiomi Davies, "Use of Propaganda in Civil War: The Biafra Experience," doctoral dissertation, London School of Economics, 1995, p. 255.

Chapter 4

Fraud and forgery in Biafra

In late 1969 Benedict Emene found his calling as a forger. Emene, who was about sixteen years old, was a secondary school student whose studies had been interrupted by the war. He lived near Udi, and had been alone since his parents disappeared in mid-1967. Terrified of being conscripted, he wrote up a pass for himself saying that he was exempt from military duty. He soon realized that this could be a valuable skill. Having no other means to support himself, he began making passes for others. He stole a sheaf of letterhead from the Mkpato Enin Divisional Office of the Biafran Army, carved a rubber stamp reading “Officer of the Commander-in-Chief, Aba – Para-military Operations,” and began seeking out other young men who were threatened by conscription. This led him to Emmanuel Imoh, to whom he hoped to sell forged exemption papers. Emene showed Imoh a sample of papers which claimed that the bearer was ineligible for conscription because he was a qualified stenographer “engaged in para-military activities.” Fearing that the meeting was a trap, Imoh played along until he could flag down a passing soldier, who arrested Emene. He tried to swallow the passes but failed, and the partially chewed papers were presented as evidence against him in his subsequent trial. He was found guilty on charges of theft (of the blank letterhead) and subversion by the Special Tribunal.³⁹⁴ Like most of the people who were convicted for fraud in Biafra, Emene had no prior criminal record. What happened to Emene next is not found in the legal record. However, eighteen years later he makes another appearance in the legal record – this time in a court registry from Onitsha, where he had been arrested for forgery again, this time of school certificates. The particulars of this later arrest

³⁹⁴ NNAE MINJUST 116/1/8, In the Special Tribunal of Biafra, Holden at Nbwasi, No. ST/24c/69, *The State v. Benedict Emene*, 18 November 1969.

are not known, but it confirms something that many legal practitioners knew to be true anecdotally; skills that ordinary people like Emene developed to survive the war often long outlasted the war itself.

By the middle of 1968, crimes like Emene's had ceased to be the preserve of professional criminals or con men. This chapter analyzes where the skills of forgery were learned, and how techniques of fraud developed over the course of the war. The conditions of the war obliged people like Emene to survive by deception, while also enabling the skills associated with fraud and forgery to spread from person to person. Since carrying the correct document or being able to pass oneself off as someone else were sometimes matters of life and death in wartime, knowing how to forge documents became a valuable skill – and a skill at which eastern Nigerians were particularly adept for reasons having to do with the history of colonial administration.

The origins of Nigeria's late twentieth century bane of fraud in the form of 419 is a major open historiographical question. The forms of fraud and forgery that developed in the context of the war provide part of the answer. The fraud and forgery discussed here – which I consider together, as linked criminal practices – did not merely go away when the war ended. Warfare often involves double crossings, the production and exchange of forged documents, and the assumption of false identities, all of which are normal and even honorable behaviors when survival and victory are the orders of the day. What happens if these behaviors and logics do not come to an end with the fighting? If they continue in peacetime, those behaviors tend to be called fraud. This is what transpired in Nigeria after the war, and the final part of the dissertation will analyze how forgery and other wartime *métiers* discussed in this chapter and the previous one manifested in postwar Nigeria. It is important to understand that the emergence of crime in this

period was a consequence of the conditions of the war, rather than of something inherent to the Nigerian (or Biafran) character as it is sometimes portrayed.³⁹⁵

Fraud and survivalism

In the first year of the war the Biafran government often made public statements that it would not tolerate fraud, and the large number of prosecutions for that crime under the emergency measures and Section 419 of the criminal code suggest that this was not just rhetoric. Biafra was indeed hard on fraud most of the time, even though the legal system ultimately failed to control it. Judges remained confident that they could tell a real document from a fake one. In the course of a fraud case, Justice Nkemena assured the accused that

I can recognize the techniques. I can detect almost at once the sublime, superhuman frankness that will flash into a born liar's candid eyes. I spot the slight, almost imperceptible, pause and hesitation that precedes the effort to utter a deliberate falsehood. Lying is difficult; it is an art which is very tricky. A lie forces the blood into the head, and produces a tremor in the voice comparable to the faint rattling of a window-pane responding to almost inaudible gunfire. It should not be imagined that a man can say with ease 'no' when 'yes' has once leaped into his mind.³⁹⁶

In the final stages of the war and the lean years that followed it, deceit would no longer be the preserve of "born liars," and forgers would prove that they could make more convincing documents than the Biafran government could. Justice Nkemena and others would find their judicial intuition profoundly challenged by this turn of events.

In the later stages of the war, fraud and forgery cases became ethically and legally abstruse. No longer did they inspire screeds about the state of public morality, and even the

³⁹⁵ For a discussion of the perception of fraudulence see Daniel Jordan Smith on "the Nigerian factor," Daniel Jordan Smith, *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria* (Princeton: Princeton University Press, 2008).

³⁹⁶ NNAE MINJUST 117/1/7, In the Special Tribunal of the Republic of Biafra, No. ST/15/c/69, *The State v. Joseph Nwabueze*, 10 March 1969.

sternest judges often took pity on people arrested for fraud.³⁹⁷ In part, this was a concession to the court's own inabilities; although prosecutors continued to pursue fraud cases, with their diminishing resources they could only go after a small percentage of them. The scale on which forgery took place was unprecedented, and both the complexity of the schemes and the public perception of forgery changed over the period of the war. Most of the forgery discussed here consisted of counterfeiting government documents; passes, payment vouchers, qualifications, school certificates and legal documents like deeds were the most common forgeries. Currency counterfeiting seldom appears in Biafran cases. It was illegal to possess or use Nigerian notes, and Biafran notes were of dubious value even in Biafra. At any rate Biafran currency was difficult to forge, since it was professionally printed in Europe and incorporated various security mechanisms.³⁹⁸ Forged documents, however, circulated widely.

Biafra was also the crucible of more general kinds of fraud. Many of the rackets that proliferated there took advantage of the fact that the war split up households and villages, breaking the bonds of trust and mutual assurance that structured social and economic life in peacetime. In Biafra, forms of untruth and concealment became more sophisticated and widespread than they had been in pre-war Nigeria. Cases involving false identities, elaborate

³⁹⁷ Judges especially exhibited sympathy for Igbo refugees who had come to Biafra from elsewhere in Nigeria. Regarding a man arrested for being accessory to a case of treasonous fraud, the tribunal ruled that they were uninterested in trying him for this reason: "the 1st PW was formerly in Jos and during the pogrom returned to Biafra and settled in Enugu. In April 1967 he left Enugu and returned to his village when Enugu was disturbed by the very vandals who caused him to flee from Jos. Could the 1st PW who has seen so much go all out to assist even his relation who is accused of collaborating with the enemy? I doubt it. [...] Under these circumstances it is understandable that the 1st PW did not tell anyone about [the act of fraud] until he was arrested." NNAE MINJUST 117/1/7, In the Special Tribunal of the Republic of Biafra, No. ST/15c/69, *The State v. Joseph Nwabueze*, 10 March 1969.

³⁹⁸ NAUK FCO 65/315, R. Hayward, Foreign and Commonwealth Office to Mr. Barder, 2 April 1969.

confidence scams, and attempts to defraud the Biafran government or the Red Cross – the largest conduits of humanitarian aid – figure prominently in the legal record.

Most of the fraud discussed here emerged here not out of avarice, but from desperation, fear, and the will to survive. As with the forms of violent crime discussed in the previous chapter, the ethics surrounding criminal deceit changed in light of the crisis. The lawyer Jerome Okolo identified a change in the meaning of shame over the period of the war:

In the past, if your relative went to jail the entire family would be tainted by that fact and would be shunned. Before the war your community would never speak to you again when you got out of prison – in Biafra, they would throw you a party. The sense of shame that went with being a criminal diminished, perhaps because so many people had been through shameful experiences. Having been in prison was no longer seen as shameful perhaps because so many people had been imprisoned arbitrarily. As a result, the stigma attached to it diminished and crime rates rose.³⁹⁹

This perspective is not shared by everyone who lived through this period, but Okolo's contention that the social and political circumstances of the war shaped the value system in which crime was embedded is broadly supported by the jurisprudence of the time. Looking ahead, the fact that so many otherwise law-abiding people had survived the war through "criminal" means would ensure that few in postwar eastern Nigeria felt they were in a position to condemn others for breaking the law.

Acts that are patriotic duties in wartime are sometimes criminal in times of peace. In certain circumstances forgery could even serve the Biafran cause, as the Court of Appeal found in *Oscar Oti and two others v. The State*. In this case the court entirely acquitted three men who had been arrested before secession for possessing paper, ink, and printers plates to forge Nigerian currency, which was a clear violation of both the federal and regional criminal codes of Nigeria,

³⁹⁹ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

the latter of which remained in force in Biafra. The decision to acquit them was made on the rather dubious grounds that it was not illegal to possess these materials, because to forge specifically *Nigerian* bank notes was not specified as a crime in the Eastern Region's criminal code, presumably because that wording would have been taken for granted. They were acquitted at the urging of the Senior State Counsel of Biafra. This was a decision calculated to give oblique legal sanction to forgery (as long as it was Nigerian currency being forged).⁴⁰⁰ This is an isolated case and is not indicative of the Biafran courts' attitude towards forgery in general, but it suggests that fraud can have multiple valences in the context of war.

The objective of this argument is not to draw a straight line between wartime fraud for the purpose of survival and the more recent phenomenon of 419, but to suggest that the war opened the door for certain types of untruth to become common, and even publicly acceptable, in a way that they had not been before. This shift – one that took place both in the public perception of fraud and in the courts' stance towards it – was an important point of inflection in Biafra's short history. Documents and passes were fetishized in Biafra.⁴⁰¹ This fetishization, coupled with the fact that a larger than usual proportion of the population was familiar with how to produce and validate documents, created conditions in which both demand and supply for forged documents was high.

The genuine and the counterfeit in Biafra

⁴⁰⁰ NNAE BCA 1/1/15, In the Court of Appeal of the Republic of Biafra, Holden at Aba, No. CA/15/67, *Oscar Oti and two others v. The State*, 2 February 1968.

⁴⁰¹ Interview with A.M.O. Onukaogu, in his chambers in St. Finarr's St., Umuahia, 9 March 2015. Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014. This is true to an arguably greater degree than they had been in Nigeria before the war, and more than they were on the Nigerian side during the war. This commonly expressed contention is generally corroborated by the much lower incidence of cases involving passes in Nigerian courts before and during the war.

In early 1969, a small town politician in Biafra tried to get rid of his rivals once and for all by framing them for treason. Joseph Nwabueze, the unpopular head of the Civil Defence Committee in Isiukuwato, forged a letter purporting to come from the Nigerian Army command addressed to various town elders, all of them Nwabueze's political opponents and enemies. The spurious letter thanked them for their dedication to the Nigerian war effort, assuring them that their payment for services rendered to Nigeria was on its way. The typist who prepared the letter was alarmed to see that some of his relatives were named among the collaborators, and asked Nwabueze why he was not going straight to the police. Thinking quickly, Nwabueze told the typist that it was all part of a high-level mission he had been given by Ojukwu himself, and that "the persons named therein were 'spoiling' their town, and if he told anyone and the soldiers came to arrest these persons and found them absent he [the typist] would be shot to death by the soldiers."⁴⁰² Nwabueze slipped the note into a shipment of pots bound for the (then) Biafran capital at Umuahia, and waited for the army to come and arrest his rivals. Unluckily for Nwabueze, the note was discovered before the shipment reached Umuahia, and a local man connected the dots and reported Nwabueze to the military police. He was tried before the Special Tribunal of Biafra for subversion and sentenced to twenty years imprisonment.⁴⁰³

Although certainly not all Biafrans engaged in fraud, it was present at all levels of the political hierarchy and took many forms. In aggregate, these individual cases reveal that over the course of the war it grew easier and more necessary for Biafrans – from petty traders to chiefs like Nwabueze and further up the political hierarchy – to engage in fraud. Sophisticated schemes to defraud, steal, and smuggle took advantage of the Biafran government's increasingly (though

⁴⁰² NNAE MINJUST 117/1/7, In the Special Tribunal of the Republic of Biafra, No. ST/15c/69, *The State v. Joseph Nwabueze*, 10 March 1969.

⁴⁰³ Treason was a capital offense, but Nwabueze was given a reduced sentence in recognition of the fact that previously he had turned in many young deserters to the military police.

reluctantly) tolerant attitude towards forgery. Sometimes they backfired and therefore ended up in the historical record, as Nwabueze's did. His case also illustrates how fraud could be turned not only to bare survival, but to personal advantage. The chaos of the war and the growing sense that crimes which had been harshly punished in peacetime were now treated with a lighter touch made Nwabueze and others like him confident that they would be able to get away with their crimes. Many of them surely did.

Over the course of the war extensive and baroque rackets emerged involving forgers, military officers, and go-betweens to find buyers for forged documents. In some cases, the documents that they produced survive as exhibits presented in the trials against them. Many are the clumsy work of amateurs who had little knowledge of or talent for forgery, but the material shortages of the Biafran government covered up their lack of skill; it was not hard to pass off a document written by hand or on scrap paper as genuine, since shortages ensured that even real Biafran documents were often highly irregular, handwritten, and printed on whatever paper was at hand. Knowing that ostensibly official documents were less and less trustworthy, Biafran judges, businesspeople and others turned to other proofs of identity and authenticity. For example, a complicated and highly personalized signature by a known individual came to mean more in proving a document's authenticity than the stamp or official seal of his office. This had implications for how Biafrans viewed their government.

The ubiquity of forgery and the diminishing coherence of Biafra's internal administration made it difficult to distinguish a forged document from a genuine one, which begged a larger question – how genuine was the Biafran state itself? The answer to that question was murky and the preponderance of forged documents did little to clarify it. These cases suggest that forgery is in part a matter of perspective. A document's legitimacy is largely in the eye of the beholder, and

the documents that Biafran courts called “forgeries” were often the work of people who did not see what they were doing as forgery. The production of passes and other documents by civil defense organizations is the best example of this. Although few of these cases were taken to court, civil defense committees routinely complained that the passes they issued to their members were not honored by soldiers, tax collectors, and policemen. They took great umbrage at being accused of forgery by the central government, considering their passes and documents to be as real as any issued “by Ojukwu himself.”⁴⁰⁴ In the eyes of the Biafran public, the fact that they often worked seemed to confirm that they were “real.”

The legitimacy of documents was particularly fungible because the legitimacy of the state was so disputed. To many Biafrans it was not even clear who counted as a government official. To others the distinction was unimportant. As one lawyer recalled, “the mass of the people [in Biafra] thought that any man who possessed a stamp was as good as a civil servant.”⁴⁰⁵ On a larger level, Biafra’s sovereign existence was of course also very much in dispute. The state tried to enact its own existence was through bureaucratic tasks like issuing identity documents, using Biafran letterhead, and compelling people to register themselves. They hoped that these bureaucratic enactments would make the new state real in a tangible way.⁴⁰⁶ Biafra had some success in using legal and bureaucratic processes to instantiate and legitimize the new government to its own people, but for the most part it failed to enact its legitimacy in this way

⁴⁰⁴ NWM uncatalogued collection, “Umuobom Civil Defence Committee Minute Book,” 1968-1969.

⁴⁰⁵ Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014.

⁴⁰⁶ As Adam McKeown writes of a different context, a document like a passport “claims merely to be official recognition of a preexisting individuality,” but in fact it is “the act of documentation itself [which] makes nations and individuals into realities.” Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008): p. 1.

beyond Biafra's borders. Biafran documents were only recognized externally by its handful of allies, and even then only begrudgingly.⁴⁰⁷

The most common kind of forgery in Biafra was the forgery of passes, which were made and traded briskly throughout the enclave. Passes were a necessity for traders, refugees, and anyone hoping to avoid conscription in Biafra.⁴⁰⁸ Checkpoints had been set up every few miles on Biafran roads, and the war made civilians distrustful of the many strangers who passed through their communities as refugees, deserters, and traders. Even a short journey could be difficult or dangerous without an official looking chit or pass, and soldiers harassed anyone who did not appear to be on military business. Traders found that carrying papers – of almost any provenance – could help them both within Biafra and when they went behind enemy lines to buy goods from Nigerians who were willing to sell to them. Moving freely within Biafra was especially difficult for members of ethnic minorities, who were looked upon with some mistrust in the Igbo-majority parts of the country. As one Delta trader testified in his trial for having

⁴⁰⁷ Biafra's ally Portugal, for example, often frustrated Ojukwu by turning away people arriving at Portuguese ports carrying Biafran passports. Portuguese and other firms doing business with the Biafran government regularly refused to accept Biafran currency, a problem that took on an absurdist tone when the Portuguese company that had printed Biafra's stamps (understandably) refused to accept payment for their services using Biafran pounds. For a numismatic history of Biafran currency, see Peter Symes, "The Bank Notes of Biafra," *International Bank Note Society Journal* Vol. 36, No.4 (1997).

⁴⁰⁸ The forgery of passes was closely related to the incidence of military conscription described in chapter three. Ben Gbulie recalled that late in the war a former schoolmate came to him and asked him for a pass to avoid being harassed by soldiers. Gbulie indignantly refused, recognizing that "although he did not actually spell it out for me, the pass was to help him dodge conscription. By then I had realized that many Biafran youths had taken to evading military service; and that words were already being passed around, albeit covertly, to the effect that there is no such thing as death with honour – just death." Ben Gbulie, *The Fall of Biafra* (Enugu: Benlie Publishers, 1989): p. 56.

forged a pass, “the villagers used to molest us because they felt we brought in the Hausas [Nigerians]. They did not molest those with passes.”⁴⁰⁹

The Special Tribunal regularly took notice of the fact that an alarming number of people were becoming skilled forgers in Biafra. Its members resigned themselves to only being able to investigate a small proportion of these cases. There was much confusion in Biafra over who was authorized to issue passes, who could exempt someone from military duties, and what kinds of private business could be considered essential to the war effort. Forgers took advantage of these ambiguities by creating fakes that purported to come from real officials and administrators, whom they could trust would not disavow them because the tumult of the war made communication difficult.⁴¹⁰ The fact that the war threw nearly all government offices into flux meant that the person whom a militiaman, registrar, or bank teller might expect to have signed a document was often away from his post, or had fled, or had died. In this administrative disorder not even a highly personalized conception of bureaucratic authority could ensure that a document was what it claimed to be.

There are many cases involving forged passes from the Special Tribunal, but one that illustrates well how professional forgery emerged in Biafra is *The State v. Benson Isaac Jaja* from April 1969.⁴¹¹ In the course of the proceedings the accused described how he came into possession of his forged pass:

On the 30th October 1968, I came back from Umuahia main market and on my way home along Uzuakoli Road I saw my friend an army man by name Friday Ekpenyong. He asked me whether I do still trade, I said to him yes. He wanted to

⁴⁰⁹ NNAE MINJUST 117/1/8, In the Special Tribunal of the Republic of Biafra, No. ST/16c/69, *The State v. Benson Isaac Jaja*, 10 April 1969.

⁴¹⁰ This foreshadows a tactic that would become common in 419 cases after the war.

⁴¹¹ NNAE MINJUST 117/1/8, In the Special Tribunal of the Republic of Biafra, No. ST/16c/69, *The State v. Benson Isaac Jaja*, 10 April 1969.

know how we trade I told him that we do trade well, but that the only trouble we encounter on the way is the worry from the natives of the place we go to buy things. They continue to ask one where he comes from and if one says from Umuahia they will demand paper from Umuahia. I asked him where he works and he told me that he works at the State House, Umuahia. He then asked whether I need any paper, I then told him that if he would get me any good paper which I will carry with me wherever I go that I will be happy. I mean pass when I talk of paper. He asked me where I live and I told him that I live in No.26 Imo Lane Umuahia. [...] I asked him whether I will not be held by police or army people if they see me with it and he said that nobody will hold me and that anytime I am challenged by the army people that I should present the pass. We went so far to ask me to affix my passport photograph if I have any, which I did. This pass makes me to move freely and especially whenever I go to the village to buy things. Right from that very day I started moving about with the pass. I gave to the soldier Mr. Friday Ekpenyong the sum of five pounds [‘for civil defense’] after he had given me the pass. He did not demand for anything from me but I only decided to give him this money. The discussions about the pass was between the two of us. [...] Sometime in November 1968 I was returning from the market when one Okoye stopped me on the road and started to ask me my work in the town. There were three but two of them were not wearing any uniform, while one man was in army uniform. I explained to him that I do trading... He peeped into my breast pocket and saw a paper inside and removed it. He read it and started to ask me who gave it to me. I told him that it was given to me by my friend an army man. He asked me what native I am, I told him that I am a native of Opobo.

The police searched his room and threatened that if he did not pay them thirty pounds they would shoot him. The soldiers who arrested him denied in court that they had demanded the bribe, but having little faith in the soldiers the tribunal believed Jaja. Ekpenyong, the soldier who had provided the forged pass, and who was reportedly serving in Owerri, was nowhere to be found despite an intensive search by the tribunal’s bailiffs.

Jaja’s defense begged the entire question of what constituted a “genuine” pass in Biafra. The pass was marked as having come from the statehouse, but it was signed by someone from the Divisional Headquarters of the Biafran Army. Both the stationery and the signature looked very convincing, and the fact that it looked so real led the tribunal to believe that perhaps the pass *was* real despite the seemingly fraudulent way in which Jaja had come to possess it. The forged pass survives as part of his casefile (see figure 3). The tribunal wanted to “get to the

bottom of the racket,” and tried to investigate the Biafran Army to find out who might have been issuing these fraudulent passes. But “even when the Tribunal gave a directive the directive was ignored,” by the statehouse, suggesting that perhaps someone was protecting the person responsible for the racket.⁴¹² The investigation stopped there and the court moved on to other matters. The possibility that someone in the Biafran government was protecting or even organizing the production and distribution of unofficial “forged” passes was alarming, but not entirely surprising. The Biafran government was fragmenting dramatically, and the breakdown in communication between government agencies allowed individual administrators to act with great autonomy. This extended to activities like selling “genuine” passes to people who needed them.

The tribunal ruled that “the police failed to investigate thoroughly the origin of the pass so as to disprove the claim of the accused that the pass is a genuine one. [...] In any case there is no evidence before us that the pass is not genuine, there being no evidence from an official of the DHQ to say so.” Effectively, the ruling suggested that a document must be assumed to be genuine until it is conclusively proven otherwise – which was quite a liberal notion of authenticity. Whether it was genuine or not, the tribunal found that “the accused reasonably believed that the pass is a genuine one. That honest but mistaken belief makes him not criminally liable. The accused is merely an innocent agent. He did not know that the person who signed was defrauding the government. This argument arises even if the pass is not genuine. The accused had no intention to harm the Republic of Biafra.” The defendant was acquitted. His acquittal suggests how permissive the Biafran courts had become towards forgery and fraud by the end of

⁴¹² NNAE MINJUST 117/1/8, In the Special Tribunal of the Republic of Biafra, No. ST/16c/69, *The State v. Benson Isaac Jaja*, 10 April 1969.

the war – a permissiveness borne both out of administrative collapse and the knowledge that this kind of crime had become a necessity of survival.⁴¹³

The line between a forged document and a real one became very indistinct. As Jaja's case illustrates, the difference between a real document and a fake meant less and less as the Biafran government's authority dissipated in the final stages of the war. The blurriness between genuine and counterfeit documents was largely a function of the administrative disorder that the war created. The many government authorities in Biafra – from the smallest municipal unit to Ojukwu himself – had little contact with one another. Moreover, they were subject to highly irregular rules about who could issue conscription exemptions and other life-or-death bureaucratic decisions, which forgers and those who carried forged passes could capitalize on. A document that one made oneself was often no less effective, and in the eyes of much of the public not much less legitimate, than a "real" document. In fact a genuine pass, issued on a piece of scrap paper under the spurious authority of a self-appointed civil defense organization, or by a bureaucrat whose only remaining trace of his officialdom was the stamp that he carried with him, often looked less like something a government might issue than the work of a skilled forger did.

The Nigerian government knew how dangerous travel was in Biafra, and refugees who crossed into Nigeria reported that most Biafrans believed that they would be killed immediately by the Federal forces if they tried to leave the enclave. Capitalizing on this fear, the Nigerian government dropped leaflets and "safe conduct passes" printed in English, Igbo, and other eastern languages throughout the front area. The passes had been made at the suggestion of the British, who

⁴¹³ NNAE MINJUST 117/1/8, In the Special Tribunal of the Republic of Biafra, No. ST/16c/69, *The State v. Benson Isaac Jaja*, 10 April 1969.

had on a number of occasions during the past 9 months mentioned to various Nigerian officials the possibility of the use of a psychological weapon of this sort, though it is unlikely that the Nigerians would have needed any prompting about a weapon so commonly in use these days. It remains to be seen whether in fact the Federals have chosen the 'psychological moment' for this operation. While truth is perhaps not a prime ingredient for documents of this sort, one has a feeling that the promises made in the leaflet relate more to the benevolence of Federal intentions than to their ability to carry them out in present circumstances.⁴¹⁴

These were not meant to work as passes in a literal sense – they were propaganda leaflets made to look like “official” documents that would embolden Biafrans to defect to the refugee camps awaiting them on the Nigerian side. It is unclear how successful this initiative was, but Nigeria was right to think that passes had become fetishized in Biafra

Bureaucrats without bureaucracy: the habitus of fraud in Biafra

It was not inevitable that Biafrans would turn to fraud and forgery, and some explanation is in order of why this survival tactic, and not something else, became so common. Moreover, fraud is a skill that is learned and passed between people; it does not spontaneously emerge as a fully formed social or criminological phenomenon. Many of the forgeries that circulated in Biafra were fairly rudimentary, but this does not mean that no skill went into making them. Mastering the language of state bureaucracy, toeing the line of how much latitude a pass should offer to its bearer, and being able to cite the appropriate government authority or individual were all considerations that the forger of even the most basic hand-written chit would have to make. These skills were not obvious, and they entailed various kinds of learning and transmission.

It is exceedingly difficult to reconstruct the mechanisms by which the technical skills associated with forgery were passed from person to person, and how people with no experience of fraud mustered the ability to con one another. Press accounts and criminal cases like the ones

⁴¹⁴ NAUK FCO 38/288, G.D. Anderson to P.D. McEntee, Commonwealth Office, 15 August 1968

discussed here provide some sense of how this could work, but they do not tell a complete story – and at any rate they only tell about those who were caught. Oral historical sources fill in some of the gaps. Many interviewees had no compunction about admitting that they had used forged documents, but finding people who remember the minutiae of where they obtained them and how they were made is difficult. Many former Biafrans remember the period of the war as a time generally filled with deceit and subterfuge, but recall less about the specifics of how it came to be that way. Nonetheless, there are some ways to account for the wide and rapid spread of the techniques of fraud in Biafra.

One factor to consider is that a higher than usual proportion of people in Biafra were familiar with the language and conventions of state bureaucracy. It is not coincidental that eastern Nigerians had played a disproportionately important role in Nigeria’s state bureaucracy up to secession. Many of the Biafrans arrested for forgery or fraud had been government administrators in pre-war Nigeria. Eastern Nigerians, and especially Igbos, had long been favored for administrative positions by the colonial government, and as mentioned previously their presence in other parts of the federation was often in their capacity as civil servants, clerks, and technicians.⁴¹⁵ It is not possible to give a confident estimate of what proportion of people in Biafra had worked as bureaucrats in Nigeria, but a large percentage of the four to five million refugees who came to Biafra from elsewhere in the federation were literate people, many of

⁴¹⁵ Many, but not all, of these people were Igbo. A significant proportion of the civil servants and clerks who worked in the north and elsewhere were members of eastern minorities, and not Igbo – a nuance that is often ignored in administrative histories of Nigeria. Although it was Igbo people who gained the reputation for being administrators and who were most frequently singled out as the face of either the colonial government or of the often equally reviled Federal Government, in fact that face was often Efik, Ijaw, or Ibibio rather than Igbo. In the eyes of their northern neighbors many of these people were lumped in with Igbos, but the proportion of Igbos who worked in government service in the colonial period and under the First Republic has been somewhat exaggerated. As noted previously, it is important to note that “Biafran” is not the same thing as “Igbo,” and that national category conceals a considerable amount of diversity.

whom had worked for the government in some official capacity, or for large commercial enterprises.

Igbos' highly visible presence as bureaucrats in the Northern Region government and elsewhere was not due to power hunger, as some northerners saw it, nor to a natural aptitude for administration, as the British had often construed it, but to historical circumstances. In addition to the larger number of mission schools in the east and correspondingly higher rates of English language literacy, the qualifications for the civil service in the north after independence did not generally require a university degree, "as the Eastern Region has done."⁴¹⁶ For this reason easterners who did not have the qualifications to work in their own region often went elsewhere – which accelerated a trend that had taken place for much of the colonial period. Schemes to train northerners for civil service positions had not been very successful. In 1960 only three northern Nigerians were enrolled in the clerical national training courses for regional government service,⁴¹⁷ and in 1961 only sixteen northerners served at the Federal executive level in the entire region.⁴¹⁸ Even the Emir of Kano admitted that without Igbo administrators and technicians many parts of the Nigerian government could not function. When thousands of Igbos left northern towns after the pogroms of 1954 and then again in 1966, the telephone exchanges, power infrastructure, and a whole range of essential industries temporarily ground to a halt.⁴¹⁹

The experience of having been administrators in Nigeria – or at least having a bureaucrat in the family, as many eastern Nigerians did – meant that a disproportionately large part of the Biafran public was familiar with the intricacies of producing documents, giving affidavits, and

⁴¹⁶ Nigerian National Archives, Kaduna [hereafter NNAK] MOI/46, J. Reynolds to Permanent Secretary, Ministry of Internal Affairs, [March 1960].

⁴¹⁷ NNAK MOI/46, "Northernisation survey: Training Schemes," 18 July 1960.

⁴¹⁸ NNAK MOI/46, "Recruitment of Northerners into the Federal Public Service, 2 August 1961.

⁴¹⁹ NAUK DO 186/1, D.F. Hawley, "Eastern Nationalism," 15 April 1967.

other bureaucratic and legal procedures. The very common experience of having lived outside of the east as migrants meant that eastern Nigerians were more likely to carry official identity documents than Nigerians who spent most of their lives in one place. Their experiences as “strangers” in the north and elsewhere had taught them that carrying an official pass could offer some protection from the predation of both the state and their neighbors.⁴²⁰ People from Eastern Nigeria, and especially Igbos, were more likely to have inscribed themselves in government records. They had a higher rate of enrollment in government schools, and were more likely to have travelled outside of Nigerian territory (for purposes ranging from labor migration to Fernando Po to elite education in the United Kingdom), and therefore carry passports. All of these experiences entailed a long and close familiarity with bureaucratic processes, both under British rule and after independence. The Igbo experience in late colonial Nigeria thoroughly challenges the notion that the bureaucratic cast of mind was unknown to African subjects.⁴²¹

As a number of informants recalled, Biafra was a nation of bureaucrats. It is therefore not surprising that knowledge of what an official document would say and look like was by and large *common* knowledge. Much weight was given to “official” registration and documentation by both the state and the public. In addition to having a culture of petition and litigation – a quality associated with many African societies in the wake of colonialism – Biafra had an engrained culture of bureaucracy. Many of the people who became “forgers” in Biafra had not long ago been legitimate bureaucrats elsewhere in Nigeria. When they returned to the east, they continued

⁴²⁰ Though of course these passes failed to protect many of the Igbos killed in the pogroms leading up to the war. Interview with A.M.O. Onukaogu, in his chambers in St. Finbarr’s St., Umuahia, 9 March 2015.

⁴²¹ On bureaucracy and processes of registration in the colonial period, see Simon Szreter and Keith Breckenridge, “Recognition and Registration: The Infrastructure of Personhood in World History.” In *Registration and Recognition: Documenting the Person in World History* (Proceedings of the British Academy 182): p. 24.

to act as “officials” even though they no longer had posts. To courts, this confusion over who was legitimately empowered to issue documents or passes resulted in practices that looked like “fraud.”

The State v. Catherine Nwabunike, a Special Tribunal case from 1969, demonstrates how ordinary and law-abiding people were driven to desperate measures by the situations that the war created.⁴²² Karina Anasoh, a Finnish woman married to a Biafran physician serving a prison sentence for subversion, was duped into giving a large sum of money to a Biafran woman, Catherine Nwabunike, who claimed to have been sent by her husband from prison in order to collect money to bribe his way out. In what the tribunal found to be a premeditated attempt to gain her confidence, Nwabunike came to the Finnish woman and appealed to her on the basis that their husbands were being held in prison together (which was true), and insinuated herself in Anasoh’s household over a period of a few weeks. At one point Karina Anasoh helped Nwabunike to track down her children, who had been sent to safety in a remote village. After some time Nwabunike came to the Finnish woman and said that if she could give her two hundred pounds, Nwabunike would be able to bribe the prison warden to let both of their husbands out of jail. Anasoh agreed immediately and scrounged together the money from her own savings and her friends. Nwabunike then absconded with the money, and tried to sell the car that the Finnish woman had loaned her to travel to the prison at Umuahia. Nwabunike then used the money to try to get her own husband – a British expatriate and fellow physician – out of jail. The fact that the two husbands – one Biafran, one British – had shared a cell gave Nwabunike the idea that the Finnish wife of her husband’s cellmate might have the money she needed to buy

⁴²² NNAE MINJUST 116/1/6, In the Special Tribunal of the Republic of Biafra, No. STC/21C/69, *The State v. Catherine Nwabunike*, 10 April 1969.

her own husband's release. When it became clear that Nwabunike was not coming back, and had done nothing to help her own husband, Anasoh reported the whole matter to the police.

There were two main questions at hand in *The State v. Catherine Nwabunike*. The first was whether attempting to bribe a prison official in order to secure the release of a detained person constituted an act of subversion under the Law and Order (Maintenance) Edict of 1967. Arguing for the prosecution, State Counsel Anigekwu implored the tribunal that "this country is in a state of war. Persons are detained to protect the safety and security of the state. That being so if any person takes any step to effect the release of a detainee that act militates against the safety and security of the state." He urged that the maximum penalty be given to Nwabunike in order to make an example of her. The tribunal took it largely for granted that the prison warden was bribable, placing the onus of the crime entirely on the woman who offered the bribe rather than the state official who accepted it. The fact that prison wardens could be bought was common knowledge, and not worth the tribunal's time to investigate. The second was whether Nwabunike's defrauding of the Finnish woman was an offense against the welfare of the Biafran state under the emergency measures of 1967, or merely a violation of the later notorious Section 419 of the Nigerian Criminal Code (still in force in Biafra), which prohibited obtaining money under false pretenses with the intent to defraud. The tribunal decided that the consequences of the case were larger than one woman being defrauded, ruling that Nwabunike's actions could be considered an offense against the welfare of the Biafran state. She was sentenced to twenty years imprisonment.

The case shows how people like Catherine Nwabunike, who were far from being confidence artists, devised ways to dupe one another in response to the crises that the war created. It has striking similarities to the kinds of confidence rackets that became so common and

well known in postwar Nigeria. The case foreshadows the kinds of tactics that became common in postwar confidence scams, including Nwabunike's appeal to Anasoh's trust, the gathering of information from someone close to her, and the heightened emotional tone of Nwabunike's pitch to her mark. Unlike in later 419 cases, however, in 1969 the emotional urgency of the scam was real rather than manufactured. It is a case in which there are no clear victims or perpetrators; it is hard not to be sympathetic to both Nwabunike and Anasoh given the strains that they were under.

Ordinary civilians were not the only ones engaged in fraud for the purpose of survival. The Biafran state itself often employed practices that might be considered fraudulent, and informants who worked in the Biafran government recalled that it was "rife with untruth" and intrigue from top to bottom.⁴²³ Forms of corruption that bordered on or made use of fraud were present in Biafra's administration from the early days of the war. Not long after secession Justice Aniagolu (of later fame for a postwar armed robbery tribunal that bore his name) convened a high-profile tribunal to investigate reports of forgery and fraud by employees the Biafran Development Corporation. Dozens of payment vouchers had been forged by multiple employees of the parastatal, suggesting to Aniagolu that forgery was in danger of being a normal part of state business.⁴²⁴ The tribunal was rife with indiscretions and threats: one of the accused threatened to kill a witness on the stand, leading to a further charge of contempt.⁴²⁵ With the exception of the Biafra Development Corporation inquiry, instances of high-level fraud were rarely investigated by Biafra's courts. As the Biafran government was hollowed out, the opportunity and incentives for government officials to engage in forgery and fraud increased,

⁴²³ Interview with anonymous informant, Enugu, September 2014.

⁴²⁴ *Biafra Sun*, 28 July 1967.

⁴²⁵ *Biafra Sun*, 13 July 1967.

while the chances of being caught diminished. Incidental evidence of these acts only survives in the records of the foreign governments and Biafra's propagandist press. Even in the absence of an evidentiary trail, however, inferences can be made about the Biafran government's complicated relationship with untruth.

Deception and fraudulence were often conducted in the name of the war effort, especially when it came to purchasing armaments. In the eyes of the Biafran government, of course, this was not fraud at all but part of the covert intrigue that the war effort demanded. Nearly all of Biafra's attempts to purchase and import weapons involved subterfuge and forgery and were conducted in secret. Biafran and foreign diplomatic records say little about how the arms trade was carried out, but there are hints that it was very large and complex. For example, in 1969 the Irish government discreetly investigated a charter company retained to fly weapons purchased by Biafra with a forged end-user certificate from Prague to Shannon and then to Lisbon on the grounds that it had contravened Ireland's ban on the use of nationally registered aircraft for the transport of armaments. The investigation revealed a path full of obscurity, falsity, and illegality. The shipment was officially of food and "sporting goods," but in fact it contained a few thousand small arms of Czech manufacture. Fearing that this news would confirm the already common public perception that the Irish government was covertly supporting Biafra, the investigation was carefully kept from the press.⁴²⁶ Another Irish investigation found that Czech-made arms were sent to both Biafra and Nigeria on Danish ships by way of a Polish port.⁴²⁷ An Israeli intelligence source ascertained that consignments of Chinese-manufactured arms paid for by Tanzania had come into Biafra, and rumors circulated that France was providing arms to

⁴²⁶ NAID 2000/14/25, Paul Keating, Ambassador of Ireland to Nigeria to Department of External Affairs, Dublin, 6 December 1969.

⁴²⁷ NAID 2000/14/24, Chargé d'Affaires, Embassy of Ireland in Copenhagen to Department of External Affairs, Dublin, 14 February 1969.

Biafra from Bulgaria, Albania, and elsewhere.⁴²⁸ Tanzania vehemently denied these allegations,⁴²⁹ and Biafra's supporters claimed that the arms were from Tanzania's national arsenal – not bought from China – and had been given as a gesture of support rather than sold.⁴³⁰

The complicated and shadowy routes by which arms were brought to Biafra can be glimpsed from a scandal that came to light after the war. It emerged that an employee of the Indonesian Embassy in London, in collusion with businessmen in Germany, had used forged documents to purchase armaments ostensibly for the Indonesian military but actually intended for Biafra, where they were brought by Portuguese operatives through the Azores. Whether the documents were forged in Biafra or elsewhere is not clear, but it is not surprising that the demands of the war led those in positions of authority to commit forgery much in the same way that shortages and desperation led ordinary people to do so. It was never discovered who in the Biafran government had orchestrated this purchase, but it was likely organized by someone at a very high rank.⁴³¹ It appears that the Biafran government made many similar purchases during the war, using forged documents purporting to come from the United Arab Republic, Czechoslovakia, and elsewhere. After the arms were bought and transported to São Tomé, they were packaged like relief materials and loaded onto planes ostensibly carrying humanitarian aid. This was probably done in collusion with a few international agencies, including Joint Church Aid and the Catholic charity CARITAS, though the extent of their involvement is an unsettled question.

⁴²⁸ NAID 2000/14/24, Paul Keating, Ambassador of Ireland to Nigeria to Department of External Affairs, Dublin, 1 March 1969.

⁴²⁹ NAID 2000/14/25, "Tanzania News Bulletin," 15 November 1968.

⁴³⁰ Austine S.O. Okwu, *In Truth for Justice and Honor: A Memoir of a Nigerian-Biafran Ambassador* (Princeton: Sungai, 2011): p. 226.

⁴³¹ NAUK FCO 24/768, Foreign and Commonwealth Office to M.P. Preston, British Embassy, Jakarta, 6 May 1970.

Trust, commerce, and identity theft

In some cases, fraud and forgery were about more than merely getting by. The constant displacement and growing anomie in Biafra made it fertile ground for confidence scams, racketeering, and impersonation. Some Biafrans used the disorder of the war as cover for criminality, or found opportunities to improve their lots in the turmoil. In Biafra, the displacement of people shattered the delicate structures of trust and neighborly interdependence that held communities together. Knowing those in your village or neighborhood, being known to administrators and bank clerks, and being aware of who could be trusted allowed people to buy and sell goods with confidence, entrust money to collective enterprises, and make informal loans. The massive displacements of people during the war, the sudden presence of strangers in communities (most of them refugees), and the militarization of everyday life compromised these largely informal mechanisms of trust and assurance. The war cut off many Biafrans from their homes and investments, forcing them to rely on strangers to watch over what they had left behind. This made room for new and opportunistic forms of fraud.

The most well-known instances of this problem were in Port Harcourt, where Igbos who fled the city after it fell to Nigeria in May 1968 had an exceedingly difficult time reclaiming their property there after the war.⁴³² But the question of who would care for houses and land left behind applied to refugees within Biafra as well. The evacuation and reoccupation of towns that happened constantly throughout the war was usually fairly orderly; a Swedish adventurer who fought on the Biafran side described the “calm atmosphere and orderliness of the evacuation” of

⁴³² This will be discussed in chapter five.

Umuahia in April 1969, in which “there were little padlocks on the doors of the empty houses and the floors had been swept clean.”⁴³³ Despite the tidiness and the locks, Biafrans who returned to evacuated towns and villages (or who never left in the first place) sometimes used the absence of their neighbors to lay claim to their property, in some instances even assuming the identities of people who had been killed.

Owerri had been evacuated in a similarly orderly manner prior to its fall to Nigeria, but when the town was recaptured by Biafra in March 1969 many people found that their land and houses had been occupied by whoever was first to reach them.⁴³⁴ In some cases, squatters buttressed their claims by adopting the identities of the people that had owned them. This act usually could not be kept up for very long. One officer stationed elsewhere in Biafra begged his rivals to not take advantage of his absence to make a spurious claim to a piece of land:

I will not be happy to hear that you and my people are [still] quarrelling within these crucial hours of our young Republic. Please, please fathers I know that before you and my people, I am nothing but as son I will be able to find out when something is wrong between you and as such, I humbly beg you to cool your minds and reconsider the matter once more and make things better for me, yourselves and my people as well.⁴³⁵

They did so anyway, precipitating a long and involved dispute.

The availability of forged documents and the general confusion of the situation in Biafra made it possible for people to assume new identities and to be people they were not. Biafra’s prisons, of which there were many, were particularly important sites for the growth of impersonation. Biafra detained many people in makeshift cells in converted schools and

⁴³³ SOAS Nigerian Civil War Collections MS 321463 Vol. 68, Manuscript, “Biafra – As I See It,” Carl Gustaf von Rosen, 1969, p. 144.

⁴³⁴ Interview with A.M.O. Onukaogu, in his chambers in St. Finarr’s St., Umuahia, 9 March 2015.

⁴³⁵ NWM uncatalogued collection, “Appeal for Clemency Against Land Law Contrivance,” 19 September 1969.

government buildings on suspicion of sabotage, treason, and more ordinary crimes, often for months before they were formally tried. Being in prison – and therefore unable to defend oneself – made one especially susceptible to impersonation. This is what befell the politician Effiong Okon Eyo, who attempted to sue the Bank of West Africa in mid-1968 from prison, where he was serving a term for political charges against Biafra. Someone impersonated him while he was incarcerated, withdrawing all of his money by presenting forged identity papers at a distant bank branch and giving the entirely plausible story that he was a refugee who could not travel to his local branch to make the withdrawal because the area was “disturbed.” The bank discovered the fraud and closed the now empty account, leaving Eyo unable to support his family while he was in jail.⁴³⁶ While impersonation was not a new kind of crime, it became suddenly far easier to pull off.⁴³⁷ Banks and commercial enterprises found it especially threatening.

This and other forms of deceit were made possible by the disorder of the war. War had disturbed the mechanisms of trust, recognition, and face-to-face interaction that structured commerce and everyday social order. The act of impersonation only succeeded because Eyo was in prison – in normal circumstances the bank would have insisted that a large withdrawal be done at the home branch, where the teller would have recognized that the man was not Eyo. As the war went on, increasing numbers of people took advantage of the holes that had formed in Biafra’s social fabric to engage in fraud. Prominent opponents to the Biafran regime like Eyo

⁴³⁶ The case was not heard before the Biafran Court of Appeal but instead was sent to the Federal Supreme Court after Biafra’s defeat. I could not determine its outcome. NNAE BCA 1/1/45, In the Court of Appeal of the Republic of Biafra, Holden at Aba, No. CA 56/67, *Bank of West Africa, Ltd., Uyo v. Effiong Okon Eyo*, 24 June 1968.

⁴³⁷ Impersonation had also been a worry for the colonial government. Steven Pierce, *Moral Economies of Corruption: State Formation and Political Culture in Nigeria* (Durham: Duke University Press, 2016): pp. 3-4.

were in a particularly difficult situation since they could not rely upon the personal favor of Ojukwu or other prominent people in the government to protect them.

Fraud and subterfuge was also integral to commerce. The Nigerian blockade caused major shortages of fuel, materials, and especially food in Biafra. To make matters worse, the establishment of regulations intended to keep down the prices of essential goods and discourage profiteering ended up producing a large black market in Biafra. The porous, constantly shifting nature of Biafra's borders made it possible for some people to travel back and forth between Biafra and Nigeria regularly for purposes of trade. This trade in salt, agricultural products, medicines, and other small, portable goods was carried out mostly by women using barter or illicit Nigerian currency. It came to be known in Igbo as "*ahia* attack" – attack trade or market. It was a dangerous and precarious trade that exposed the women involved in it to assault by both Biafran and Nigerian soldiers, and for the most part provided only enough essential goods for a trader's immediate family to survive. Although it was tactically dangerous and a clear violation of Biafran law, the Biafran government recognized that it was essential to the survival of civilians in some war front areas, and did little to actively combat it.⁴³⁸

The scale of trade and commerce in Biafra was considerable, much of it in aid materials and goods smuggled from Nigeria. There was significant space for graft and deceit within this kind of trade. Ben Gbulie recalled that "in [that] day and age, many an unscrupulous contractor had taken to submitting for settlement bills which, on scrutiny, appeared out of all proportion to

⁴³⁸ For more on "*ahia* attack," see Axel Harneit-Sievers, ed. *A Social History of the Nigerian Civil War: Perspectives from Below* (Hamburg: Lit. Verlag, 1997) and Gloria Chukwu, "Biafran Women Under Fire: Strategies in Organising Local and Trans-border Trade During the Nigerian Civil War," in Eghosa E. Osaghae, Ebere Onwudiwe and Rotimi T. Suberu, eds., *The Nigerian Civil War and its Aftermath* (Ibadan: John Archers, 2002). Chimamanda Ngozi Adichie also describes this trade in her novel, *Half of a Yellow Sun* (New York: Anchor, 2006): p. 504.

the actual bulk of the food items physically delivered to us in the Biafra Army Service Corps.”⁴³⁹ Aside from commerce, infrastructural projects and large government contracts continued during the war, such as the construction of the Ikem-Calabar highway. This project continued for the first five months of the war until Calabar was captured by the Nigerian Third Marine Commando, but the materials intended for the road circulated in Biafra throughout the war. The Biafran representatives of the company building the road were aghast to find the iron rods that had been specially imported for the road were for sale in nearby markets. It emerged in a subsequent court case that Biafran soldiers were using forged chits to requisition iron, concrete, and gravel, and then selling it to the public. Hundreds of truckloads of material disappeared from the building site in this way. One witness testified that there was hardly a house built in Biafra that did not use material intended for the road in its construction.⁴⁴⁰

The Biafran courts punished violations of the wartime price controls and trade restrictions harshly when they could, but recognized that they had little power to enforce them.⁴⁴¹ War shortages and lack of official regulation made space for a brisk trade in counterfeit goods. Just a few months after secession there were already reports of cigarettes filled with sawdust, shoes

⁴³⁹ Ben Gbulie, *The Fall of Biafra* (Enugu: Benlie Publishers, 1989): p. 28.

⁴⁴⁰ NNAE MINJUST 19/2/1, In the Special Tribunal of the Republic of Biafra, No. CX/132/68, *State v. Benjamin Egbuna Amaluize and two others*, 31 October 1968.

⁴⁴¹ In one case, a good Samaritan was sentenced to a year in prison for selling four gallons of petrol slightly above the control price to an army officer who had run out of fuel and asked him for help. The State Counsel wrote to express his disappointment that the Special Tribunal was going after people like the accused while leaving much larger acts of war profiteering, some of it done by prominent people, uninvestigated. NNAE MINJUST 117/1/3, In the Special Tribunal of the Republic of Biafra, Holden at Umuahia, No. ST/10c/69, *The State v. Ohalete Chijioko*, 17 December 1968. Other types of profiteering, like renting accommodation to refugees returning from the north at exorbitant rates, were technically legal but attracted public opprobrium. *Biafra Sun*, 6 August 1967, p. 5. Later in the war the Biafran government attempted to clamp down on this too, but it was nearly impossible to enforce the tenancy regulations that it established.

with hollow soles, and tea being sold as whiskey in Biafra's marketplaces.⁴⁴² A British intelligence report found that in spite of the blockade, "surprising things went in and out of Biafra, [including] elephant tusk carvings, ball-point pens and cocoa in bags marked 'Cocoa Nigeria.'" ⁴⁴³ How this trade worked was mysterious and erratic throughout the war, but this and other sources suggest that much trade in commercial goods took place across the war front – often at great risk.

Under international pressure, and despite the existence of the blockade, Nigeria begrudgingly allowed some humanitarian materials to enter Biafra. In negotiations brokered by the United Kingdom, Nigeria allowed the creation of a humanitarian corridor by land into Biafra, which would be carefully monitored and open only to use by the International Committee of the Red Cross. In a radio address in June 1968, Ojukwu warned that

On no account should medicine and medical supplies or food or any other types of aid intended for Biafra be passed through Nigeria. Any form of aid intended for our people should be sent to us direct ... It is no longer a secret that Nigeria is waging a war of genocide on our people, and they will stop at nothing to achieve their diabolical objective. In November 1967 Biafran scientists and health workers discovered arsenic in bags of salt, sugar and tins of milk and tomatoes infiltrated into Biafra through the Mid-West by the Lagos junta. This charge of poisoning food for Biafra has not been denied by Nigeria. There is definitely a plan by the Lagos junta to exterminate all Biafrans. If they cannot achieve this by guns and bombs, there is no reason why they would not resort to food poisoning.⁴⁴⁴

The claim of food laced with arsenic was an unsubstantiated rumor, but it was widely thought to be true. There were many reports that tainted food and medicine circulated in Biafra, but the sources of those materials and whether they had been intentionally contaminated was all

⁴⁴² *Biafra Sun*, 8 June 1967, p. 8.

⁴⁴³ NAUK FCO 65/231, "Record of Mr. Foley's meeting with Ambassador Ferguson on Friday, 21 November," [1969].

⁴⁴⁴ NAUK FCO 39/300, Excerpts from Broadcasting Corporation of Biafra home service in English, 17 June 1968.

speculation.⁴⁴⁵ The frustrated British negotiator reported that “Ojukwu prefers to deprive Biafrans of relief rather than admit that his insistence no supplies may come through area controlled by FMG is geographically impossible.”⁴⁴⁶

As a result of this impasse, aid flights became the only way to bring material into or out of Biafra. A series of good harvests was not enough to prevent hunger in the crowded Biafran enclave, and the famine crisis throughout the second half of the war. Nigeria’s attitude towards aid flights was inconsistent; ICRC and other flights were allowed from outside of Nigeria so long as Nigerian officials were allowed to inspect their cargo, but this did not guarantee that the Nigerian military would allow the flights safe passage through Nigerian airspace. Nigeria often made cryptic threats that they could not guarantee the safety of ICRC or other planes making deliveries to Biafra. In practice, flights that had ostensibly been cleared were regularly shot at. As the aperture through which humanitarian aid came into Biafra narrowed, controlling the channels through which aid flowed became lucrative. Theft, corruption in the distribution of aid, and fraud at all levels of the humanitarian project multiplied. The distribution of humanitarian materials was disorganized and poorly supervised, allowing large amounts of aid material to find its way into public markets. The black market often involved forgery, artifice, and concealment.

Forgery was often turned to embezzlement from humanitarian agencies. The local officials of organizations like the Red Cross had considerable power in the distribution of relief materials. In a few cases they used their positions to enrich themselves or channel aid to their clients. The Special Tribunal went after this kind of misconduct with particular energy. For six months in 1968, Casimir Ige embezzled relief materials from the stores of the Biafran (national)

⁴⁴⁵ See Axel Harneit-Sievers, ed. *A Social History of the Nigerian Civil War: Perspectives from Below* (Hamburg: Lit. Verlag, 1997).

⁴⁴⁶ NAUK FCO 39/300, British High Commission, Lagos to Commonwealth Office, 12 June 1968.

Red Cross in his capacity as a regional manager. The case against him includes a lengthy description of how he and his accomplices used forged documents to repackage and sell Red Cross relief materials at a considerable profit:

It is clear that the accused has been using his position in the Red Cross to carry on spurious deals with relief materials. ... the modus operandi in this case is this: the accused who is a Red Cross official is in a position to know which contractors supply the Red Cross gari in exchange for stockfish. He uses one of these contractors as a camouflage to carry out his criminal designs, to wit, stealing relief materials to which he has access. Whenever he is caught he already has an answer, which is that Mr. Kalu, a contractor to the Red Cross, brought them to his house for safekeeping. Of course Mr. Kalu will then produce an authority like exhibit 5 to confuse everyone into believing the story of the accused.

Exhibit five was a forged pass printed on “Comité International de la Croix-Rouge” letterhead stating the “the bearer, Mr Nathan Ofoma is authorised to transport and sale 5 bags of stockfish of the ICRC foodstuff in exchange for 20 bags of Gari contracted on the 2nd November 1968,” and signed by the defendant. The tribunal went on,

these relief materials are distributed to needy Biafrans free of charge. They are sent to us without any charge whatsoever. It is wicked therefore for these relief materials to be diverted for the sole purpose of making money in the midst of suffering of many. Anyone who does that does an act against the welfare of the inhabitants of Biafra. It is subversion because of the present state of affairs in the Republic. ... We would like to deplore the action of the accused, particularly when he is supposed to be an officer of the Biafran Red Cross now engaged in a praiseworthy humanitarian work.

He was sentenced to twenty years imprisonment including hard labor.⁴⁴⁷ Individuals like Casimir Ige had considerable power given that they controlled the country’s main food source. For some the temptation to provide for their own trumped their sense of civic duty.

Sometimes it was difficult to tell apart self-interest and dutifulness. In a related case, an employee of the Transportation Directorate forged a payment voucher to purchase petrol for the

⁴⁴⁷ NNAE MINJUST 117/1/6, In the Special Tribunal of the Republic of Biafra, No. ST/13c/69, *The State v. Casimir Ige*, 19 February 1969

vehicles that he was responsible for maintaining. After a long discussion about whether it was possible for a legitimate government official to “forge” a document coming from his own office (it was), the tribunal ruled that “the accused, who is a professional engineer, was given a position of trust in the Transport Directorate. He abused the trust reposed in him. At this critical period of the life of this young Republic of Biafra every simple penny embezzled is an act which tends to disturb the economy of the Republic. Such acts amount to subversion.”⁴⁴⁸ The employee argued that he could not keep the vehicles under his care running without forging a voucher to pay for their fuel, since obtaining it through official channels was impossible. For him, fulfilling his duty required him to engage in forgery – an entirely plausible story (fuel shortages were constant and not even essential services were immune from them). The tribunal did not disbelieve him.

In addition to the small number of people who used forgery to enrich themselves, some Biafrans used the situation of the war to fraudulently claim to be people they were not. For some the war was a time of opportunity, and in all of its disruption and hardship there were possibilities for reinvention. At times this took a criminal form. Michael Ajogwu remembers that “people were trying to survive by forging certificates and the like to be accepted here and there. They were frustrated by how stultifying some of the requirements had been in Nigeria, and so some of them simply made their own and passed them off.”⁴⁴⁹ The Biafran press was full of reports about people who forged credentials or claimed fictive pedigrees for themselves, knowing that in the midst of the war no one would check them. One common crime was to use forged diplomas to obtain jobs that required qualifications, like police work or engineering.⁴⁵⁰

⁴⁴⁸ NNAE MINJUST 116/1/5, In the Special Tribunal of the Republic of Biafra, No. ST/20C/69, *The State v. Auguatine Meniru*, 6 June 1969.

⁴⁴⁹ Interview with Michael Ajogwu, SAN, in his chambers in Independence Layout, Enugu, 19 March 2015.

⁴⁵⁰ *Biafra Sun*, 17 June 1967, p. 4.

One young woman was sentenced to a long prison term by a Magistrate's Court in Aba for having pretended to be a nun. Claiming to be a nurse, she bought bulk quantities of controlled medicines from a local distributor, which she then sold on the black market.⁴⁵¹ The military's broad powers meant that impersonating a soldier was a particularly powerful form of identity theft; a civilian who impersonated a Biafran soldier to steal some valuables from his former mistress made the defense that he was "requisitioning" them.⁴⁵² A uniform could become a veneer for criminal activity. Forging a school certificate or taking on another person's identity were not about always about enduring the war, but about self-reinvention.⁴⁵³

Like other forms of fraud, however, assuming another identity was most commonly a survival tactic. In the later stages of the war many people took refuge in their home villages, in the hopes that a small and remote place would be the best place to be when Biafra was overrun as seemed increasingly inevitable. When outsiders came to one's home village looking for a particular person or family – whether those outsiders were Biafran officers, emissaries from Nigeria, or fellow refugees in search of shelter – the safest thing was to pretend not to be around. Multiple informants recalled that they spent stretches of the war pretending to be someone else – not because they had something to hide, but because they felt that creating ambiguity about their identity would keep them safe. There were instances in which villages closed ranks and protected their own by pretending that a wanted person was actually someone else. One junior officer who deserted from the Biafran Army recalled that one day during a period of hiding in his home village, a friend from his school days came looking for him in a car. Suspicious of the visit, when

⁴⁵¹ *Biafra Sun*, 14 July 1968, p. 1.

⁴⁵² *Biafra Sun*, 4 August 1967, p. 5.

⁴⁵³ Stephanie Newell, in her study of colonial Onitsha, elaborates the connection between forgery as an act (criminal and otherwise) and as a technique of self-making in an earlier period. Stephanie Newell, *The Forger's Tale: The Search for Odeziaku* (Athens: Ohio University Press, 2006).

the man in the car stopped him on the road, the officer looked his former friend in the eye and told him that he was someone else. He was so gaunt and disheveled that his friend failed to recognize that he was speaking to the very person he was looking for. The officer still wonders if his schoolmate came as friend or foe, but in the moment it seemed safest to pretend to be someone else.⁴⁵⁴

Conclusion

The mechanisms of trust that usually structured commerce and administration in pre-war Nigeria fell apart in Biafra, and administrative dysfunction became rife. The war had broken Biafra's bureaucracy, but Biafrans continued to generate passes, vouchers, and other documents – some official, some semi-official, and some fraudulent. The proliferation of authorities both formal and informal, the growing public acceptability of forgery, and the constant fear of treachery had led many Biafrans to survive by deception and obfuscation. This would have important consequences for how fraud and forgery developed in postwar Nigeria. The normalization of fraud in Biafra would have many consequences for postwar Nigeria, among them a mistrust of impersonal markers of government authority like seals, stamps, and official stationery. This meant that in the postwar period, the authority of individual people within the government – as opposed to the authority of their office or their position – came to mean a great deal in the reintegrated East Central State. The increased emphasis on the personal authority of an individual rather than his office would contribute to the growth of patrimonialism and “oga” politics in the postwar, which will be addressed later. Although Biafra had been founded in the name of law and order, the pressures of the war compelled people – in positions both high and

⁴⁵⁴ Interview with anonymous informant, Enugu, September 2014.

low – to forge their own passes, pretend to be people they were not, and lay claim to things that were not their own.

Part III: Making ways in the postwar

Introduction

“In my understanding acts of violence are committed when a man is denied the opportunity of being educated, of getting a job, of feeding himself and his family properly, of getting medical attention cheaply, quickly and promptly. We often do not realize that it is the society, the type of economic and hence the political system which were are operating in our country that brutalizes the individual, rapes his manhood. We often do not realise that when such men of poor and limited opportunities react, they are only in a certain measure, answering violence with violence.” – Festus Iyayi, *Violence*⁴⁵⁵

The Nigerian Civil War officially ended January 12, 1970 when Major General Philip Effiong, accompanied by Chief Justice Louis Mbanefo, signed an agreement of surrender with Gowon. This brought the war formally to a close, but the patterns and problems of the postwar had been set in motion elsewhere in the former Biafra long before that. The point where the war ended and reconciliation began was much earlier in the minority areas of Biafra. What followed Nigeria’s capture of the South-Eastern State and the Rivers State, for example, was a long process of settling scores and taking revenge – one which took place both in the streets and the courts. The end of the fighting was somewhat different in the Enugu-Nsukka corridor, within the Igbo-majority region of Biafra. Although it too fell to Nigeria early in the war, it was constantly harassed by Biafran units and operating more like a garrison than a working city until Biafra’s final surrender. For the central, Igbo-majority territories that held out the longest, the war did not end until Biafra’s formal surrender in 1970. Cities and towns in this region, including Umuahia, Owerri, and Orlu, changed hands multiple times over the course of the fighting. Some were

⁴⁵⁵ Festus Iyayi, *Violence* (London: Heinemann, 1986, first published 1979).

almost completely destroyed by the end of the war. Others, like Onitsha, escaped the war physically intact but were crippled by hunger and decimated in population.

Turning to the Nigerian reoccupation of Biafra and the postwar, the two chapters that make up the final part of this dissertation address the forces that shaped life in the former Biafra. The first and most important was a dramatic increase in armed violence, often conducted with weapons leftover from the fighting. This included violent crime conducted by civilians against one another and violence inflicted by Nigerian soldiers against former Biafrans. The second is a wave of what many former Biafrans understood as social “sickness” brought about by the war. This generalized malaise took many forms, including moral turpitude, deceitfulness, disregard for the rules of property ownership, and social alienation. It seemed especially present in families, where high rates of divorce, infanticide, and homicide within married couples caused great unease in the courts and the public at large. Chapter five describes the end of the fighting and Nigeria’s immediate reoccupation of the former Biafra, arguing that the recalibration of the legal system and the reckonings that took place in postwar courtrooms were critical to the process of reintegrating Biafra – fraught as that process was. Chapter six turns again to crime, analyzing how poverty, administrative dysfunction, and oil conspired to ensure that the behaviors of war continued after the last shots had been fired. This introduction narrates the immediate circumstances of the ends of the fighting in the parts of Biafra that Nigeria occupied while the war still raged, ending with a description of the political situation in the east at the time of Biafra’s final defeat.

After the war Biafra was reintegrated into Nigeria, which was made possible because the Nigerian military government pursued a policy that it called “no victor, no vanquished.”⁴⁵⁶ This

⁴⁵⁶ NNAI CWC 1/2/12, “Blueprint for Post-War Reconstruction.”

philosophy of national reconciliation promised that ordinary Igbos (and others) who had fought for Biafra's independence would not be punished for having done so. Gowon's government also guaranteed that ex-Biafrans would be able to reclaim the property that many of them had left behind in other parts of Nigeria when they fled to the east during the pogroms of 1966. "Gowon was quite good," recalled a local politician in Umuahia. "He showed some maturity. He warned soldiers not to molest our people. Some obeyed him, some didn't."⁴⁵⁷ The reintegration that followed was not seamless, and former Biafrans had many grievances against the way that it was conducted. But reconciliation was successful in at least one sense, in that the question of Biafra's independence was not raised in the decades that followed. As pro-Biafra demonstrations held in eastern Nigeria in 2015 demonstrate, that long silence is coming to an end.

The end(s) of the fighting

The Nigerian government promised that those who returned to the federal fold could expect decent treatment, humanitarian assistance, and whatever resources they needed to reclaim their property and resume their peacetime occupations.⁴⁵⁸ This was true in some places and very much untrue in others. The events that attended Nigeria's recapture of Biafran towns and villages

⁴⁵⁷ Interview with Chief A. N. Kanu, in his home in Ibeku, Umuahia, 9 March 2015. A historian who visited Gowon in London after he was overthrown by General Murtala Muhammad in 1975 was one of many who observed Gowon's personal graciousness towards his former opponents: "While Gowon was driving Elaigwu and me from the Chalk Farm tube station in his little British car, he joked about the irony of history. He pointed out that the Igbo he had defeated were among the few Nigerian friends he had in London in 1978. I replied that they were friendly to him now because of the magnanimous statesmanship he had shown them in their darkest hour; in fact, I asserted, the Igbo were not as bad as opponents made them out to be. Gowon responded that he knew this to be true." G.N. Uzoigwe, "Forgotten Genocide: The Igbo People and Genocide Studies," in Chima J. Korieh (ed.), *The Nigeria-Biafra War: Genocide and the Politics of Memory* (Amherst: Cambria Press, 2012): p. 71.

⁴⁵⁸ CADN 332PO/1 Box 4, "The 'Biafran' Illusion: Fate and future of the non-Ibo peoples in the Eastern States of Nigeria," [May 1968]. 182

before Biafra's total surrender January 1970 – when the principle of “no victor, no vanquished” was yet to be articulated – were often bloody and retributive. This set the stage for a long period of criminal violence.

The East Central State and the Mid-West

Some regions of the Igbo-majority East Central State surrendered to Nigeria in the first months of the war, while others held out until the very end. The Nigerian reoccupation there unfolded differently from one place to another. The treatment of Igbo civilians ranged from welcoming them into the federal fold with open arms, to enthusiastic and officially tolerated acts of what would today be called ethnic cleansing by uniformed Nigerian soldiers. The characteristics of the occupation were shaped by factors including the attitude of the local leaders, the personality of the Nigerian commanders, the general progress of the war, and the degree of visibility to the international press.

The journalist (and Biafra sympathizer) Frederick Forsyth described what typically happened when towns in the East Central State were re-occupied by the Nigerian armed forces:

Habitually, the Biafrans flee to the last man, woman and child, when they hear the advance of rifle fire towards their homes. Journalists accompanying the Nigerian army habitually enter occupied towns and villages 24 to 48 hours after the capture. Here, they are presented to small groups of minority tribe Biafrans who are rushed into the town by the Nigerians from the rear areas specifically for the benefit of the foreign press. Several of these people have defected under cover of darkness and crossed into Biafran territory, where I have spoken to at least a dozen of them.

Forsyth described the regions occupied by Nigeria as empty: “On six occasions I have accompanied Biafran commandos behind the Nigerian lines to places apart from the show villages set up by the Nigerians for the foreign press. The prospect each time was of a landscape

of total desolation. Nothing moved except the vultures.”⁴⁵⁹ The Nigerian military’s representatives did little to assuage the public perception, established by Forsyth and others, that violence against Igbos was the first order of business in the conquered territories. Lieutenant Colonel Benjamin Adekunle famously told a foreign reporter that if he marched into an Igbo village, “we shoot everything that moves,” and that “in the sector of the front which I command – and that is the whole of the south front from Lagos to the Cameroon border – I will not [do not want to] see any Red Cross, any Caritas, any World Council of Churches, Pope, missionary, or U.N. delegation.”⁴⁶⁰ These statements would later be cited as evidence that the re-occupation of the East Central State was part of a genocidal plan by Nigeria.⁴⁶¹

Discipline in the Nigerian army usually did not last long when troops captured towns in the East Central State. A British source described how after General Murtala Mohammed’s negotiated capture of Onitsha, “the Divisional Commander held court in a pair of shocking-pink pyjamas and the fruits of victory were widely enjoyed. One emotionally involved Sinegalese [sic] girl who had been an officer in the Biafran militia was shot dead while trying to escape in a sports car.”⁴⁶² Onitsha’s experience of defeat was somewhat unique among towns in the East

⁴⁵⁹ Quoted in SOAS Nigerian Civil War Collections MS 321463 Vol. 68, Manuscript, “Biafra – As I See It,” Carl Gustaf von Rosen, 1969, pp. 94-95.

⁴⁶⁰ Some of Nigeria’s foreign allies found Adekunle dangerous and mentally unstable, and were especially concerned about his “alleged policy of taking no prisoners.” Gowon himself was reportedly concerned about Adekunle’s brutality towards civilians – especially Igbos – but publicly stood behind him. NAUK FCO 38/285, Sir David Hunt to Commonwealth Office, 22 January 1968; SOAS Nigerian Civil War Collections MS 321463 Vol. 68, Manuscript, “Biafra – As I See It,” Carl Gustaf von Rosen, 1969, p. 112.

⁴⁶¹ Adekunle’s threats had an important witness in the French doctor Bernard Kouchner, who founded the politically partisan humanitarian organization Médecins Sans Frontières after being frustrated with the International Committee of the Red Cross’ neutrality towards Nigerian officers like Adekunle. Alex de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford: James Currey, 1997): p. 77.

⁴⁶² NAUK FCO 38/287, Maj. G.A. Shepherd, British High Commission, Lagos to Col. P.H. Moir, Ministry of Defence, 10 April 1968.

Central State, since Muhammed had made a separate peace with the city council in which they gave him possession of the town without a fight in exchange for leaving its denizens unmolested and agreeing not to destroy the city.⁴⁶³ Muhammed mostly kept his promise in Onitsha, but most Biafran towns that were captured during the war itself fared much worse.

Asaba, a town across the Niger River from Onitsha in the Mid-West State, was the site of one of the most extreme episodes of ethnic cleansing of the war.⁴⁶⁴ In his book on honor in African history, John Iliffe wrote that “notions of honour pervaded the Nigerian officer corps at the time of the Civil War,” part of which entailed a respect for the lives and rights of civilians.⁴⁶⁵ Events in Asaba show that the heat of battle could warp this sense of rectitude. In a petition to the Irish government, a group of Asaba indigenes described the killing of about seven hundred male Igbo civilians after the city was captured by General Murtala Muhammad’s forces:

Eye-witness account of the killings of innocent males executed with military precision has corroborated newspaper reports. We have learnt of how [Nigerian] soldiers after repeatedly extorting money from many homes, led men out on gun point to be machine-gunned in cold blood at an open playground at Ogbeosewa, Asaba on 5th to 8th October, 1967. There are picturesque but somber descriptions of how corpses clad in the Asaba traditional white costumes had also littered the playground at Ogbeosewa. These corpses were those of dancers who had come out to welcome your army. Asaba, then became a ghost town.⁴⁶⁶

⁴⁶³ NAUK FCO 38/285, Sir David Hunt to Commonwealth Office, 7 October 1967.

⁴⁶⁴ S. E. Bird and F. Ottanelli, "The History and Legacy of the Asaba, Nigeria, Massacres," *African Studies Review* Vol 54, No. 3 (2011): pp. 1-26.

⁴⁶⁵ John Iliffe, *Honour in African History* (Cambridge: Cambridge University Press, 2005): p. 347.

⁴⁶⁶ NAID 2000/14/24, Asaba Union of Great Britain and Ireland to Major-General Y. Gowon, 17 June 1968.

Ethnic violence took place on a smaller scale elsewhere in the East Central State as Igbo towns fell to Nigeria, but nowhere was it as extreme as in Asaba. The town has become a major site in the public commemoration of the war.⁴⁶⁷

Other sites of the Nigerian occupation did not experience this kind of violence. The corridor between Biafra's former capital at Enugu and the university town of Nsukka was the region of the East Central State that Nigeria occupied the most steadily, having captured it in late 1967 just months after Biafra's secession. There was a "see-saw struggle to occupy Enugu" in the first year of the war, but Nigeria never was seriously at risk of losing the city.⁴⁶⁸ It was, however, constantly harassed by Biafran guerilla units. Biafran snipers hid out in the town's buildings, and periodic raids were made on the city's outlying neighborhoods by guerillas and BOFF militias.⁴⁶⁹ Enugu was thoroughly looted by Federal troops after it was captured: looting was "the principle off-duty pursuit of the soldiers and although the Brigade Commander has prevented the removal of some of the loot, nearly all the houses have been entered and plundered of all attractive items."⁴⁷⁰ These forms of insecurity might lead one to believe that Enugu was lightly administered by the occupying forces, but in fact the city was subjected to a draconian regime of curfews and restrictions. These apparently did little to prevent looting and violence, for Enugu was also a very dangerous city during and after the war. It took nearly a year for Enugu to become, as British intelligence found, "physically secure. However, civilian government officers

⁴⁶⁷ The Asaba Memorial Project compiled by S. Elizabeth Bird and Fraser Ottanelli of the University of South Florida contains an extensive collection of oral historical materials on the massacre there. Available at <http://asabamemorial.org/>.

⁴⁶⁸ NAID 2000/14/19, "Civil War in Nigeria: Military Situation at mid-December 1967," 15 December 1967.

⁴⁶⁹ Linus U.J.T. Ogbuji describes one such raid in his memoirs, *Seeing the World in Black and White* (Trenton: Africa World Press, 2007): pp. 70-71.

⁴⁷⁰ NAUK FCO 38/287, Maj. G.A. Shepherd, British High Commission, Lagos to Col. P.H. Moir, Ministry of Defence, 10 April 1968.

are still very wary, and have been issued rifles which they keep in vehicles when they travel. (This probably reflects loyalist Ibo nervousness over fears of assassination more than ‘Biafran’ threat to security of town itself.)”⁴⁷¹ The city’s Nigerian occupation remained skeletal until 1970. A federal doctor who was stationed there recalled that sentries were located on every major corner, and anyone attempting to travel after dusk could only do so by giving a password that changed daily. “If a person did not know it and tried to run away, he could be taken for a rebel infiltrator and shot.”⁴⁷² Insecurity and repressive administration did not exclude one another in occupied Enugu – and in fact went hand-in-hand.

It was in this region that the largest refugee camps were set up, mostly for Igbo women and children and elderly people who could not flee deeper into Biafra ahead of the Nigerian troops. They also contained some combatants who had decided to take their chances and defect to the Nigerian side. The people who were interred in these camps were glad not to have been killed (contrary to what Biafran propaganda had told them to expect), but constantly feared that they might be. Some fled from the refugee camps, preferring an uncertain fate in the Biafran bush to waiting out the end of the war in detention. Towns and villages in the area remained largely empty, though the rural areas were slowly repopulated during the war. A Nordic Red Cross volunteer described the resettlement of Igbos in the recaptured parts of the East Central State:

The villagers ... have been leaving the bush and returning to their villages in large numbers during the past month. Numbers cannot be accurately estimated but could now total from 80,000 to 100,000. The returning villagers avoid living near main roads but have restarted farming in all areas. The recent report that 3,000 civilians had returned to Enugu town was not confirmed but it was thought that this number of civilians had probably returned to the Enugu area... Relations

⁴⁷¹ NAUK FCO 38/286, Re: Iboland Sitrep, 3 April 1968.

⁴⁷² R. B. Alade, *The Broken Bridge: Reflections and Experiences of a Medical Doctor During the Nigerian Civil War* (Ibadan: The Caxton Press, 1975): p. 54.

between returned villagers and the military were excellent and the villagers seem to have lost much of their sense of fear. The returnees were however mostly less educated persons with a sprinkling only of civil servants. The military units along the main roads contained a fair number of elderly ex-servicemen who behaved in exemplary fashion towards the villagers. There was a seeming absence of females between the ages of 15 to 35 amongst the returning villagers [‘guerilla harem?’ is penciled in the margins here] but there was a normal cross section of all ages amongst the males. The villagers had returned from the bush partly because of shortage of water (many hundreds came in daily to Nsukka to draw water) and partly because the yam planting season had begun in the area.... The law and order situation was satisfactory. People were afraid of the Biafran militia which was still operating in some of the outlying villages and which had threatened to kill persons co-operating with the FMG. There had been a serious ambush of a Federal convoy on the main road to Oturkpo recently, details of which had been hushed up by the military.⁴⁷³

The Nigerian reoccupation of the East Central State before 1970 was very fluid, and federal control in the recaptured/liberated zones was far from complete.

BOFF militias operated covertly throughout the occupied areas of the East Central State. “As far as we know,” wrote a British source, “it is not particularly effective or widespread. Nevertheless it has been able, by occasional acts of terrorism, to deter village leaders from co-operating fully with the F.M.G. [Federal Military Government] Its claims, if not its performance, may have had an effect on other Ibos.”⁴⁷⁴ Nigeria’s occupation was arterial; it was concentrated along main roads and in major towns, and Nigerian influence was very tenuous in villages and areas away from the main roads. Nigerian soldiers were reluctant to go on patrols in these treacherous areas. A British source observed that “Federal troops manning the road checks on the Makurdi/Nsukka road were new recruits and were terrified at coming under fire. One of them

⁴⁷³ NAUK FCO 38/297, G.D. Anderson, British High Commission, Lagos to Commonwealth Office, 10 February 1968.

⁴⁷⁴ NAUK FCO 65/213, E.G. Donohoe, British High Commission, Lagos to Foreign and Commonwealth Office, 1 November 1969.

threw away his rifle and begged to be allowed to return to Makurdi with the Red Cross party.”⁴⁷⁵

Even in the areas around Nsukka, where Nigerian troops were most present, resistance to

Nigerian authority continued throughout the war:

People are still afraid and have withdrawn into the bush but are living quite normally only a few yards from the roads. On the large areas between the main roads, Ibos have blocked all entrance roads to prevent the Federal troops from entering the area in vehicles. They live their quiet normal life, but of course, completely cut off from the outside world. On these areas only very small percentage is still hiding in the bush. In these isolated areas Biafran Militia is still very strong and prevents the people to contact Federal troops or Red Cross. The most difficult area from this point of view is the large bush area between Obolo Afu – Eha Amufu – Ukehe. However, the last information shows that on this area in certain villages the militia is giving up and surrendering to the Federal troops. The Federal troops have promised to release everyone who surrenders voluntarily... generally, the people in the large bush areas are still quite hostile.⁴⁷⁶

This low-level warfare continued while the territory that Biafra effectively controlled shrank.

Relations between Nigerian soldiers and ex-Biafrans in these regions were tense. Since most of them were Igbo, ex-Biafrans in the East Central State were likely both to face greater hostility from the Nigerian rank and file, and also enjoy a greater degree of official protection by the Nigerian Army than members of eastern minorities. This was because international observers, humanitarian agencies, and the Nigerian military leadership were all watching the situation more closely in the East Central State than they were in places outside of the Igbo provinces. The Nigerian occupation of the East Central State was more tenuous and more violent than the occupation of the Mid-West, which had only been part of Biafra briefly. The Mid-West was generally seen as pro-Federal even though it was home to a large Igbo population, most of whom considered themselves culturally and politically distinct from the Igbo who lived east of the Niger in the East Central State.

⁴⁷⁵ NAUK FCO 38/297, G.D. Anderson, British High Commission, Lagos to Commonwealth Office, 28 February 1968.

⁴⁷⁶ NAUK FCO 38/297, “Report from the Nordic Team (Ruusuvoori),” 31 January 1968.

Calabar and Port Harcourt

In Biafra's coastal provinces, the Nigerian reoccupation was retributive and violent. Calabar and Port Harcourt were taken – “captured” in the Biafran parlance and “liberated” in the Nigerian – by Nigerian troops of the Third Marine Commando under the leadership of Lieutenant Colonel Benjamin Adekunle and Brigadier General Godwin Alabi-Isama. It was in these non-Igbo regions of the former Biafra, where few felt any love lost for Biafra, that the most lasting and intractable challenges to reintegration would emerge.

Calabar, Biafra's secondary port city and the capital of the Nigerian South-Eastern State, was the setting for some of the most brutal episodes of the Nigerian reoccupation. Calabar fell to Nigeria in mid-October 1967 following a three day siege with heavy casualties on the Biafran side. Biafra did not surrender gracefully there; before departing Biafran troops allegedly killed the Ibibio and Efik prisoners of war whom they had captured and released all of the prisoners who were being held in Calabar's main prison.⁴⁷⁷ A small core of Biafran soldiers barricaded themselves in the prison and engaged the Nigerian troops when they reached the center of town. Skirmishes continued in the rural parts of the Cross River region, where Biafran troops and guerillas were surrounded by mostly hostile civilians who were now emboldened by the presence of Nigerian soldiers downriver. The Biafran troops and guerillas operating in the hinterland retreated across the Cross River into the East Central State, suffering heavy losses.⁴⁷⁸ To the few observers who recorded their experiences, the Biafran troops in Calabar mounted a disorderly and frantic defense of the city, but the Nigerian divisions that won the battle were little better: “It had been typical of the ‘fighting’ on the Calabar front at least that troops advanced to the

⁴⁷⁷ NAID 2000/14/20, Statement of Bishop Moynagh, [November 1967].

⁴⁷⁸ Interview with Chief A. N. Kanu, in his home in Ibeku, Umuahia, 9 March 2015.

accompaniment of great noise and the discharge of weapons, all fired at random, and the troops opposing them usually withdrew before contact was made. The absence of martial valour was compensated for by the ruthless hounding down and killing of civilians.”⁴⁷⁹

After the city fell to Nigeria, Igbo civilians in Calabar were placed in an extremely dangerous position. Many escaped with the departing Biafran troops, and those who could not went into hiding with sympathetic neighbors. Civilians who were found to speak Efik with an Igbo accent were killed on the spot.⁴⁸⁰ A British source reported that Nigerian soldiers behaved “as they pleased and there had been much looting and rape. Killing had been on the whole largely confined to Ibos.”⁴⁸¹ When he arrived home in Ireland some months after Calabar fell, the city’s Irish bishop gave a lengthy and disturbing account of the weeks after the war to the Irish Ministry of Foreign Affairs. He described how the federal troops in Calabar rounded up anyone suspected of being or having been a Biafran soldier, marched them to the beach, and shot them into the water:

My tummy was upset because I felt that there was no longer any pockets of armed resistance in town and that the shooting meant the elimination of the Ibo civilians flushed out from hiding. We had felt that there would be fighting – it is what is to be expected in war, but we had not expected wholesale slaughter, we had not expected continual harassment, we felt that after gaining control of the town that every day would bring improvement, but here we were nearly a week after the invasion and in fact things appeared to be getting worse.”⁴⁸²

Many Igbos came to the Catholic cathedral’s compound in Calabar for protection from the Nigerian troops and marauding civilians, where the bishop turned them away:

⁴⁷⁹ NAUK FCO 38/285, G.D. Anderson to Commonwealth Office, 7 March 1968.

⁴⁸⁰ Chinua Achebe, *There Was a Country: A Personal History of Biafra* (New York: Penguin, 2012): p. 295, n. 1.

⁴⁸¹ NAUK FCO 38/285, M.J. Newington to G.D. Anderson, 5 February 1968.

⁴⁸² NAID 2000/14/20, Statement of Bishop Moynagh, [November 1967].

There was no question of giving it – no place was safe, they were dragged out of culverts and the ovens of bakeries, out of every nook and corner of the town and gunned down. ... Although it was sending a man to certain death to put him out of the compound, yet there were in all 16 of us counting the cook's family to be thought of, for anyone sheltering men were shot out of hand.

An Igbo man and his wife showed up carrying a toy air rifle in a vain attempt to defend themselves as they moved through the hostile city:

Some of the boys were telling him to get out of the compound and he stopped and looked at him and asked him where was his Christian charity, were we all not living together a few days ago in peace as neighbours, did they not think that [if] they had him killed they would find money inside, or would they be able to eat him. It was dreadful to hear all of these basic questions from a man that had not long to live. He crossed over to the Sacred Heart School and we heard shots after a few minutes and decided that the affair was over ... the mental anguish was beyond bearing.⁴⁸³

Within a few weeks of Calabar's surrender, hardly any Igbos remained in the city.

By March 1968, British intelligence confidently reported that "There was literally not a single Ibo adult male left in the area east of the Cross River. Large numbers of Ibos had fled to the West at the approach of the Federal troops but those who stayed behind had been killed to a man, either by Federal troops or by local tribesmen. Women and children however had been spared."⁴⁸⁴ At the Oban Rubber Estate, all of the two hundred Igbo employees fled over the lines of battle into Biafran territory.⁴⁸⁵ Approximately nine thousand Igbo women and children were interned in camps operated by the Nigerian military, from where they were transported to the Nigerian-controlled parts of the East Central State in groups.⁴⁸⁶ Hundreds of houses and

⁴⁸³ Ibid.

⁴⁸⁴ NAUK FCO 38/285, G.D. Anderson to Commonwealth Office, 7 March 1968.

⁴⁸⁵ Ibid.

⁴⁸⁶ NAUK FCO 38/285, Sir David Hunt to Commonwealth Office, 22 November 1967.

businesses were looted in late October and early November, a joint effort by civilians, Nigerian soldiers, and the prisoners who had been released by the departing Biafran troops.⁴⁸⁷

The Nigerian military's actions in Calabar were mostly concealed from international observers, diplomats, and the press (national and foreign). Nonetheless, reports of the situation there reached the outside world. They attracted condemnation by Biafra's supporters as well as moderates like Marjorie Perham, the well-known apologist for British colonial rule who regularly wrote about the war in the British press. Calabar became the locus of an international discussion about the conduct of the war. Former colonial governor of the Northern Region Bryan Sharwood Smith publicly defended the Nigerian troops, and "[urged] that stories of present day massacres in Nigeria be treated with reserve until vouched for by responsible, independent witnesses."⁴⁸⁸ Brigadier Ogundipe, the Nigerian High Commissioner in London, claimed that "no iota of truth can be found in ... allegations that Federal troops are committing atrocities in the Nigerian war."⁴⁸⁹ Evidence to the contrary mounted. Later, the massacres in Calabar would be one of the main pieces of evidence in favor of the argument that the war, and not only the pogroms of 1966 that sparked it, constituted genocide.

The loss of Calabar was a disaster for Biafra, but it was Port Harcourt's fall to Nigeria in May of 1968 that was truly the beginning of Biafra's end. As addressed in previous chapters, this

⁴⁸⁷ The violence and disorder also spilled over the Bakassi Peninsula into Cameroon, much to the consternation of the Cameroonian authorities. The British consul in Buea, Cameroon reported in January 1968 that "there are a number of marauders wearing Nigerian Army uniforms in that area who have been beating up the locals and stealing and looting. ... The Nigerian Consul thinks they have either exceeded their authority in chasing fleeing Ibos, or are deserters taking the chance offered by the uncertain conditions to turn a quick penny. The Cameroon Federal services here are not amused." NAUK FCO 38/285, Nicol Morton, British Consulate, Buea, to M. Newington, British High Commission, Lagos, 22 January 1968.

⁴⁸⁸ NAUK FCO 38/285, clipping, letter to the editor from Sir Bryan Sharwood Smith, *The Times* [London], 2 November 1967.

⁴⁸⁹ NAUK FCO 38/285, clipping, letter to the editor from Bragiadier B.O. Ogundipe, *The Times* [London], 4 November 1967.

was the point at which Biafra was cut off from the outside world and the humanitarian crisis there became acute. Conditions in the “liberated” city of Port Harcourt, now Nigerian again after just under one year as part of Biafra, were hardly better. In the recaptured Port Harcourt and the upriver regions of the Rivers State, the Nigerian troops were received with relief by most Ikwerre, Ijaw and other “indigenes” of the region, and abject terror by Igbos. Port Harcourt’s population had been approximately half Igbo, with a higher percentage of Igbos living in the center of the city where they owned the great majority of the real estate. Nearly all of them fled into Biafra’s central territories ahead of the Nigerian Third Marine Commando, leaving behind valuables, documents, and especially landed property, the return of which would be a major point of contention after Biafra’s surrender in 1970.

Many of those who did not leave in time were killed, both by their neighbors and by Nigerian troops who carried out summary executions (in violation of their code of conduct and sometimes the commands of their officers). Acts of violent retribution by civilians in re-occupied Port Harcourt took place on a smaller scale than they had in Calabar six months prior. This was in part because the Nigerian military had been embarrassed by what happened there, and also because a larger proportion of the Igbo population was able to leave the city before the Nigerian forces arrived. Even though the city had fallen, however, it took several months for the Nigerian forces to bring the Delta region under control. The creeks and rivers were harassed by the remnants of Biafran units and guerillas. It was only when Adekunle swept the Delta in a massive military operation that the rural areas of the Rivers State came under actual control by federal forces.⁴⁹⁰

⁴⁹⁰ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014. See also Ken Saro-Wiwa, *On a Darkling Plane* (Lagos: Wingspan, 2000).

Without the humanitarian aid that the international community provided to Biafra, the war would likely have ended with the fall of Port Harcourt.⁴⁹¹ Instead, it continued until January of 1970. The last eighteen months of the war were punctuated by bombings, sieges, and counter-attacks in the East Central State, where Nigeria gradually chipped away at what remained of Biafra's territory through a combination of assault and starvation. Biafra captured Owerri from Nigeria in April 1969 after a long siege, briefly galvanizing the Biafran cause and creating a temporary stalemate. Shortly thereafter Nigeria captured Biafra's capital at Umuahia, forcing what remained of the Biafran government to flee to Owerri. In January 1970 Nigerian troops under the command of Obasanjo, Muhammad, Adekunle and others began Operation Tailwind, which surrounded the remainder of the Biafran Army and began moving on the Biafran airstrip at Uli, which was the enclave's only link to the outside world.

Ojukwu hastily handed over power to his chief of staff Philip Effiong, and fled with his entourage to Ivory Coast, leaving Effiong and Mbanefo behind to formally surrender on January 12th, 1970. After this defeat millions of "ex-Biafrans" – now Nigerians again – made their ways home and tried to resume their lives. Ben Gbulie described the road from Udoh in the final days of the war "strewn with refugees: a handful of them sitting and squatting, shivering all over with cold, too fagged out to continue their flight to safety; the rest of them lying huddled up in family pockets, snoring. The scene was fraught with pathos."⁴⁹² The following chapters consider what happened in the former Biafran territories after this defeat.

⁴⁹¹ See Marc-Antoine Pérouse de Montclos, "Humanitarian Aid and the Biafra War: Lessons not Learned," *Africa Development* Vol. 34, No. 1 (2009): pp. 69-82.

⁴⁹² Ben Gbulie, *The Fall of Biafra* (Enugu: Benlie Publishers, 1989): p. 183.

Chapter 5

“Happy Survival”: The end of the fighting and the Nigerian occupation of the former Biafra

In February 1970, less than a month after Biafra surrendered, Jerome Okolo returned to his house in Enugu for the first time since the city had fallen to Nigeria. The lawyer and his wife found their house looted and all of the windows broken, his large collection of books ruined from exposure. Despite the fact that they were sleeping more or less in the open, they felt safe in Enugu for those first weeks. “It was oddly peaceful,” he recalled. “Everyone was too tired go on, and all anyone wanted to do was to go home.” In the following months crime and insecurity would become endemic in the reconstituted East Central State, “but for the first weeks the feeling of shock and exhaustion was so great that no one would molest you.” The first order of business was to drive what remained of his car after three years of running on home-made petrol to Lagos to be serviced. The journey was dangerous, long, and littered with checkpoints manned by soldiers who treated him with suspicion and hostility. When he reached Lagos, Okolo went straight to the home of his closest friend from university. When they came face-to-face, the friend found Okolo so changed by the war that he could not recognize him. It was only when Okolo could give him personal details about their studies together in Dublin that the friend believed that he was who he claimed to be. A photograph from that day shows him, emaciated and prematurely aged, standing next to his friend looking bewildered but happy to have survived. Looking at the photo fifty years later, Okolo could barely recognize himself.⁴⁹³

⁴⁹³ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

The postwar period was a time for reconstituting broken lives, settling scores, and finding ways to get by. Accomplishing these things almost always involved dispute, and often involved crime. The fallout from the war touched practically every area of life, and most of the cases from the East Central State between 1970 and about 1973 refer to the war or are in some way consequences of it. A common defense in criminal cases was that a rival had “lied to put [the defendant] in trouble” as comeuppance for “some part played against his people during the civil war.”⁴⁹⁴ Some judges were sympathetic to this kind of plea while others were not. Firearms from the war were used in armed robberies, family relationships made or broken in Biafra filled the dockets of magistrates, and grudges emerging from the war played out in complex ways in the region’s criminal courts. Statements of *allocutus* for criminal cases often pleaded that the accused was “young and just rehabilitating after the deadly civil war.”⁴⁹⁵

Bringing Biafra back into Nigeria involved a contentious and drawn-out process of rehabilitation, reconstruction, and rehabilitation, commonly called the “three Rs.” For many individual Biafrans, the question of where they would fit into Nigeria was murky. Lieutenant Ejiofor Oteka of the Biafran army was wounded during the war and taken by the Red Cross to Switzerland, where he received treatment and eventually found work in a factory. Stranded in Geneva, he wrote to a British friendly association that “since the sudden collapse of Biafra, I have been confused and don’t really know what to do. The glorious sun has set unduly and the resplendent colour has become dim. Merchants of death have achieved their long-sought for aim. Imperialist materialism has conquered natural brotherly love.”⁴⁹⁶ He shared this malaise with

⁴⁹⁴ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/2c/72, *The State v. Festus Alozie*, 23 February 1972.

⁴⁹⁵ ESHC uncatalogued collection, In the High Court of the East Central State, Holden at Owerri, No. HOW/5c/1970, *The State v. Innocent Uhuegbulam*, 15 December 1970.

⁴⁹⁶ NAUK FCO 65/818, Ejiofor Oteka to Margot Parish, 2 December 1970.

many Eastern Nigerians, who were not reassured by Nigeria's promises of fair treatment in the war's aftermath.⁴⁹⁷

The legal order that prevailed in the East Central State was repressive, capricious, and motivated by the suppression of dissent. The rule of exception remained in place, and as in the rest of Nigeria tribunals that suspended principles of due process existed alongside common law courts that enshrined them. The state arrogated to itself powers that surpassed those of any other state government in the name of maintaining public order. This was justified by invoking the security situation that attended the end of the war. As we will see in the final chapter, these regulations were of little avail when it came to actually controlling crime. Instead, they further hollowed out what remained of Nigeria's civilian legal culture after four years under a state of emergency, three of which had overlapped with the civil war.

This chapter analyzes how the end of the fighting sustained conditions in which insecurity and violence could thrive. As in wartime Biafra, this unfolded under a regime of emergency which left some aspects of civilian administration intact while remaking others in the image of the military. The first section describes the how the former Biafran territories were administered immediately after Biafra's defeat, and how ex-Biafrans perceived the occupation's connection to disorder. I then consider how the reintegrated legal system operated in the everyday, tracing some of the currents that emerged in jurisprudence there. Finally, the chapter considers the problems of reintegration as a political process.

The Nigerian occupation of the former Biafra

⁴⁹⁷ For a comparative analysis of the disruptive capacity of veterans in postwar societies see Gregory Mann, *Native Sons: West Africa Veterans and France in the Twentieth Century* (Durham: Duke University Press, 2006).

Ex-Biafrans, both those who had embraced the Biafran idea and those who had been “Biafrans” against their will, chafed under the Nigerian occupation. A Nigerian administrator wrote of Benin City after it was recaptured that “a thin air of psychological defeat which the bitterness of the invasion and occupation had brought” hung over the city, afflicting both those who had supported Biafra’s brief occupation there and those who had opposed it.⁴⁹⁸ The poor behavior of the Nigerian troops and the general sense of bitterness that the war had left made for considerable social unrest in the areas occupied by Nigeria. Following a series of public executions in Benin City nearly a year after it had been re-occupied by Nigeria, a British diplomat stationed there wrote that

It would appear that this execution has released a year’s accumulation of increasingly bitter feelings against the army, its excesses at road blocks, its demanding of money, its “purchase” of goods without payment, its general air of swaggering, domineering insolence. In the past, there has been very little public expression of these feelings by Nigerians or indeed any noticeable signs of resentment. It has always seemed to me that the very noticeable excesses of the soldiers were being accepted as part of the price that the country was having to pay “to keep Nigeria one.” ... Now, however, hatred of the army is the only topic of conversation. Women are particularly “anti”: they want more and more severe action taken against soldiers who abuse their authority. It is the French Revolution all over again, but modified for the occasion. They want to see heads roll, or more accurately, more bodies crumple at the stake. I think a great many Nigerians (and of course, expatriates) are generally worried at the prospect of lawlessness after the war by the thousands of demobilised soldiers. They fear that unless strong measures are taken now, before the war ends, it will be impossible to control them afterwards. This fear is also very strongly held by the Police, who openly express their fears of the future and their ability to maintain law and order. The Acting Commissioner told me the other day that he was very under strength. When I suggested that, after the war his manpower shortage could be relieved by employing demobilised soldiers, he was horrified at the suggestion. The soldiers, he said, were very unlikely to reach the high standards demanded by the Police. They did not know the meaning of discipline.⁴⁹⁹

⁴⁹⁸ Samuel Osaigbovo Ogbemudia, *Years of Challenge* (Ibadan: Heinemann Education Books, 1991): p. 111.

⁴⁹⁹ NAUK FCO 38/287, G. d’Arnaud-Taylor, British High Commission, Benin City to M.J. Newington, British High Commission, Lagos, 3 July 1968.

This feeling was common in all areas occupied by the Nigerian Army, whether they had only been “Biafran” for a few months (like Benin) or had held out until the very end. The occupying forces were made the scapegoat for various social ills and criminal practices in the postwar, especially in the East Central State. Although there is no doubt that they were indeed responsible for much of the armed violence that took place there, soldiers were also often blamed for unsolved crimes and for the growth of disturbing social phenomena like drug use and child marriage. The extent to which all of these things were in fact the “fault” of the Nigerian troops is unclear, but the legal record shows many instances in which Nigerian troops harassed, killed, or stole from civilians in the former Biafra.

The Nigerian government promised Igbos that they would be allowed to administer their own affairs in reintegrated Nigeria. Immediately after Biafra’s surrender, Brigadier Olusegun Obasanjo announced over the radio that all tactical operations in the region were to cease immediately. The maintenance of law and order in the East Central State would be the responsibility of the police rather than the military. In theory, the state was not under military occupation but subject to administration by the state’s own locally commissioned police.⁵⁰⁰ The Nigerian government hoped that this would minimize the risk of confrontations between ex-Biafrans and the Nigerian troops still stationed in the region, and reassure the East Central State’s population that Nigeria had no intention to kill Igbos. A British intelligence report argued that this policy reflected “federal confidence that they have the situation well in hand, that all active military resistance has ceased and that they have secured control of all existing stockpiles

⁵⁰⁰ The federal government also reassured Igbos by pointing to the fact that Igbos remained in the Nigeria Police and that there were still a handful of Igbo military officers in the Nigerian Army. NAUK FCO 65/213, Sir L. Glass to Foreign and Commonwealth Office, 15 January 1970.

of arms and ammunition. A special police task force which includes substantial numbers of Ibos is already in the area taking over and additional police are being drafted in from other states.”⁵⁰¹

In fact, the postwar East Central State looked more like a conquered territory than the civilian-administered haven that Obasanjo’s address promised. There was a large concentration of soldiers there; out of about 240,000 troops in the Nigerian armed forces, about 130,000 were stationed in the East Central State in 1970, falling to 50,000 in 1971-1972.⁵⁰² The Rivers, Mid-West and South-Eastern States also still hosted large populations of soldiers from when they had been recaptured earlier in the war, though none as large as the East Central State. Their presence there was generally resented, but many appreciated the fact that soldiers spent money with profligacy – especially given the shortage of Nigerian currency in the former Biafran territories. They were scattered in camps and makeshift bases throughout the state. Although most were housed in barracks, soldiers were still highly visible in “military villages” and urban camps that adjoined civilian neighborhoods.⁵⁰³

The Nigerian soldiers who occupied the former Biafra included men of all ethnic backgrounds and places of origin, along with some women in administrative capacities.⁵⁰⁴ No unit was entirely homogenous, though they tended to be divided by region of origin. The largest contingents were Hausa northerners, Yoruba westerners, and people from the Rivers State. There were also soldiers from minority groups and easterners interspersed in these main groupings, including a small number of West Niger Igbos. Some types of soldiers were remembered as more

⁵⁰¹ NAUK FCO 65/213, Sir L. Glass to Foreign and Commonwealth Office, 15 January 1970.

⁵⁰² NAUK FCO 65/1195, R.E. Parsons, British High Commission, Lagos to Foreign and Commonwealth Office, 20 April 1972.

⁵⁰³ NAUK FCO 65/1195, R.E. Parsons, British High Commission, Lagos to Foreign and Commonwealth Office, 20 April 1972.

⁵⁰⁴ Godwin Alabi-Isama, *The Tragedy of Victory: On-the-Spot Account of the Nigeria-Biafra War in the Atlantic Theatre* (Ibadan: Spectrum, 2013): pp. 10-25.

violent than others (stereotypically Yoruba enlisted men), but legal records suggest that criminal acts and indiscipline cut across the army. As one former Nigerian officer recalled, the Nigerian forces had become difficult to control like their Biafran counterparts had been: “the administrative efficiency, and discipline with which the military was hitherto known had been stretched to breaking point. Materials and logistic codes were open to abuse. Corruption and abuse of power was rampant and all were attributed to the exigencies of war.”⁵⁰⁵ As will be discussed in the following chapter, the presence of large numbers of these war-weary and undisciplined soldiers had a socially disruptive effect on many communities.

Life in cities and towns in the former Biafra in the 1970s was jumpy and dangerous. For the first time since the era of the trans-Atlantic slave trade, Calabar and Port Harcourt had no significant Igbo community. Although small numbers of Igbos returned in the late 1970s, Calabar never fully recovered its pre-war Igbo population. Recaptured Port Harcourt was physically intact but a wasteland, with more than half the population missing, Igbo-run businesses shuttered, and a new military occupation – this time by the Nigerian Army – stalking the streets. “Port Harcourt was a lonely city,” recalled the writer Elechi Amadi of the tense months that he spent there after its capture by Nigeria. “There was no doubt about that. The streets were for the most part deserted. Sometimes one found oneself the only person on a street, and this could be dangerous. The lone prowler looked more suspicious to Federal patrols than, say, a group of people chatting with visible animation.”⁵⁰⁶ A siege mentality shaped most aspects of life there:

⁵⁰⁵ Major General Ibrahim B.M. Haruna, “The Nigerian Civil War – Causes and Courses,” in A.E. Ekoko and S.O. Agbi, eds., *Nigerian Warfare Through the Ages: Proceedings of a Seminar Published by the National War Museum Committee* (Lagos: State Printing Corporation, 1987): p. 159.

⁵⁰⁶ Elechi Amadi, *Sunset in Biafra: A Civil War Diary* (London: Heinemann, 1973): p. 142

Life in Port Harcourt itself left much to be desired. There was near-chaos. Because the civilians were not used to soldiers, and so were timid, the less scrupulous private soldiers exploited them. Molestation was rife, and civilians appeared to have no rights at all. Naturally there were no services or markets and people drifted about, feeding on what the soldiers handed out and on what came in from the villages, which was not much, since movement in the newly liberated areas was, for good reasons, severely restricted.⁵⁰⁷

Deprivation and stagnation continued long after Port Harcourt ceased to be part of Biafra, and even after Biafra surrendered. Two years after Biafra's defeat, a British intelligence source described how "the motor park was completely empty. It used to be a busy 24-hour park where goods and passengers were conveyed to the different parts of Eastern Nigeria. Only one or two Peugeot 404 cars could be seen at a time ferrying passengers to and from Aba. Port Harcourt used to be called the Garden City because it is well-planned and it was fairly clean, but it is now dirty and the roads are in a bad state of disrepair."⁵⁰⁸ As a lawyer who practiced there recalled, "the place was just very scanty."⁵⁰⁹

After 1970, Igbo businesspeople began to return discreetly to Port Harcourt. Igbo managerial staff and technical workers in the oil industry, who were sorely needed, returned under the condition that they be given protection by private security guards. Some were wooed into returning from exile by promises of large salaries and the provision of secure housing within company compounds. Oil companies and the diplomats of their respective countries put pressure on the Nigerian government to guarantee the safety of Igbo employees and monitor the situation

⁵⁰⁷ Elechi Amadi, *Sunset in Biafra: A Civil War Diary* (London: Heinemann, 1973): p. 151.

⁵⁰⁸ NAUK FCO 65/1195, "Report of tour of Rivers and East Central States," Mayo O. Osime, British High Commission, Lagos, 16-22 October 1972.

⁵⁰⁹ Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

in Port Harcourt.⁵¹⁰ Port Harcourt was consequently a very closely watched place in the 1970s. Heavily guarded reserve areas for oil workers cropped up around the city.⁵¹¹

The situation remained dangerous, though, especially for Igbos. A French envoy to the city after the war found that in the months after the end of the war, “Ibos working in factories in the city were obliged every night to return home out of Rivers State to escape the reprisals of what were effectively ‘commandos’ organized to hunt them and lynch them in the streets.”⁵¹² The fear of returning to Port Harcourt, long seen as a center of Igbo commercial and cultural life, was for most Igbos greater than returning to Lagos, or even to the north.⁵¹³ Igbo commercial activity resumed fairly quickly after the war in the north,⁵¹⁴ but remained minimal in Port Harcourt for decades. To local people in Port Harcourt, the sudden departure of the Igbo professional and commercial class was an opportunity. Those who did not flee the arrival of the Nigerian troops scrambled to fill vacated positions and lay claim to property. A French diplomat who visited Port Harcourt in 1971 reported to his superiors that the replacement of Igbos in

⁵¹⁰ CADN 332PO/1 Box 4 Dp. 45, “Compte rendu de déplacement à Port-Harcourt,” 30 November 1971.

⁵¹¹ These reserve areas are not dissimilar from the ones that house the thousands of foreign workers who work in the oil industry in the region today. The garrison-like cities within a city where oil workers live were first introduced in Port Harcourt to house Igbo technicians in the early 1970s. On the spatial instantiations of the oil economy, see James Ferguson, “Governing Extraction: New Spatializations of Order and Disorder in Neoliberal Africa,” in *Global Shadows: Africa in the Neoliberal World Order* (Durham: Duke University Press, 2007): pp. 195-210; Hannah Appel, Arthur Mason, and Michael Watts, eds., *Subterranean Estates: Life Worlds of Oil and Gas* (Ithaca: Cornell University Press, 2015).

⁵¹² CADN 332PO/1 Box 4 Dp. 45, “Visite à Port-Harcourt: place et rôle de la France dans la Sud-Est de la Fédération,” 17 December 1971.

⁵¹³ Though fears of returning to Lagos remained acute. Many who did so in the early 1970s lived solitary lives there, keeping to themselves for fear of being perceived as politically active or too commercially successful. See Sandra T. Barnes, “Voluntary Associations in a Metropolis: The Case of Lagos, Nigeria” *African Studies Review* Vol. 18, No. 2 (Sep., 1975): pp. 75-87

⁵¹⁴ See Kate Meagher, “The Informalization of Belonging: Igbo Informal Enterprise and National Cohesion from Below,” *Africa Development* Vol. 34, No. 1 (2009): pp. 31-46.

positions of commerce and public leadership would be difficult to reverse; “the population does not give an impression of shortage, much less malnutrition. In fact it is now composed mostly of Ijaw who have replaced the Ibos in commerce and industry, but lack professional training and qualifications. This urban mass seems to have the satisfaction of having finally conquered Port Harcourt, and seems determined not to leave.”⁵¹⁵

In Port Harcourt, squatting by local people developed into a legal and political crisis over the ownership of properties that Igbos had “abandoned” during the war. Early in the war, Nigeria had promised to hold Igbos’ properties in trust for them, assuring them that they would be free to return to them at any time. In some places local and state governments used this promise to justify confiscating the property of Igbos before Biafra had even formally seceded; a landlord in Warri complained in April 1967 that the local native authority had confiscated his houses on the grounds that they belonged to “an Ibo man of Eastern Nigeria origin.” When the man complained that he was not Igbo, the native authority left his property in peace.⁵¹⁶ In the north the state governments largely kept their promise to return the properties that Igbos had left behind, which came as some surprise given that the ethnic violence against Igbos been sharpest in northern towns and cities. Those who returned to the north in the 1970s found that the state governments returned their land and houses with little hassle, in most cases also paying them the rent that had been collected from their tenants on their behalf.⁵¹⁷

⁵¹⁵ CADN 332PO/1 Box 5, “Visite à Port-Harcourt: place et role de la France dans le Sud-Est de la Fédération,” 17 December 1971.

⁵¹⁶ NNAK ASI/123, Isaac Anyabine to the Attah of Igala Idah, 3 April 1967.

⁵¹⁷ A.M.O. Onukaogu, in his chambers in St. Finbarr’s St., Umuahia, 9 March 2015.

In Port Harcourt, where Igbos owned large amounts of commercial and residential property, the situation was different.⁵¹⁸ There, the Rivers State government defied the federal government by refusing to help Igbos reclaim their real estate after the war. In many cases, the state protected the squatters who had moved in after the city's fall to Nigeria. A lawyer who defended squatters against Igbo landlords in the early 1970s recalled this period differently: "If you look critically they [Igbos] were not under physical attack. Their worries were psychological and financial rather than for their physical safety. Many sold their property to willing buyers. They did in fact receive their due rights."⁵¹⁹ Other sources suggest otherwise. A French reconnaissance mission to Port Harcourt reported that

The people of the Rivers State and the South-East State who particularly suffered under Ibo domination continue to hold strong grudges against their former masters. The reconciliation policy encouraged by General Gowon meets with a latent but persistent opposition. Thus, in spite of the exhortations of the head of state, the Ibos are still not allowed to resettle in Port Harcourt and their properties remain under receivership.⁵²⁰

The many long and acrimonious disputes over properties in Port Harcourt suggest that this latter description comes closer to the truth. Many abandoned property cases were ultimately settled by federal intervention in the 1990s, but others remain unresolved to this day.⁵²¹

⁵¹⁸ See Howard Wolpe, *Urban Politics in Nigeria: A Study of Port Harcourt* (Berkeley: University of California Press, 1974); Grace Malachi Brown, "Abandoned Properties in Nigeria: The Effect of the Civil War in the Nigerian State," *Icheke: Journal of the Rivers State University of Education* Vol. 4, No. 2 (2016).

⁵¹⁹ Interview with anonymous informant, Port Harcourt, March 2015.

⁵²⁰ CADN 332PO/1 Box 4 Dp. 45, "Crise politique de l'Etat du Sud-Est," 13 August 1971.

⁵²¹ Even Chukwuemeka Odumegwu Ojukwu became embroiled in an abandoned property case over his personal ownership of a villa in Lagos. Ojukwu's case did not resolve the larger abandoned property question, but it did have the effect of limiting executive power in a later period of military rule. *Chief Emeka Odumegwu Ojukwu v. Military Governor of Lagos State* (1985) LPELR 21274. See also Yemi Akinseye-George, *Legal System, Corruption and Governance in Nigeria* (Lagos: New Century Law Publishers, 2000): p. 25.

The difficulties of sorting land claims after the war was not limited to Port Harcourt. The South-Eastern State, where many urban properties in Calabar were owned by Igbos, was similarly recalcitrant in returning land and buildings to their rightful owners. There, a prominent high court judge was dismissed from his position for returning a cinema to its Igbo owner against the wishes of the state government.⁵²² In the East Central State, massive displacements of refugees led to many disputes over the ownership of land and houses, though these disputes were usually between Igbos. In one case, two people who were released from a Nigerian refugee camp in March 1973 came to blows over the ownership of a small piece of land near Onitsha. When Ezekiel Okoye saw a frail woman suffering from kwashiorkor putting stakes in the ground to start building a shelter on the plot of land that he had demarcated to build his own house, he confronted the woman. In the altercation that followed, he struck the woman with a piece of bamboo. In her weakened state, she suffered internal bleeding and died. In the subsequent trial it emerged that the woman's husband, who died during the war, had arranged for the plot of land to be left to her and their daughter. The court sentenced Okoye to death, sending a stern message that property disputes in the aftermath of the war had to be resolved through legal channels and not through violence.⁵²³ But as the sharp contests over land and property in Port Harcourt and elsewhere would show, making claims to property through official channels in the 1970s could be exceedingly difficult for ex-Biafrans.

To many lawyers, the growth of fraud was directly linked to the abandoned property question. Unscrupulous people – of many ethnicities and class positions – used the disorder of the postwar to make claims to buildings they had never owned. Kola Babalola, a lawyer who

⁵²² He was later rehabilitated. Peter Odo Effiong Bassey, *The Nigerian Judiciary: The Departing Glory* (Lagos: Malthouse Press, 2000): p. 91.

⁵²³ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Onitsha, No. O/10c/71, *The State v. Ezekiel Okoye*, 8 November 1971.

began his practice in Port Harcourt not long after the war, recalled that people often impersonated friends who had died during the war to make claims to their property. Giving the plausible story that his or her identification papers had been lost or destroyed during the war, the impersonator would present him or herself to the abandoned property commissions set up in cities like Kano and Calabar, list off the details of the house as remembered from visiting it as a friend, and make a claim to owning it. The East Central State and Port Harcourt were full of stories about people who assumed the identities of the war dead to start new lives, though the legal record contains fewer such cases than these rumors might suggest. Property disputes also overlapped with official corruption, since court bailiffs were often the ones who led squatters to abandoned properties, facilitated the production of fraudulent documents of ownership, and selectively enforce eviction and other orders given by magistrates – all for substantial fees.⁵²⁴ Babalola recalled there being many such court cases over identity and ownership in the aftermath of the war, but because they were usually held in lower courts their records have not been preserved.⁵²⁵

Making law and order in the former Biafra

The courts were closed briefly after Biafra's surrender, but reopening them was made a priority. Legal proceedings resumed almost immediately in the East Central State. In March 1970 the East Central State's judges – nearly all of them ex-Biafrans – were called back to the bench without ceremony. Biafra's judges, magistrates, and legal administrators returned to their posts, now as loyal (if somewhat wary) Nigerian citizens. Most made a fairly seamless transition

⁵²⁴ B.M. Wifa, *Towards a Just Society Through Just Laws (Selected Papers)* (Enugu: Fourth Dimension 2003): p. 73.

⁵²⁵ Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

back into their pre-war positions, thanks both to their personal connections and the practical needs of the Nigerian government. The preponderance of violent crimes and thefts made it imperative to get the region's legal system up and running in as short a time as possible. There was discussion within the Federal Ministry of Justice about removing judges and magistrates who had served in Biafra, but for practical reasons it was decided not to investigate them.⁵²⁶ Moreover, the Biafran judiciary counted among its members some of Nigeria's best known and most respected judges. To suspend the judges who had sat in Biafra would lead to both a personnel shortage and a crisis of confidence in the federal government's promises of reconciliation.⁵²⁷ Judges who just a few months before had served Biafra and been among the main architects of its identity were tasked with adjudicating cases that effectively liquidated it.⁵²⁸

The former Biafra was a place of tension, deprivation, and violence – “a good place to be a criminal, or a lawyer, or especially a criminal lawyer,” as one barrister recalled.⁵²⁹ There was a glut of criminal and civil cases in the East Central State as people took actions to secure property and initiated legal disputes that they had set aside during the war. Many lawyers went back into practice immediately. Unlike most former Biafrans, they found that there was no shortage of work for them. “We private practitioners didn't suffer,” one lawyer recalled, noting that the

⁵²⁶ True to form, the British High Commission suggested that the administration of the East Central State after the war might best be done by expatriates. NAUK FCO 65/213, “Expatriate Recruitment for East Central State,” 22 November 1969.

⁵²⁷ Interview with Anthony Mogboh, SAN, in his Chambers in City Layout, New Haven, Enugu, 2 October 2014.

⁵²⁸ In the South-Eastern State it took until August for the state Ministry of Justice to resume operations. Due to political infighting it took another full year for a chief justice to be appointed – a West Indian whose status as an outsider the state government hoped would restore public faith in the legal system. Peter Odo Effiong Bassey, *The Nigerian Judiciary: The Departing Glory* (Lagos: Malthouse Press, 2000): p. 43.

⁵²⁹ Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

Nigerian government made no requirement that former Biafrans officially register their loyalty before returning to work in the private sector.⁵³⁰ Another argued that “after the war the only people who had anything to fear from the federal government were those who wanted to carry on with Biafra.”⁵³¹ As the lawyer Enechi Onyia recalls of his practice in the early 1970s, “it was almost entirely criminal cases, and there were a lot of them – everything else was pushed to the side. People came out of the woodwork after the war to bring criminal charges against others that they had been afraid to start when the war was going on. There were more criminals because of the war and the problems that it had brought to ordinary people.” Representing armed robbers, especially, could be a brisk business for lawyers in the East Central State, “if one could stomach it.”⁵³²

The content of the criminal code remained largely unchanged after the end of the war. The East Central State continued to use the laws of the pre-war Eastern Region; a copy of the 1960 criminal code of the Eastern Region held at a law library in Owerri tellingly has had its title page altered twice, once to print “Republic of Biafra” over “Eastern Region of Nigeria,” and subsequently to print “East Central State of Nigeria” in place of “Republic of Biafra.”⁵³³ Biafra’s decrees were of course not enforced in postwar Nigeria, and a new set of decrees about postwar reintegration were made.⁵³⁴ The Public Law and State Security Edict of March 1970 gave the

⁵³⁰ Interview with Anthony Mogboh, SAN, in his Chambers in City Layout, New Haven, Enugu, 2 October 2014.

⁵³¹ Interview with Anthony Mogboh, SAN, in his Chambers in City Layout, New Haven, Enugu, 2 October 2014.

⁵³² Interview with Chief Enechi Onyia, SAN, in his chambers on Zik Avenue, Enugu, 29 September 2014.

⁵³³ The East Central State would later be further subdivided, but the content of the law remained consistent despite the shifting of political boundaries.

⁵³⁴ In 1970 the administration of the East Central State issued the Enactments (Revocation) Edict, which declared that “all enactments of the illegal regime are hereby declared void and of no effect.

East Central State government broad authority to detain people suspected of harboring firearms or plotting against the state. This edict dramatically expanded the definition of breach of public order, enabling broad administrative powers which to some lawyers seemed excessive. The state executive reserved for himself the right to define “any act which is capable of damaging the friendly relationship existing between the State and any other State within the Federation of Nigeria.” Anyone critical of Nigeria could be

liable to immediate arrest and may on the order of the Administrator be detained under the provisions of this Edict. He may also be tried summarily and shall on conviction be liable to imprisonment for not less than six years... [moreover] if at the conclusion of such trial [related to this edict] the Administrator decides that further detention of the accused person is necessary in the interest of the security of the State or of peace, order and good government, he may detain such person under the provisions of this Edict, notwithstanding that that person might have been acquitted, discharged or convicted at the trial... no reason need be given for any detention under the provisions of this edict and any order made pursuant to this Edict shall not be enquired into by a court of law.⁵³⁵

Taking a page from colonial rule, the East Central State also used old laws prohibiting vagrancy, begging, and solicitation to police the movements of people by whom it felt threatened. As had been the case in Biafra, the demarcation of civil and military jurisdiction was unclear in postwar Nigeria. There was much confusion in the state’s reconstituted courts over what fell under the jurisdiction of the common law courts, the military’s own tribunals, and the special tribunals that

All existing laws which were revoked or suspended either expressly or by necessary implication by the enactments affected by section 3 of this Edict are hereby re-enacted and shall have effect as if they were never revoked or suspended as the case may be.” With regard to legal decisions from Biafra, however, the attitude of the postwar government was more mixed. Some decisions made by Magistrate’s Courts and the High Court (of Biafra) were allowed to let stand, while decisions made by the Court of Appeal were declared void. Supplement to Central Eastern State of Nigeria Gazette No. 3, Vol. 1, Dated 12th March 1970. Edict no. 3 of 1970, Judicial Acts (Validation) Edict; Supplement to Central Eastern State of Nigeria Gazette No. 3, Vol. 1, Dated 28th March 1970. Edict no. 5 of 1970, Public Law and State Security Edict.

⁵³⁵ See Isabella Okagbue, “Wither the Wanderer: An Examination of the Vagrancy Type Provisions in Nigerian Criminal Law,” in M. Ayo Ajomo, ed., *New Dimensions in Nigerian Law* (Lagos: Nigerian Institute of Advanced Legal Studies, 1989).

the state established to combat armed robbery and other postwar criminological problems. Cases that bridged military misconduct and criminal law, such as a 1972 case concerning the theft of a civilian's personal items by a soldier stationed near Aba, were usually heard in the East Central State High Court,⁵³⁶ but there were no firm guidelines about where a case would be heard.⁵³⁷

Judges' main priority in the muddled legal landscape of the postwar was to create public order, even if this meant violating the legal system's own rules and principles. This tension accompanied the establishment of the East Central State's Special Tribunal for Armed Robbery in 1971, which led some jurists to worry that the state had no interest in redrawing the boundary between civil and military jurisdictions that the war had blurred. In 1972 armed robbery was made a capital offence and magistrates were given jurisdiction over it, empowering courts at the lowest level of the legal system to impose death sentences with no possibility of appeal.

Jurisdictional confusion deepened: "I do not know why this case was not handled by the Armed Robbery Tribunal," Justice Oputa remarked in an armed robbery case brought before him in the High Court, "But whatever the reason is I have to pass such a sentence that will serve to deter others from imitating the example of the accused persons." Oputa sentenced the robbery's ringleader to death – a sentence to match those handed down by the Armed Robbery Tribunal.⁵³⁸

To many lawyers it appeared that due process was being sacrificed in the name of law and order. But as the following chapter will describe, it also seemed that the East Central State was spiraling into chaos no matter how many people were hauled before tribunals or publicly executed.

⁵³⁶ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/3C/72, *The State v. Francis Okwujie and Anthony Ezeji*, 13 March 1972.

⁵³⁷ Interview with Ejike O. Ume, SAN, in his chambers on Enugu Road, Onitsha, 12 March 2015.

⁵³⁸ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Onitsha, No. O/42c/71, *The State v. Ogechi Dim and four others*, 7 December 1971.

Like most crackdowns, the establishment of the Armed Robbery Tribunal had political valences. Kola Babalola recalled a case in which people in Iwofe tried to displace a foreign oil exploration outfit that had set up on their land by threatening employees of the company with a gun leftover from the war. Knowing that it had become capital offence, the police pursued a charge of armed robbery against the villagers. Under pressure from the company, seven of the villagers were found guilty of armed robbery (even though no attempt at robbery had been made) and sentenced to death. The lawyer who represented the villagers remembered the case as a great miscarriage of justice, and recalled that it was at this point that he began to question the impartiality of the legal system.⁵³⁹ The threat of armed robbery and the terror that it invoked was sometimes used for judicial or political ends not related to actual armed robbery.

Some ex-Biafrans felt that the suppression of armed robbery was retribution by Nigeria masquerading as a law and order initiative. Many of the armed robbers executed in the East Central State were ex-Biafran soldiers sentenced through hasty and irregular procedures, leading the London-based *Biafra News* – still carrying the torch in the early 1970s – to see the crackdown as a purge of young veterans of the rebel army. The publication quoted some of the defenses these young men made, which are largely unavailable in the legal record since most took place in magistrate's courts:

Madubukwu for instance said: "Allow me say something. But I no thief."
Onyekwere said: "Nothing was found on me. People don't want to bring out their guns. I have done nothing..."
Fineface said: "I was moving on the road. People got me, said I thief something. Nothing was found on me. I know a lot of people who keep arms. But now I am dying – an innocent man. I have done nothing Heaven and earth know."⁵⁴⁰

⁵³⁹ He recalled the case as having taken place in 1973 in Port Harcourt. Since it took place in a magistrate's court, there is no extant record of it. Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

⁵⁴⁰ SOAS Nigerian Civil War Collections MS 321463 Box 13, *Biafra News*, 2 October 1970.

It was not unreasonable to conclude that these executions were intended to punish young men for having fought on the Biafran side. But to be sure, there were also many Nigerian soldiers and civilians executed under the Robbery and Firearms (Special Provisions) Decree in the East Central State and elsewhere.

In some cases, when the legal system “succeeded” in rendering fair and equitable decisions in criminal cases, the effect was to buttress the notion that the Nigerian government did not have the best interests of ex-Biafrans at heart. When judges or tribunals showed mercy to people engaged in violent crime, especially if they were Nigerian soldiers, the public reaction was often incredulous or angry.⁵⁴¹ The commandeering of vehicles by Nigerian soldiers was a particularly common problem in the East Central State. The East Central State’s inability to stanch it did little to restore public faith in the state government’s commitment to protecting Igbo civilians. One important case from shortly after Biafra’s defeat concerned a group of Nigerian troops who commandeered a car and shot its driver with an automatic rifle as he ran into the bush.⁵⁴² The very public trial that followed was intended to convince the eastern Nigerian public that soldiers were not above the law, and to restore public faith in a legal system that had been compromised during the war. The end result of the case seemed to make the opposite point. The defendants were acquitted over the unreliability of a key witness, and the lengthy trial seemed to suggest that postwar Nigeria’s legal system – even if it was operative – was not “just” in the sense that ex-Biafrans wanted it to be.

⁵⁴¹ It is difficult to gauge public reaction with much confidence, but editorialists who wrote to the state’s newspaper of record *The Renaissance* often reacted to prominent acquittals in this way. These editorials could be embarrassing to the state government, so even though this was a state-sponsored newspaper it is likely that these editorials reflected public opinion.

⁵⁴² ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/4c/70, *The State v. Francis Odijie and Oseni Alimi*, 20 November 1970.

Public, often televised executions of soldiers found guilty of violent crime were at the center of Nigeria's strategy to reassure Igbos.⁵⁴³ In 1968 two Nigerian military officers were executed by firing squad before a large crowd in Benin City, capital of the Nigerian occupied Mid-West State, after being convicted by a court martial at Ogwashi-Uku for the murder of two officials of Barclays Bank, a prison warder, and a police inspector, all four of whom were West Niger Igbos. The accused men were Bini and Urhobo lieutenants from the Delta region. In light of the ethnicities of the victims and perpetrators, the executions were staged to reiterate the Nigerian government's commitment to safeguard the interests of Igbos and punish wrongdoing against them. The executions were attended by the state's military governor and various dignitaries. Describing the event to his superiors, the British Deputy High Commissioner wrote,

The crowd was strangely quiet, both before and after the executions. Apart from the expected pushing by those at the rear, striving for a better view, which caused the front ranks of spectators, mainly women, to be severely belaboured by both police and military, there was very little movement or noise. Curiosity and apathy were the only feelings displayed. Generally speaking the executions have been welcomed. The civilian population is getting very tired of the high-handedness of the military and they hope this will teach them a lesson. The more intelligent section is already very apprehensive of what will happen when the war ends, and a High Court Judge said to me recently that after the war, it would be impossible to travel on the roads in any degree of safety. Some feel that the executions should have been confined to the military as it is the army personnel who need a lesson. Others, particularly the police, who had an additional reason to see the death of one of their colleagues avenged, remember how the civilian population behaved after the liberation of Benin by Federal troops last year, and hope that civilians, too, will learn a lesson from this.⁵⁴⁴

An Irish diplomat also present recalled that "the grim spectacle, which was shown on television, was made more gruesome by the fact that one of the men had to be carried on a stretcher to the place of execution and propped to a stake before the fatal volley was fired." The murder to which

⁵⁴³ Lloyd Garrison reported on some of these executions. "Old Enemies Slowly Building New Lives in Nigeria" *The New York Times*, 11 February 1970, p. 12.

⁵⁴⁴ NAUK FCO 38/287, G. d'Arnaud-Taylor, British High Commission, Benin City to M.J. Newington, British High Commission, Lagos, 28 June 1968.

this execution responded was not exceptional. As the official conjectured, “the murders committed by these two men would probably have passed without disciplinary action, like hundreds of others, were it not for the fact that news of the atrocities leaked out and could not be suppressed.”⁵⁴⁵ The white barrels that the soldiers had been tied to were left standing in the square as a reminder that the Nigerian government would not tolerate aggression against Igbo. Capital punishment, especially as it manifested in armed robbery cases, was as much about politics and the performance of control as it was about “justice” in the former Biafran territories.⁵⁴⁶

The legal problems of reconciliation

The status of decisions made by Biafran courts and documents issued by Biafran entities was an intractable question for the postwar government. Officially, the period of the war was simply excised from the legal precedent of Nigerian federation. With the exception of some civil matters like births and marriages, most legal documents from Biafra were declared void. Appeals filed on decisions originating in Biafran courts were rejected out of hand, since “all appeals filed in the then Biafra Court of Appeal are now of no effect.”⁵⁴⁷ When an appellant tried to bring a case originating in a Biafran court before the Supreme Court of Nigeria in 1974, the court ruled that it had “no jurisdiction to entertain Appeal originating from a territory not in Nigeria, vis - the

⁵⁴⁵ NAID 2000/14/22, Confidential report by Joseph Small, Embassy of Ireland in Lagos, 1 July 1968.

⁵⁴⁶ Most ex-Biafrans thought of these public executions as a new phenomenon connected to the recent violence of the war, but capital punishment had a long colonial provenance in Nigeria. See Stacey Hynd, “Imperial Gallows: Capital Punishment, Violence and Colonial Rule in Britain’s African Territories, c. 1908-1968,” DPhil Thesis, University of Oxford, 2007.

⁵⁴⁷ NNAE BCA 1/1/23, Chief Registrar’s Office, High Court, Enugu to the Registrar, High Court Registry, Enugu, Charge No. E/106c/66, *A. Okoli and three others v. The State*, 4 April 1970.

"High Court of Biafra."⁵⁴⁸ With this case Biafra was quietly omitted from Nigerian legal precedent.

Eliding Biafra from legal practice – and public memory – would prove more difficult. Ghosts of the war haunted many postwar cases. How to treat acts of violence that had happened in the heat of battle was one such unsettled question. In July of 1969, at the height of the war, a lieutenant in the Biafran Army named Pius Nwaoga was ordered by his superiors to seek out and kill a fellow officer and childhood friend named Robert Ngwu. Ngwu had allegedly committed treason by embezzling money from the Biafran Army, and Ojukwu decided to have him killed extrajudicially rather than try to bring him before a tribunal. Nwaoga and two Biafran lieutenants travelled to Ngwu's hiding place in Ibagwu Nike – a village that Biafra claimed but was at that time nominally controlled by Nigeria – and executed him. They fled the village, and Nwaoga was captured by Nigerian soldiers patrolling a nearby checkpoint. Nwaoga was then charged with murder in a Nigerian court. The judge found him guilty of murdering Robert Ngwu, citing a British case to establish that a soldier is only "bound to obey lawful orders and is not responsible if he obeys an order not strictly lawful."⁵⁴⁹ The high court judge found that since the "order to eliminate the deceased was given by an officer of an illegal regime [Biafra], his orders therefore are necessarily unlawful and obedience to them involves a violation of the law and the defence of superior orders is untenable." In other words, while Nwaoga saw himself as a Biafran soldier carrying out orders on Biafran soil, in the eyes of the Nigerian court he was a Nigerian civilian who had killed another civilian in Nigerian territory

The war ended while Nwaoga was in custody, and his case eventually came before the Nigerian Supreme Court on appeal in 1972. Nwaoga's defense remained that "he had to obey the

⁵⁴⁸ SC.154/1973, *Okwuosa v. Okwuosa*, 21 February 1974.

⁵⁴⁹ *R. v. Smith* (1900) 17 SC R. 561.

orders of his superior officers.” The appeal challenged the question of who counts as a soldier in a civil war with a “rebel” army like Biafra’s. In his decision Chief Justice Adetokunbo Ademola wrote:

It was argued before me that the learned trial Judge was wrong to have adopted the attitude that the order in this case was an order by an officer of an illegal regime. It was submitted that in a civil war, the status of an illegal regime or rebels cannot be considered differently, and officers in that regime are entitled to give orders to junior officers in the same way as officers do in a legal and recognised regime, and that such orders must be carried out by the junior officers; that in carrying out such orders, junior officers in the one case are protected in the same way as in the other case. In other words, superior orders *qua* the forces to which the soldier carrying it out applies.

Concurring with the lower ruling in general terms, Ademola expanded on the idea that the appellant was not entitled to the defense that Nwaoga was simply following orders. First of all, the killing took place in a village that was, in the eyes of the court, in Nigerian territory. Theoretically of course *all* of Biafra was Nigerian territory, but Ibagwu Nike was especially so because it was under the guns of the Nigerian Army at the time of Nwaoga’s actions. Moreover, since the appellant was not wearing a uniform at the time of the killing, he could not be considered to be acting as a soldier and was therefore “liable for punishment, just like any civilian would be, whether or not he is acting under Orders.” Citing precedent from international law (a sabotage case from the Russo-Japanese War), the court upheld the appellant’s conviction and characterized the case as a “deliberate and intentional killing of an unarmed person living peacefully inside the Federal territory.” It was therefore “a crime against humanity, and even if committed during a civil war is in violation of the domestic law of the country, and must be punished.”⁵⁵⁰ Nwaoga was hanged.

⁵⁵⁰ S.C. 345/1970, *Pius Nwaoga v. The State*, March 1972.

A 1973 case before a Nigerian High Court raised a related question: if in the midst of the war a Biafran officer court-martialed and then shot a Biafran infantryman for raping a civilian, was that execution to be considered an act of murder, or an exercise of the officer's prerogative to maintain discipline in his unit? The Nwaoga case from the year before had made it fairly easy to make criminal charges like this stick, especially since Nigeria did not accept that what had happened between 1967 and 1970 was a war with another sovereign state.⁵⁵¹ By removing extenuating circumstances like the state of warfare and the veil of Biafra's emergency operations, Nigerian judges could plausibly rule that ordinary soldiering could constitute acts of "murder" or "theft" (or provocations thereof).⁵⁵² A Nigerian high court ruled narrowly in this case that the execution could be considered murder, since the Biafran army was an illegal militia and therefore could not exercise the sovereign right to take a life. The Supreme Court of Nigeria overturned this decision on appeal the following year, citing the impracticality of investigating every single wartime execution by Biafra and its army, of which there were probably thousands. But the Supreme Court did not unambiguously rule that the execution was *not* murder, leaving unsettled how martial acts of violence were to be considered before the law.⁵⁵³

Some of the wartime cases that belatedly appeared before postwar Nigerian courts were inscrutable to the judiciary. Killings had taken place in wartime Biafra which were neither straightforward acts of murder in a criminological sense, nor acts of political sacrifice, nor deaths in battle, but arbitrary enactments of the ability to kill. These acts are not uncommon in warfare, but killing for the sake of killing defies comprehension when considered from the perspective of

⁵⁵¹ *The Renaissance*, 10 December 1973.

⁵⁵² NAUK FCO 65/819, D.W. Ranson to British High Commissioner, Lagos, 12 November 1970.

⁵⁵³ Later, in the context of the Delta crisis and today in the north, these unsettled questions would again become important.

a peacetime court. Many such cases ended inconclusively, in mistrials or hasty dismissals. The post-war Nigerian judiciary could find ways to understand individual murders that took place on the battlefield and even killings that were sacrificial (such as those of Victor Banjo and other political executions), but acts of killing that showed mere “blood lust” on the part of soldiers, as one post-war legal practitioner called it, jammed the analytical tools that jurists used to understand acts of violence – factors like motive and intent often seemed absent in these cases.⁵⁵⁴ The legal system was unable to resolve many of the war’s trenchant moral questions, and this was never more obvious than when courts in reintegrated Nigeria adjudicated events that took place in the fog of war.

What to do with Nigerian officers who had fought in the Biafran Army was another difficult question. Even telling who had fought in the Biafran Army was difficult; by the end of the war there were no uniforms or military identification documents being issued, and high rates of participation in unofficial paramilitaries made the distinction between soldier and civilian almost irrelevant. Nigerian military officers who had fought on the Biafran side were brought before boards of inquiry to determine whether to re-integrate them into the Nigerian Army. The boards were advisory rather than punitive, and the total number of men tried did not exceed two hundred. Nearly half of the officers who were investigated were re-absorbed, sometimes at a lower rank. Those who were detained were nominally punished for their participation during the January 1966 coup, or for their participation in the invasion of the Mid-West, rather than for simply fighting on the Biafran side.⁵⁵⁵ These imprisonments represented an exception to the logic of reconciliation and rehabilitation that guided postwar Nigerian policy. The majority of Biafran

⁵⁵⁴ Interview with anonymous informant, Enugu, February 2015.

⁵⁵⁵ Olukunle Ojeleye, *The Politics of Post-War Demobilisation and Reintegration in Nigeria* (Aldershot: Ashgate, 2010): pp. 114-115; Samuel Osaigbovo Ogbemudia, *Years of Challenge* (Ibadan: Heinemann Educational Books, 1991): pp. 115-118.

soldiers were treated, in effect, as civilians – never formally investigated, and given the same small allocation of twenty pounds for the purpose of rehabilitation as all other ex-Biafrans.⁵⁵⁶

The imprisonment of two Nigerian officers for “sadistic” behavior during the war was intended to show that Nigerian troops would be held to account for their own excesses during the war. An ex-Biafran lawyer summed up the public response to this effort: “Only two?”⁵⁵⁷ The records of the commission of inquiry that investigated the conduct of Nigerian soldiers during the war do not survive. But whatever unfolded before this commission, few people in the former Biafra were satisfied with it as a reckoning with the war’s violence. The commission of inquiry had the opposite effect to what was intended, confirming to the ex-Biafran public that the Nigerian state had little interest in investigating acts of violence committed by its own army.

Political reintegration

Politically, the period immediately following the end of the war was marked by the atomization of state authorities, mounting tension between the federal government and the twelve state governments, and a great deal of bitterness over both the war and the unequal ways in which revenues and resources were divided in its aftermath. A legal scholar expressed concern about the growth of nativism and parochialism in postwar Nigeria, which was on the rise everywhere but was particularly pronounced in the east:

The country has just gone through a civil war and this has in some States unfortunately created considerable ill-will, both at official and private levels, against natives of some other States. This ill-feeling is of such a degree that one would not be surprised if it is reflected in decisions, in both civil and criminal matters, of some State Courts in cases involving natives of those other States. Ill-will apart, State attachment, State prejudices, State jealousies and interests might

⁵⁵⁶ This allocation is discussed in the following chapter. See also Olukunle Ojeleye, *The Politics of Post-War Demobilisation and Reintegration in Nigeria* (Aldershot: Ashgate, 2010): p. 117.

⁵⁵⁷ Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014.

sometimes obstruct or control the regular administration of justice in cases where one party is a local citizen and the other a native of another State.⁵⁵⁸

These problems had been present in pre-war Nigeria. But the war and its outcome created new and deeper cleavages between the state, local, and federal governments.⁵⁵⁹

After the war the East Central state was the only state with a civilian administrator, Ukpabi Asika, who was deridingly called “the pigeon among the eagles” for this reason.⁵⁶⁰ Asika was an Igbo loyalist who had spent most of the war as a lecturer in political science at the University of Ibadan in western Nigeria. An erudite and thoughtful politician who often published lengthy exegeses on Igbo history in the state newspaper, Asika was almost universally disliked in the East Central State since, as one informant recalled, “he had had such a different experience of the war from everyone else.”⁵⁶¹ A former Biafran official recalled that “we had a type of ‘Cold War’ relationship with the Government of the East Central State, under

⁵⁵⁸ Gaius Ezejiolor, “Nigerian Judicial Structure and Distribution of Judicial Competence,” *The Nigerian Bar Journal (Annual Journal of the Nigeria Bar Association)* Vol. 10 (1972): p. 78.

⁵⁵⁹ They would become even more immutable as the three states carved out of Biafra splintered further. A 1977 British intelligence report noted how firm political and regional identities became in the former Biafra: “In the old Eastern Region the minority tribes of Rivers and Cross River States still guard their separate identity jealously; and in the Ibo heartland of Imo and Anambra States tribalism takes the form of preoccupation with internal reconstruction and a professed disinterest in what happens elsewhere, particularly in Lagos.” NAUK FCO 65/1920, J.R. Johnson, British High Commission, Lagos to Foreign and Commonwealth Office, 8 February 1977. For a fictionalized treatment of the politics around state creation, see T. Aluko, *A State of Our Own* (Ibadan: Heinemann, 1986).

⁵⁶⁰ The other governors in the eastern states were all military officers, including Colonel John Esuene in the South-Eastern State, Lieutenant Commander Alfred Diette-Spiff in Rivers State and Colonel Sam Ogbemudia in the Mid-West State. For most of the period of military rule Nigerian state governors were officially called “military governors,” or “administrators” in the rare cases where civilians held office. Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

⁵⁶¹ Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

Administrator Ukpabi Asika. There was no love lost between him and the Igbo people, yet he was there as the agent of the victorious government, still regarded as an alien one.”⁵⁶²

Tensions were especially bad between the three states that made up the former Biafra. Dividing up the resources of the former Eastern Region was fraught with difficulty. The Eastern Region had been split up at the beginning of the war to meet the demands of eastern minority groups who wanted their own states, but Biafra’s secession prevented the state governments from being set up until after the war was over. From determining how to apportion oil revenues down to disputes about how to divvy up the office furniture in the former statehouse in Enugu, the state governments proved unwilling to work together. They also resented any kind of federal intervention. The military governors and in the Rivers State and South-Eastern State were especially wary of the East Central State trying to exert control over them.⁵⁶³ In August 1970 the Rivers State governor gave a heated speech in which he said that he did not “believe in an eastern zone,” and would refuse to let the East Central State dominate the federal University of Nigeria in Nsukka. He also claimed that as the center of the oil economy, the Rivers State should control the oil parastatals.⁵⁶⁴

Many ex-Biafrans felt that Nigeria’s plans to rebuild infrastructure in the former Biafra were designed to punish Igbos. The coal industry, formerly at the center of Enugu’s economic life, was to be moved elsewhere. As a British intelligence report related,

⁵⁶² Godwin Alaoma Onyegbula, *The Memoirs of the Nigerian-Biafran Bureaucrat: An Account of Life in Biafra and Within Nigeria* (Ibadan: Spectrum, 2005): pp. 196-199.

⁵⁶³ As a result of this hostility towards the East Central State, government agencies, parastatals, and other services that had previously served the entire eastern region from Enugu were replicated in Calabar and Port Harcourt. Services were duplicated in highly inefficient ways for reasons of regional pride, in the interest of controlling resources, and to create jobs for state “indigenes.” Each state had to have its own university, for example, leading to the creation of the University of Calabar in 1973 and the University of Port Harcourt in 1975.

⁵⁶⁴ SOAS Nigerian Civil War Collections MS 321463 Box 13, *Biafra News*, 18 September 1970.

I was told that the entrances to the coal mines near Enugu have been bombed and in consequence will be flooded. It has evidently been decided not to re-open mining near Enugu after the civil war, but instead, for political reasons, to develop open cast coal mining at Ankpa in Kwara State. It appears that this will be a costly political decision because the coal will have to be taken by road across to the railway line at Oturkpo. It may be a pointer to the sort of policies the Nigerians will adopt in the matter of rehabilitating the East Central State.

Moreover, the locomotives that Biafra had seized from the Nigerian Railway Corporation at the start of the war were not to be kept in the eastern states, but “taken away and used outside the East to help with the growing problem of maintaining the railway traffic in Nigeria.”⁵⁶⁵ The decision to postpone rebuilding the destroyed bridge over the Niger River connecting Onitsha and Asaba – the main artery between east and west – was also taken as a sign that the Nigerian government’s promises were disingenuous.

Few former Biafrans were represented in the federal bureaucracy, especially at its higher levels. Minister of Health Dr. Josiah Okezie was the only member of the postwar Federal Executive Council who had been a Biafran. Okezie was threatened with assassination, likely for having served in the Biafran government. The presence of Okezie and the few other ex-Biafrans in visible positions in the Nigerian administration was meant to show that the federal government welcomed former Igbos. But Okezie and other ex-Biafrans constantly felt compelled to state that their participation in Biafra’s government had been coerced, ambivalent, or duplicitous. In an interview with a London newsmagazine, he stressed that he had been “made to feel like an outsider” in Biafra and had never been a true believer in the Biafran idea.⁵⁶⁶ The composition of the postwar judiciary was also an important part of the federal assurances to Igbos; the Nigerian Ministry of Justice frequently pointed out that the majority of the judges in Enugu and elsewhere

⁵⁶⁵ NAUK FCO 38/297, H.H. Stewart, British High Commission, Lagos to Commonwealth Office, 17 April 1968.

⁵⁶⁶ SOAS Nigerian Civil War Collections MS 321463 Box 1, *The Flamingo* Vol. 9, No. 11 (1970): p. 6.

in the former Biafran territories were Igbos from whom ex-Biafrans could expect to receive fair treatment. Ex-Biafran judges faced a difficult task in squaring their recent experiences in the “rebel” regime with their position as representatives of the Nigerian state, but as elite civil servants they were far more insulated from the humiliations and hardships of everyday life in reintegrated Nigeria than members of the general public.

After the war, the publisher Arthur Nwankwo recalled that “the fashionable logic was that Ojukwu misled the Igbos into secession. This expedient, but untruthful verdict served a useful purpose, because the absent Ojukwu provided a scapegoat to vent all frustrations of the war on and made reintegration with the erstwhile ‘enemy’ easy.”⁵⁶⁷ Ojukwu and his immediate circle spent the tumultuous years after the war in exile in Ivory Coast, where he kept a low political profile. His exile was comfortable, spent mostly in watching television and corresponding with his former allies. He did, however, wish to retain a role in the reintegration process. In his first interview from exile, he told a London tabloid that “I think the shock of the defeat is beginning to pass, and I owe it to them, I owe it to my people, both inside and outside, to give them certain directions.” Ultimately, he argued:

It’s in the court of the Nigerians, it depends on how they play the ball back. If they play it in a friendly way then there would be no need for resistance. If of course, they play it back viciously then I am sure that our people will consider again whether this forced unity is worthwhile... we must learn to be patient. We must learn to watch. We must learn to wait. It’s difficult for the younger ones, particularly the students to understand this, but one has to consider throughout the fact that there is no resistance at the moment possible inside Biafra and one must be careful not to lead a defenceless people into massacre.⁵⁶⁸

Few people in postwar Nigeria were interested in Ojukwu’s thoughts on reconciliation. To Nigeria he was a war criminal, and to many ex-Biafrans his eleventh hour escape from Biafra

⁵⁶⁷ Arthur A. Nwankwo, *Thoughts on Nigeria* (Enugu: Fourth Dimension, 1986): p. 140.

⁵⁶⁸ SOAS Nigerian Civil War Collections MS 321463 Box 1, *The Flamingo* Vol. 9, No. 12 (1970): p. 20.

was a cowardly betrayal – suicide would have been the more honorable exit, a number of informants recalled. Gowon’s government made a brief effort to extradite Ojukwu to Nigeria, but gave up this effort for fear that a public trial might complicate the reconciliation process. The United Kingdom cooperated with Nigeria to prevent Ojukwu and his coterie from settling in Europe, where British and Nigerian officials feared the Biafran government might try to regroup.⁵⁶⁹ Ojukwu would eventually return to Nigeria in 1982 after being pardoned by President Shehu Shagari, where he remade himself as a powerful businessman, politician, and traditional ruler.

For ordinary ex-Biafrans reconciliation required no special action. Nigerian soldiers and administrators sometimes demanded that ex-Biafrans pledge their loyalty by greeting them with the slogan “One Nigeria!,”⁵⁷⁰ but for most people there was no formal act of reintegration. The Nigerian government had never recognized Biafra’s separate existence, so from a bureaucratic perspective there was no need to ratify that Biafrans were now Nigerians again.⁵⁷¹ There were, however, certain actions that compelled ex-Biafrans to pledge their loyalty to Nigeria. In the aftermath of the war people returned home, reclaimed their property, and went about the painstaking bureaucratic process of replacing identity documents that had been lost or destroyed during the war. This often required filing an affidavit at a magistrate’s court and making an oath of allegiance to the Federal Military Government of Nigeria. When Anthony Enyinna Ohonu’s

⁵⁶⁹ NAUK FCO 65/1198, A.H. Wyatt, British High Commission, Lagos to Foreign and Commonwealth Office, 16 November 1972.

⁵⁷⁰ Alfred Obiora Uzokwe, *Surviving in Biafra: The Story of the Nigerian Civil War: Over Two Million Died* (self-published, 2003): p. 145.

⁵⁷¹ The most relevant case is summarized in the following terms: “during the civil war the Ibos have always been regarded as Nigerians and treated as such, as they have never been excluded from the Nigerian society.” See Mowoe V. Agboha (1968) M.N.A.L.R. 352 at 365, *Nigerian Law Through The Cases* Vol. 24 (1998): 5E.20.

birth certificate was lost during the war, for example, his cousin had to appear before the High Court Registry of the East Central State in Enugu to file an affidavit that the applicant was who he said he was. Both Ohonu's statement and his cousin's include a sworn statement that the subject was "a Nigerian citizen of the Federal Republic of Nigeria" and "a native of Mbieri in Mbaitoli, Ikeduru Division."⁵⁷² Similarly, couples who had married in Biafra had to file affidavits of that fact to have their marriages legally recognized.⁵⁷³ These many small reckonings with the war would continue throughout the 1970s.

Conclusion

The most popular song of 1970 in the East Central State was Eddie Okwedy's "Happy Survival," a high-life dirge for Biafra that encouraged ex-Biafrans to get on with their lives and leave matters of justice and retribution to God. Few people were happy, but having survived the war was cause for exhausted relief for most ex-Biafrans. Survival was tinged with melancholy over the lost cause of independence. Many people recall that the month immediately after the end of the war was a brief *détente* when civilians in the East Central State could do nothing but, as a barrister who had stayed in Biafra until the end recalled, "sit in shock and take the scraps that the Nigerian soldiers gave them. They thought that they would be killed straight away so they were glad but also numb when they were not."⁵⁷⁴ This period of calm did not last long.

In the years that followed Biafra's immediate defeat, relief would turn to bitterness over how Igboland's reconstruction and rehabilitation proceeded. The security situation, already bad at the end of the war, would only get worse in the years that followed. Similar to the situation in

⁵⁷² NNAE ENJUST 33/1/67, "Statutory Declaration of Age," 4 June 1970

⁵⁷³ NNAE ENJUST 33/1/67, "Affidavits of Marriage," 1970

⁵⁷⁴ Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014.

wartime Biafra, the postwar East Central State appeared to be a place of unabated violence and lawlessness to many of the people who lived there. Violent armed robberies became extremely common. Fraud also featured prominently in postwar courts.⁵⁷⁵ Crime became widely seen as a direct result of the war. As one lawyer remembered, “the young people involved went to war, came back and found that there was nothing else they could do.”⁵⁷⁶ Simple things like drinking in bars or driving on the roads at night – activities that people had done without a second thought before the war – became unthinkable in postwar Nigeria.⁵⁷⁷ Like wartime crime, postwar crime was driven by survivalism, dysfunction within of the criminal justice system, and the erosion of informal guarantors of security. After the war, few people could count on their family, clan, village associations, and other networks of trust to provide for them.

But the postwar was also a time of opportunity, even if the opportunities on offer in decimated eastern Nigeria often involved a measure of illicitness. In the years after the war, ex-Biafrans jockeyed for position in the new landscape. Just as Biafra’s secession had done, the peace created a clean slate for many people to remake themselves or to make their fortunes, sometimes at the expense of others. The final chapter will consider why the forms of crime accompanying the war’s end persisted in the 1970s.

⁵⁷⁵ Chike Ofodile, *The Mettlesome Man: Hon. Justice Akunwafor Chuba Ikpeazu Through the Cases* (Self-published, [2000]): pp. 264-277.

⁵⁷⁶ Interview with Chidube Ezebilo, SAN, in his chambers on Oguta Road, Onitsha, 12 March 2015.

⁵⁷⁷ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

Chapter 6

Poverty, crime and indiscipline in the postwar East Central State

A criminal lawyer in Umuahia who made his career as a defender of armed robbers recalled that in the years following Biafra's defeat, "injustice became part of our blood."⁵⁷⁸ The habits of war did not come to an end when the shooting war ended in January 1970. Some Biafrans found that the skills that they had developed to survive the war could be useful in surviving the peace. In the postwar East Central State some used those skills to make their ways in reintegrated Nigeria. A few thrived by them. As one prominent lawyer recalled from his opulent chambers in Enugu, armed robbers "learned a trade during the war and they could not stop it. The law only could catch up with some of them. Some people still trade on what they learned during the war." After a moment of reflection, he added, "in a way, we all do," and hastily changed the subject.⁵⁷⁹ One of the most alarming aspects of crime in the postwar period was the way in which it seemed to touch all areas of life, to permeate all areas of government, and to be perpetrated by an ever-widening group of people. Forms of violence that had commingled during the war – criminal and martial, personal and political, state and private – could not be easily disentangled in its aftermath.

There were many wars – in African history and beyond – in which violence permeated life beyond the battlefield and people survived by illegal means.⁵⁸⁰ But it is not in every war that the logics and habits of wartime metastasize into deep forms of criminality after the fighting

⁵⁷⁸ Interview with A.M.O. Onukaogu, in his chambers in St. Finbarr's St., Umuahia, 9 March 2015.

⁵⁷⁹ Interview with anonymous informant, Enugu, October 2014.

⁵⁸⁰ As noted in the introduction, these include conflicts as varied as the American Civil War, the Bangladesh War, and the Balkan Wars.

ends. This final chapter asks, why did forms of violence and deceit that emerged on Biafra's front lines persist after the fighting was over? In other words, what factors precluded life in the former Biafra from returning to something like normality after 1970? To answer this question, I tighten the focus from the former Biafra in general to the postwar East Central State – the so-called “Igbo heartland.” This had been the place where the fight had been longest and most intense, and the final territories to hold out were located there. The reasons why the behaviors of war persisted in postwar Nigeria included the availability of firearms, the tenacious problem of unemployment, and the unfortunate fact that demobilization and reintegration coincided with the 1973 oil boom.

Armed robbery spread in the 1970s, as Tekena Tamuno described, “like cancer.”⁵⁸¹ Hundreds of armed robbery cases were heard in the East Central State's courts and tribunals in the 1970s. Many of these crimes fit a pattern: they were usually conducted late at night, by groups of between five and fifteen men armed with military-grade firearms and occasionally agricultural tools. In most cases the men were former soldiers, both from the Biafran and Nigerian armies (though rarely did veterans of the two armies act together). A handful included young women in their ranks, which judges found perplexing and disturbing – this was a type of crime most thought women were incapable of. Most were home invasions, though government offices, warehouses, and shops were also robbed. Some were extremely brazen, like a 1970 armed robbery of an entire hospital and its bed-ridden patients in Owerri.⁵⁸² The testimony of Chuba Ekwunoh, a railway stationmaster who was robbed in his home in Aba in late 1970, gives a sense of how these robberies often took place:

⁵⁸¹ Tekena Tamuno, “Trends in Policy: The Police and Prisons,” in Tekena Tamuno, ed., *Nigeria Since Independence: The First Twenty-Five Years, Vol. IV* (Ibadan: Heinemann, 1989).

⁵⁸² NAUK FCO 65/213, “Evacuation Plan” 20 June 1970.

It is his evidence that he was awakened from his slumber at about 2 a.m. on the 11th of December 1971, in his house by the noise of people shouting outside “This is mobile; we are in town; open.” He said before he got [sic] up from bed those who were shouting were already at the verandah of his house and were thumping heavily at his door and demanding that he should open the door. When he dared to ask who the intruders were he was ordered to shut up and open the door. He sensed danger and tried an escape through the back door when he was prevented by a gun shot in that direction. He then opened the front door. He had a lighted lantern in the parlour of his house. As he opened the door he saw the accused by the light from the lantern pointing a gun at him and querying if he the witness was the person wasting their time. The accused, witness said, then ordered him to lie prone on the floor. As the witness obeyed the order of the accused, other persons with accused surged into witness’s house armed with guns, clubs and pieces of iron. The accused and his associates in crime removed all the property of the witness as enumerated in the first count.

The accused, who was known to Ekwunoh, beat his victim senseless and left with virtually the entire contents of his house and the adjoining railway office.⁵⁸³ Thousands of crimes like this took place in the early 1970s, conveying the ambiance of the battlefield into postwar towns and cities.

Ex-Biafrans sometimes went to extreme measures to protect themselves from the many dangers of postwar life. In 1971 a preacher and self-proclaimed “prophet” named Maurice Nwogu defrauded Pleasure Mercy Ugwuzor of five hundred pounds while she was staying in Aba to attend services at the Church of the Order of Cherubim and Seraphim, which offered healing services, miracles, and intercessions.⁵⁸⁴ Nwogu convinced her that he was a prophet by giving her a protective elixir to guard her from armed robbers, after which she gave him her money for “safe keeping, she swore, because armed robbers threatened to visit her hotel and she knew that if they did they would remove [her] money.” Ugwuzor was then defrauded for a second time by a man posing as a lawyer who promised that he could get her money back if she

⁵⁸³ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/2c/72, *The State v. Festus Alozie*, 23 February 1972.

⁵⁸⁴ *Report of the Honourable Mr Justice A.N. Aniagolu, Sole Commissioner, On the Conducts of Mr J.C. Ononye* (Enugu: Government Printer, 1973): p. 68.

paid him a large fee upfront. Violence was not the only thing that flourished in the context of postwar insecurity – these nervy and unsettled times also gave wide scope for deceit.⁵⁸⁵

The chapter begins with a description of conditions in the East Central State at the end of the fighting, with the aim of understanding how poverty, unemployment, and later the oil boom conspired to create an environment where crime was both possible and necessary to succeed in an uncertain environment. The second section considers the relationship between crime and governance in the postwar period as told through a particular case, arguing that many ex-Biafrans came to see the East Central State government itself as criminal in the 1970s. This blurring of state and criminal forms of violence muddled questions about ethics and legality in the shattered and demoralized East Central State.⁵⁸⁶ The final part of the chapter looks inward on

⁵⁸⁵ The growth of this and other Christian charismatic churches suggests how the war shaped ex-Biafrans' spiritual lives. After the war many Catholics felt that the church had betrayed them by not sufficiently supporting Biafra's bid for independence. Some turned to churches like the Cherubim and Seraphim, which was not a new church but grew rapidly in this period. During the war Biafrans had also developed new devotional practices to grapple with its challenges, many of which continued after the war ended. Aba's administrator describes how a "spurious" church called the Mercy of the Holy Nights became popular in the town of Umuoba, a railway hub and an important garrison town in wartime Biafra, one of many "mushrooming prayerhouses functioning like thriving business ventures in our area of authority." The church offered healing services divination to civilians and tactical advice to soldiers – all at a price – with extensive theatrics and a patina of Christian respectability. It thrived in the context of insecurity and harm that the war had created, "a highly organized, most intriguing place of nocturnal worship attracting an ample crowd of people said to be in distress. Its clientele – or, better still, its congregation – comprised men and women from all walks of life: senior as well as junior officers of the Biafran Armed Forces, plus a good number of the rank and file; doctors, lawyers, engineers, big-time contractors, barren women, high-ranking police officers and so on." The Mercy of the Holy Nights remade itself as a millenarian prayer society after the war. Ben Gbulie, *The Fall of Biafra* (Enugu: Benlie Publishers, 1989): p. 109.

⁵⁸⁶ As in the previous chapters, the cases discussed here are from a variety of courts at different levels of the legal system, all of which structured commerce and public life after the war, and played a role in the reintegration and administration of the region. Most, however, come from the High Court of the East Central State. With courts sitting in every major town, the East Central State's High Court was the highest judicial authority in the state and the court for which postwar records are most complete. For most of the criminal cases that I address, the High Court was both the court of original jurisdiction and the forum of their final hearing. A few were appealed to the Nigerian Supreme Court in Lagos, but since most were straightforward cases of robbery, assault, or homicide, only a few that raised compelling new legal questions were granted appeals. At the lower levels of the legal system,

domestic life in the former Biafra, considering how strained family and gender dynamics shaped and were shaped by crime.

Demobilized troops and available firearms

Over images of three men convicted of armed robbery being tied to barrels for public execution in Umuahia, a British television documentary on life in the postwar East Central State painted a picture of the stern legal order there: “Ex-Biafran soldiers, jobless and hungry, are thought to be responsible for the spate of armed robberies. A vast crowd watches as the Nigerian army carries out the sentence. These public executions, there’s been a half dozen so far, show the Nigerian army at its toughest, in fact the Ibos are living under a military occupation.”⁵⁸⁷ The East Central State’s Commissioner of Police objected to this grim characterization, insisting in late 1970 that “armed robbery and burglary had declined very sharply. He pointed out that since the promulgation of the ‘Robbery and Firearms Special Provisions Decree of 1970’ criminals knew that they were operating on a very risky basis. Many have therefore given up.”⁵⁸⁸ Oral accounts and legal records reveal that this was wishful thinking on the commissioner’s part.

When asked what they recalled about the years after the war, the first things that many ex-Biafrans mentioned were robbery and the appropriation of property by Nigerian soldiers. These were often difficult to tell apart. The historian Paul Obi-Ani called the first year after Biafra’s defeat a “reign of terror,” in which Nigerian soldiers “commandeered livestock, looted

the magistrate’s courts also continued to operate after the war. Hardly any of their records have been preserved. Laying parallel to the civilian courts were tribunals, which included both general military tribunals and commissions convened to address specific issues like armed robbery, embezzlement, and other crimes.

⁵⁸⁷ SOAS Nigerian Civil War Collections MS 321463 Box 13, Transcript of Independent Television News [United Kingdom] program, News at Ten, 1 September 1970.

⁵⁸⁸ SOAS Nigerian Civil War Collections MS 321463 Box 13, *Biafra News*, 30 October 1970.

private and public property, raped women and teenage girls, forcefully married others and murdered anybody who challenged their highhandedness. Such senseless brutality had never been witnessed by the Igbo in their homeland. Even the colonial conquest at the beginning of the 20th century was far less brutal and cruel.”⁵⁸⁹ Not all observers described the situation in such strong terms, but theft and violence by soldiers was indeed a common experience. A farmer in Ogoja remembered looting as “a kind of joint venture between Nigerian soldiers and civilians of Northern origin. He recalls an incident where his father’s compound was besieged by a crowd of civilian looters led by two soldiers. Efforts by a member of the family to resist the looters resulted in the man being seriously machete[d].”⁵⁹⁰ Many stories like this emerged in court cases.

Cases from the postwar East Central State bristled with guns. As had been the case in Biafra, the availability of firearms was one of the factors driving crime. The firearms that circulated there included weapons from both Nigerian and Biafran soldiers who had not surrendered them at the end of the war. In addition, rudimentary locally-made pistols, the production of which had expanded greatly in Biafra, continued to be illicitly produced and traded in the East Central State. The Nigerian Army had liquidated what it could find of Biafra’s arsenals and set up roadblocks throughout the east to collect guns from civilians and ex-soldiers, but collecting firearms that people had hidden proved to be difficult.⁵⁹¹

⁵⁸⁹ Paul Obi-Ani, *Post-Civil War Political and Economic Reconstruction of Igboland, 1970-1983* (Nsukka: Great AP Express Publishers, 2009): p. 26.

⁵⁹⁰ Axel Harneit-Sievers, Jones O. Ahazuem and Sydney Emezue, eds., *A Social History of the Nigerian Civil War* (Enugu: Jemezie Associates, 1997): p. 153.

⁵⁹¹ The Federal Military Government had reason to fear that these guns might be used not only in crimes in the East Central State, but for political purposes. There was an acute fear that demobilized Nigerian soldiers might use their weapons to foment political instability in other parts of Nigeria that had recently experienced unrest, especially the Tiv regions of the middle belt. A British report found that “the Northern States Police have been expressing a little concern about the return of the army after the present conflict. A large number of the troops have been recruited from Tiv, Adamawa and Southern Zaria. Some of these have returned on leave with their weapons and caused minor

Firearms from the war, of both Biafran and Nigerian issue, turned up as evidence in criminal courts throughout the Nigerian federation for decades after the war. Conventional wisdom held that any weapon encrusted with red, silty dirt had likely come from the former Biafra, where ex-combatants had buried their weapons in the thousands.⁵⁹² Although having been buried did not necessarily mean that the weapons had come from the east, the fact remained that much armed crime was carried out using war surplus. Both ex-Biafran and Nigerian soldiers found ways to keep the weapons they had been issued, and many of them were turned to property crime in the early 1970s – both in the East Central State and more widely.⁵⁹³ Kola Babalola recalled that

There was no commerce as such in Rivers State after the war. As a result of the war there was armed robbery. A lot of those boys came about weapons illegally.

disturbances, though none of these have been organised on any scale. The Police fear that in certain areas arms may have been hidden for use later in pressing minority claims. The situation is being watched, as there is no wish to have a repetition of the 1965 Tiv type troubles in other parts of the North.” NAUK FCO 38/287, Col. R.E. Scott, British High Commission, Lagos to Col. P.H. Moir, Ministry of Defence, 15 June 1968; Interview with Emeka Ofodile, SAN, in his chambers on Awka Road, Onitsha, 16 March 2015.

⁵⁹² Interview with Barrister Mike Onwuzunike, Holy Ghost Cathedral, Enugu, 14 September 2014.

⁵⁹³ This had emerged as a problem long before Biafra formally surrendered. A meeting of Nigerian trade unionists in 1968 turned to the matter of demobilization and what would happen after the war: “two of them mentioned that, in spite of the precautions taken, some soldiers already discharged on health or other grounds had retained weapons of one sort or another. All agreed that the sight of an army uniform on the roads of Nigeria have them a sinking feeling. Mallam Kailie said that one problem was that experience so far with the few soldiers who had been demobilised or discharged was that they were not content to go back to the jobs which they had formerly filled. They expected foreman status or even something better. The prospect of a flood of ex-soldiers returning to their homes seemed to fill all four – and they all came from different tribal backgrounds – with deep foreboding.” NAUK FCO 38/291, G. Foggon to Commonwealth Office, 11 March 1968. Some Nigerian intellectuals had also foreseen the crisis of unemployment that emerged after the war. A Professor at the University of Lagos and former head of the Federal Manpower Office was “extremely concerned at the increasing unemployment problem in Nigeria. For the moment, it is superficially held in check by the civil war since most of our able bodied unemployed have enlisted in the armed forces. The problem, however, will attain new dimensions immediately after the war particularly when considered along with the problem of rehabilitation of all displaced persons.” NAUK FCO 38/291, T.M. Yesufu, University of Lagos to G. Foggon, Commonwealth Office, 15 April 1968.

A soldier would be issued a weapon, go and hide the rifle, and collect it after the war. There was no work at all for the boys, and so many of them used those weapons to feed themselves.⁵⁹⁴

Few ex-soldiers kept their weapons because they anticipated that they would be useful in staging armed robberies – a general sense of insecurity about the future explains it better – but that was what many of them ended up being used for.

Judges fully appreciated the fact that occupying soldiers were often violent and larcenous. Certain patterns in how soldiers operated became clear in the midst of the occupation. When a group of soldiers in Onitsha commandeered a car owned by an Igbo employee of Shell in 1971, the case that followed against them reveals how little faith Nigeria's courts had in the Nigerian Army. "Considering all the circumstances," the judge ruled that "the presence of the soldiers, the time of the offence soon after the civil war when soldiers were not very polite and the notorious fact that soldiers were then removing peoples [sic] cars and forcing anybody close by to help load those cars into their lorries," all gave credence to the case against the accused.⁵⁹⁵ The court found the soldiers guilty of theft, precipitating a tussle with the military authorities over their incarceration. The Nigerian Army won, and rather than serving a sentence they were returned to their unit.

Nigerian soldiers were not the only perpetrators of crime and violence, however. Armed robbery by civilians also became common in the occupied areas of the East Central State, reaching crisis levels by the end of 1970.⁵⁹⁶ A Nigerian civil servant accurately predicted that in the months following the end of the war "there would be a very serious problem with armed

⁵⁹⁴ Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

⁵⁹⁵ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Onitsha, No. O/25c/71, *The State v. Clarence Mbagwu and three others*, 1 November 1971.

⁵⁹⁶ Interview with Ejike O. Ume, SAN, in his chambers on Enugu Road, Onitsha, 12 March 2015.

stragglers of the rebel troops indulging in general banditry trying to obtain whatever they could.”⁵⁹⁷ That former Biafran troops might turn their weapons against civilians was not surprising to most observers watching the conflict, but that civilians would rob and intimidate one another was unexpected. What surprised administrators and judges in postwar Nigeria was not that crime happened, but that so many different types of people engaged in it – including people who were highly educated, elderly, or otherwise in social categories not thought of as “criminally disposed.”

Illegally carrying handguns became common, with some arguing that the state ought to permit people to carry firearms for the purpose of self-defense. One editorialist in the East Central State’s main newspaper opined that the state and federal governments were misguided in banning the possession of personal firearms in the midst of a crime wave, especially since it seemed to be unfairly targeting ex-Biafrans who merely wanted to protect themselves:

Armed robbers in this part of the country have grown intolerable in their display of “courage” and bravado... all sorts of excuses have been given to justify the prolongation of the ban on the possession of fire arms by respectable citizens in this part of the federation. Before the war, respectable citizens in all parts of the federation – bishops, civil servants, well-known businessmen – were given permits to bear small arms. It was never a free-for-all affair and so never constituted any danger to the constituted authority.⁵⁹⁸

Courts were often sympathetic to wealthy people who carried firearms, perhaps since as high-ranking public servants judges themselves were at risk of robbery and kidnapping. The people who illegally carried guns for self-defense were usually inexperienced in handling them. There was a rash of accidental shootings in the early 1970s, such as when a wealthy businessman from Warri doing business in Aba accidentally shot a young boy with his handgun. He was found

⁵⁹⁷ NAUK FCO 65/213, B.P. Austin to John Wilson, 16 January 1970. B.P. Austin to John Wilson, 16 January 1970.

⁵⁹⁸ *The Renaissance* [Enugu], 8 January 1974.

innocent on appeal, but the court expressed concern at how easy it had been for him to obtain a pistol.⁵⁹⁹

Even when they were not being used for robbery or harassment, leftover guns had a destabilizing effect on public life in the East Central State. At the wake of a young woman who survived to the end of the war only to die of a minor ailment two months after it ended, a young ex-Biafran soldier brought his revolver with him to the ceremony, which he had kept even though he was supposed to have surrendered it. The girl's father warned him that she "was too young for guns to be fired at her funeral ceremony added to the fact that she was a Christian and no pagan rites were permissible."⁶⁰⁰ The young man ignored him and continued to drink and shoot into the air throughout the evening. In the end he accidentally shot an elderly man, for which he was subsequently convicted of manslaughter.

Poverty and pauperization in the East Central State

Unlike in a Chekhov play, the mere presence of guns in postwar Nigeria did not guarantee that they would be fired. Other factors besides the availability of firearms drove the incidence of crime, and poverty was closely linked to both property crime and violence in the years immediately following the war. Throughout 1970 the East Central State's economy stagnated. The international humanitarian agencies wound down their relief operations there in the months after Biafra's defeat, and the extreme crisis of hunger gave way to a less dramatic but no less widespread form of everyday deprivation. Millions of impoverished people traveled to and within the former Biafra, often on foot, to claim what was left of their homes.

⁵⁹⁹ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/12CA/73, *The State v. S.I. Guinness*, 13 May 1974.

⁶⁰⁰ ESHC uncatalogued collection, In the High Court of the East Central State, Holden at Owerri, No. HOW/5c/1970, 15 December 1970.

The horrifying cases of kwashiorkor that had appeared in newspapers worldwide had ended with Biafra's defeat, as relief supplies were rushed into the area around Orlu. After January 1970, the Nigerian government took responsibility for the humanitarian situation in the East Central State. The International Committee on the Red Cross and other humanitarian organizations curtailed their operations dramatically, the Federal Government having made it clear to them that their presence in reunited Nigeria would no longer be begrudgingly tolerated as it had been during the war.⁶⁰¹ Biafra's sympathizers immediately claimed that Nigeria's treatment of the defeated civilian population would be punitive, or at least engineered to make conditions worse in the East Central State than elsewhere in the region. The Federal Government insisted that after the war the distribution of relief aid was not biased against the Igbo-majority region, and that in fact it received a disproportionately large percentage of the aid; forty percent of aid was remitted to the East Central State, compared to thirty percent for the South-Eastern State, twenty percent for Rivers State, and ten percent for the Mid-West State.⁶⁰² A commission for rehabilitation was established in each state, the first task of which was to provide humanitarian materials for ex-Biafrans in refugee camps.

⁶⁰¹ The Nigerian government was determined that the relief and rehabilitation of the former Biafran territories must not be undertaken by foreign aid organizations or governments. The government agency to which this task fell was the Ministry of Economic Development, shortly renamed the Ministry of Economic Development and Reconstruction. In 1971 it took over the responsibilities of the National Rehabilitation Commission. The Federal Government declared that no aid would be accepted from the countries and organizations that had supported Biafra, including France, Portugal, Rhodesia, and South Africa, and also Caritas, Canair Relief, Joint Church Aid, the Nordic Red Cross, and the French Red Cross. Any foreign aid workers who had worked in Biafra would not be allowed to enter Nigeria. NAUK PREM 13/3376, Sir L. Glass to Foreign and Commonwealth Office, 15 January 1970.

⁶⁰² From the moment the war ended there were claims that this money was being inappropriately used, misdirected, and distributed in a corrupt manner. SOAS I.A. Walsworth-Bell Papers MS 380827/5, collection of press clippings, 1970.

In the East Central State, the refugee camps were maintained to distribute food and convince ex-Biafrans that the intentions of Nigerian government were peaceable. In the South-Eastern State and Rivers State the camps were as much a form of protective custody for Igbo civilians as they were humanitarian installations. Although they were grim, overcrowded, and sometimes dangerous places, few people went hungry in the Nigerian or Red Cross refugee camps.⁶⁰³ A French journalist who had been sympathetic to the Biafran cause wrote that “it is difficult to appreciate exactly the food situation in former Biafra, because reports, and there are large numbers of them, are contradictory. It seems, however, almost certain that the famine which decimated civilian populations in the short-lived Biafran republic can only be a dreadful memory.”⁶⁰⁴ Hunger continued in the rural areas of the East Central State into 1973, but at nothing like the levels it had reached during the war.

But the situation was still dire, especially in the war-devastated triangle between Orlu, Umuahia, and Owerri. Deprivation was intense, and the Nigerian aid distributed there ensured that refugees could do little more than stay alive. This material deprivation was exacerbated by the fact that practically everyone was on the move in the East Central State. In his fictionalized account of the war, S. Okechukwu Mezu described the refugee situation at the end of the war;

There was not enough food to go round and not enough beds to rest tired heads. Some of the refugees did not know where they were. They just followed the crowd as it moved out of besieged Owerri. They stopped when the movement stopped. Others stopped when darkness fell or when they tired of running. Even families could not take in all their distant relations, cousins, great-grandchildren, all kinds of in-laws and friends-in-law. Some families were separated into three or four groups. The man went to a refugee camp. The children stayed perhaps with the relations of the mother. The mother went to another family. Sometimes the

⁶⁰³ R. B. Alade, *The Broken Bridge: Reflections and Experiences of a Medical Doctor During the Nigerian Civil War* (Ibadan: The Caxton Press, 1975): p. 135.

⁶⁰⁴ SOAS I.A. Walsworth-Bell Papers MS 380827/5, Translated article from *Le Monde*, 25 November 1970.

grown-up children roamed from camp to camp, from house to house, waiting for darkness to fall.⁶⁰⁵

Although fictional, Mezu's account was drawn from life. The large number of refugees and the breakdown of familial structures in the former Biafra created much instability immediately after the fighting ended, and many sources recall that the East Central State was in flux for at least the first half of 1970. No one was counting how many people were displaced with any degree of confidence. A Shell oil worker reported that the line of refugees leaving Owerri was 250,000 people long in January 1970. He further reported that "there was a serious situation of banditry developing with troops from the rebel and Federal Armies in undisciplined bands. This was particularly bad along either bank of the River Niger but covered the whole area."⁶⁰⁶ Soldiers on both sides who had not been formally demobilized but knew that the war was over scrambled to claim what they could from civilians on the move, sometimes setting up roadblocks to seize the personal effects of refugees.

Nearly everyone in the former Biafra had been reduced to poverty, and the Nigerian government's financial policies there seemed to contradict its larger promises of reconstruction and reconciliation. Early in the war, Nigeria had introduced new currency notes in order to make Nigerian pounds circulating in Biafra useless for purchasing arms abroad, leaving Biafrans whose savings had been denominated in old Nigerian banknotes penniless.⁶⁰⁷ After the war, punitive banking regulations imposed in 1970 impoverished people who had managed to hold onto some portion of their wealth. Perhaps the most unpopular decision the Nigerian government made after the war was to seize the contents of all bank accounts in the East Central State that

⁶⁰⁵ S. Okechukwu Mezu, *Behind the Rising Sun* (London: Heinemann, 1971): p. 222.

⁶⁰⁶ NAUK FCO 65/213, "Internal Situation," 26 January 1970.

⁶⁰⁷ E.I. Nwogugu, "Aspects of the Effects of the Nigerian Civil War on Commercial Transactions," *Nigerian Bar Journal* Vol 14, No. 2 (1977): p. 138.

had been re-denominated in Biafran pounds during the war. This was accompanied by a paltry payment of twenty pounds to every person affected by the war for “rehabilitation,” which for most people was far less than the amount that they had held in their seized bank accounts. A former Biafran officer recalled how he and others were impoverished by postwar banking regulations:

During the war we were using Biafran money, and after the war it became an invalid currency. The bank at that time made it impossible to take one kobo from the bank if you had touched the account during the war. Even if you had one million pounds and you had so much as taken out one kobo you lost all but twenty pounds.⁶⁰⁸

Many thousands of ex-Biafrans lost their savings through this policy. Contracts that had not been fully executed in Biafra were declared null and void, and agreements denominated in Biafran currency were deemed unenforceable under Nigerian law. This caused major problems for businesspeople in the East Central State, who could not collect debts owed to them or substantiate claims to property that they had purchased in Biafra. The postwar courts generally did not recognize financial transactions that had taken place there, throwing the region’s mercantile economy into flux.⁶⁰⁹ Ex-Biafrans from all classes and backgrounds were made paupers. Cyprian Ekwensi, the internationally acclaimed novelist and former director of Biafra’s propaganda agency, survived in the early 1970s by collecting and selling used bottles, and was

⁶⁰⁸ Interview with Chief A. N. Kanu, in his home in Ibeku, Umuahia, 9 March 2015.

⁶⁰⁹ Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014. On the implications of the war for areas of commercial law, including contracts and insurance, see D.I.O. Ewelukwa, “The Abandoned Property Laws,” *Nigerian Bar Journal* Vol. 14 (1977); Awa U. Kalu, “Secession of Eastern Nigeria,” in Epiphany Azinge and Adejoke O. Adediran, ed., *Nigeria: A Century of Constitutional Evolution, 1914-2014* (Lagos: Nigerian Institute of Advanced Legal Studies, 2013); A.G. Karibi-Whyte, “Private contractual obligations and the Nigerian Civil War,” *Nigerian Law Journal* Vol. 8 (1974).

hardly unique in this kind of humiliation.⁶¹⁰ As a university graduate who supported her family by hawking groundnuts in the early 1970s recalled, “it had been a war of survival, and then we had to survive after the war.”⁶¹¹

But this did not mean that there was no wealth on display in the former Biafra. Goods and money poured into the East Central State in 1970 with the occupying troops, creating visible wealth disparity. Nigerian soldiers brought money and commodities with them, and the leaders of the occupying Third Marine Commando engaged in extensive business dealings in the conquered territories – much of it on the black or grey market – to the consternation of their superiors in Lagos.⁶¹² Traders from the north and west arrived in the East Central State in large numbers, bringing goods that few could afford. A black market flourished, encouraged by the federal government’s imposition of strict import controls to protect domestic agriculture and manufacturing.⁶¹³ Protectionism would have especially dramatic effects for the mercantile economy of the east, where the trade in manufactured goods – largely the preserve of Igbo businesspeople – became both more international and more clandestine in the 1970s. Eastern Nigeria’s porous border with Cameroon and its large ports were conduits for illegal and quasi-

⁶¹⁰ Ekwensi shortly decamped to the more comfortable environment of the University of Iowa, where he completed the manuscript for his fictionalized account of the postwar, *Survive the Peace* (London: Heinemann, 1976).

⁶¹¹ Interview with Mary Okehe, State Secretariat Complex, Ikeja, Lagos, 17 July 2013.

⁶¹² Benjamin Adekunle, *The Nigeria Biafra War Letters: A Soldier's Story* (Atlanta: Phoenix, 2004): p. 204.

⁶¹³ Black marketeering also emerged through the apparently disorganized manner in which humanitarian aid was distributed by the Nigerian government. A sociologist from the University of Ibadan who visited an occupied part of the East Central State just before the war ended found that; “the present practice of doling out food almost indiscriminately to large numbers of people, many of whom no longer need additional support will only kill the people’s initiative and defeat the purpose of the relief exercise. It is depressing, but not surprising that stock-fish, and other relief items have found their way into many of the local markets, and are being offered for sale.” NAUK FCO 65/213, “Nutrition and Disease Patterns in a War Affected Area of Eastern Nigeria,” J.B. Familusi, Institute of Child Health, University of Ibadan, 1969.

legal commerce of many types. Various illicit trades developed in the East Central State, often conducted in collusion with soldiers. Smuggling imported goods, which carried almost no public stigma, was illegal but common nearly to the point of being officially tolerated. One lawyer admitted that he engaged in some of this himself to get by in the early 1970s, recalling that “there were decrees saying you could not import this and that, and smuggling really took off because people preferred foreign-made goods.”⁶¹⁴ Dealing in foreign exchange was also tightly restricted after the war, but was widely practiced by individuals and businesses alike. These kinds of crime were rarely prosecuted and so appear in the legal record only occasionally. Oral accounts and other sources suggest that they were in fact extremely common. The ways in which they were officially tolerated reveal much about the priorities and workings of the postwar government.

Highly paid Nigerian government employees, including the judges who decided the cases cited here, were some of the most visible representatives of wealth in a place utterly shattered by war and starvation. Nigerian government administrators, businesspeople who came to the east from elsewhere to take advantage of reconstruction, and those who had managed to preserve some of their fortunes in the aftermath of the war were all singled out for property crime. Their visible affluence caused resentment among ordinary people in the postwar east, as did the apparent ease with which many of them were reintegrated into the Nigerian government. Some ex-Biafrans saw those working for the Nigerian government as sell-outs, and there was not much ignominy attached to robbing or scamming Nigerian public officials.⁶¹⁵

⁶¹⁴ Interview with anonymous informant, Enugu, March 2015. NAUK FCO 65/2092, Foreign and Commonwealth Office to British High Commission, Lagos, 31 March 1978.

⁶¹⁵ Interview with Mary Okehe, State Secretariat Complex, Ikeja, Lagos, 17 July 2013.

Unemployment, demobilization, and the oil economy

Unemployment was a major problem in the former Biafra. It was made much worse by the sudden and poorly planned demobilization of Biafran soldiers (and shortly thereafter the Nigerian Army). To say that demobilization caused crime would be too simplistic, but it created problems that many individual soldiers solved by turning to crime. The confluence of unemployment with the availability of arms was at the root of insecurity in the East Central State; “after the war so many people were left without jobs and so many arms were not relinquished to the government. So it was very unsafe for innocent citizens,” recalled a lawyer who himself had been unemployed for two years after the war.⁶¹⁶ In Aba, Onitsha, and elsewhere, as a British diplomatic tour found in 1972,

An inevitable result of the lack of adequate employment opportunities is an increase in robbery, theft and extortion. A fertile field for the latter activity is in the motor parks made available in the various towns for the coaches, mini-buses and lorries that ply between them. There have been a number of violent clashes at these parks between rival gangs of touts, whose income depends on the number of passengers they can persuade, or force, into a vehicle and the commission they can demand for each one. I was told in Enugu that these touts now had a nationwide organisation and that this constituted a serious threat to law and order in the towns.⁶¹⁷

Politicians and administrators had long recognized the destabilizing potential of mass youth unemployment, but this problem had been anticipated rather than real until the advent of the war.⁶¹⁸ The problem was most acute in the East Central State. A British report made a conservative estimate of about 800,000 unemployed people in that state alone, a figure which

⁶¹⁶ Interview with Michael Ajogwu, SAN, in his chambers in Independence Layout, Enugu, 19 March 2015.

⁶¹⁷ NAUK FCO 65/1195, “Tour Report: East, Central, Rivers and South-Eastern States,” 4-27 November 1972.

⁶¹⁸ NAUK FCO 186/14, Minute by the Deputy High Commissioner for the United Kingdom, Enugu, “Politics and the Young,” 26 April 1963.

only accounted for people who had been employed in the formal sector at some point and was therefore likely much higher. Most had no immediate prospects for employment. About 33,000 of them were permanently physically disabled,⁶¹⁹ and the sight of amputee former Biafran soldiers begging in markets or alongside roads was common in the eastern states well into the 1980s.⁶²⁰

The social and economic ills caused by mass demobilization were not limited to the former Biafra. The Nigerian armed forces delayed demobilization of their own troops for as long as they could after the war's end, hoping that the large standing army could be used for reconstruction projects, to be conducted "in uniform," as the military governor of the Western Region emphasized. This was intended to hold off the massive problem of unemployment (and, many feared, crime) that would result if the large military force was suddenly demobilized in a time of economic stagnation. This was particularly a concern in the west, where there was, as the British worried, "serious unemployment in the Western State, recently exacerbated by the Ghana refugee influx. ... It remains to be seen how the ex-politicians and public opinion receive the decision not to demobilize. I am inclined to think that relief will predominate over sentiment."⁶²¹

But demobilization, especially of conscripts, could not be held off forever. The lack of political will to discharge federal troops systematically meant that demobilization happened in a

⁶¹⁹ Paul Obi-Ani, *Post-Civil War Political and Economic Reconstruction of Igboland, 1970-1983* (Nsukka: Great AP Express Publishers, 2009): p. 27.

⁶²⁰ In 1975, disabled Biafran veterans begging in Enugu and elsewhere were brought to a former leper colony along the Oji River, where a camp was set up for them by the Asika government. The camp still exists, funded mostly by pro-Biafra organizations including MASSOB.

⁶²¹ NAUK FCO 65/775, J.E. Smallwood to Foreign and Commonwealth Office, 18 February 1970. The Ghana refugee crisis refers to the expulsion of Nigerians from Ghana in 1969 under the Aliens Compliance Order, in which nearly two hundred thousand Nigerians were deported. This set off a series of reciprocal deportations between the two countries that lasted until the 1980s. See Johnson Olaosebikan Aremu and Adeyinka Theresa Ajayi, "Expulsion of Nigerian Immigrant Community from Ghana in 1969: Causes and Impact," *Developing Country Studies* Vol. 4, No. 10 (2014): pp. 176-186.

piecemeal and spontaneous manner, with many recruits simply walking away from their camps when the war was over. Large numbers of federal soldiers returned to their homes in 1970 with very few provisions made for their welfare or readjustment to civilian life. Ex-Biafran troops found their ways home as well, though in an even more haphazard manner than their federal counterparts, since the Nigerian government did not class them as soldiers but as “rebels” to whom no assistance was owed.

The fear that demobilized soldiers would turn to criminality throughout the federation had been a concern from the very beginning of the war. As a British advisor to the Nigerian government presciently wrote in 1967,

The chief problem lies with the many recruited during the war who have not had previous employment and for whom the army has been the first opportunity for paid occupation. They are likely to expect recognition of the fact that they won the war and would resent leaving their first paid employment. They would be in a position to pursue a criminal life to good effect with their training and their arms if they are not effectively disarmed.⁶²²

The Nigerian government thought that the best way to prevent this from happening would be to reintegrate them into the agricultural economy after the war. This proved impossible for reasons having to do with the oil economy.

Oil extraction by foreign oil companies resumed apace after declining (though never stopping totally) during the war.⁶²³ In the context of the 1973 OPEC oil embargo and the dramatic increase in the price per barrel that resulted, oil suddenly became the center of Nigeria’s political and economic life. The wealth that oil generated did little to ameliorate the lives of ex-Biafrans in the early 1970s, and after the “oil boom” of 1973 it exacerbated the problem of

⁶²² NAUK FCO 38/291, “Memorandum: Demobilisation of the Nigerian Armed Forces,” 23 November 1967.

⁶²³ Oil extraction took place primarily in Rivers State, but its effects reached into the neighboring East Central State and the rest of the Nigerian federation.

crime. The oil boom made Nigeria a middle-income country practically overnight, but it had destabilizing and pernicious effects on Nigeria's national politics. It concentrated wealth in the hands of a small group of well-connected people, disrupting establishing ideas about wealth distribution and industriousness.⁶²⁴ Suddenly there was a large amount of conspicuous wealth in a part of Nigeria that had been decimated by war, channeling political power into the hands of the compradors who controlled the oil spigot.⁶²⁵ This sparked crime in places like Port Harcourt, where a newly wealthy class of people lived alongside the very poor – some of whom had been dispossessed of their land in the name of oil extraction. Oil wealth made an attractive target for property crime. The widespread perception that it was ill-gotten gave a moral patina to acts of theft committed by ex-soldiers and others, who sometimes cast themselves as Robin Hood-type figures when called to account for their actions.⁶²⁶

Counterintuitively, the sudden prosperity of the oil boom contributed significantly to the growth of unemployment in the east. Rapidly rising oil prices precipitated a turn away from agriculture and other sectors that had employed large numbers of people in the past. Oil also

⁶²⁴ See Andrew Apter, *The Pan-African Nation*, p. 36. The ways in which oil changed ideas about wealth, religious observance, and “modernity” in general became the subject of much ethnographic work. See Karin Barber, “Popular Reactions to the Petro Naira,” *The Journal of Modern African Studies* Vol. 20, No. 3 (Sep., 1982): pp. 431-450; Michael Watts, “The Shock of Modernity: Petroleum, Protest, and Fast Capitalism in an Industrializing Society,” in Allan Pred and Michael Watts, eds., *Reworking Modernity: Capitalisms and Symbolic Discontent* (New Brunswick: Rutgers University Press, 1992).

⁶²⁵ In the years after the oil boom, the assemblage of the oil economy became the site of massive and semi-institutionalized fraud. This took place through practices like “bunkering,” an intricate form of oil theft often done in collusion with company and state officials, along with more everyday acts of siphoning and forms of theft, fraud, and corruption in the “downstream” sectors of oil production. See Elizabeth Gelber, “Black Oil Business: Rogue Pipelines, Hydrocarbon Dealers, and the ‘Economics’ of Oil Theft,” in Hannah Appel, Arthur Mason, and Michael Watts, eds., *Subterranean Estates: Life Worlds of Oil and Gas* (Ithaca: Cornell University Press, 2015). For a comparative account of oil and its relationship to crime see Fernando Coronil, *The Magical State: Nature, Money, and Modernity in Venezuela* (Chicago: University of Chicago Press, 1997).

⁶²⁶ See for example Imo State High Court, uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Owerri, *The State v. Chibuzo Nwokedi*, 3 September 1974.

brought a sudden influx of foreign currency into Nigeria, leading to the appreciation of Nigeria's recently introduced new currency (the naira, issued in January 1973), and making its other exports less price competitive on the international market. Nigeria's cocoa and palm economies and its nascent manufacturing sector were crippled.⁶²⁷ The thousands of young men who were demobilized from both the Nigerian and Biafran armed forces might, in other circumstances, have been absorbed into the agricultural sector as wage laborers, or been able to support themselves by marketing products that they grew on their own land. Instead, demobilized soldiers and civilians who could not return to their former jobs found themselves unemployed – unable to return to the withered agricultural economy, or to find jobs in the much smaller workforce of the oil industry – but surrounded by the Mercedes-Benzes and color televisions that the oil boom had brought to Nigeria.

But the temptations of conspicuous consumption alone are not enough to explain the swell of crime in the 1970s. As this dissertation has shown, armed robbery, criminal deception, and other forms of malfeasance often attributed to oil had already emerged before the oil boom of 1973. They therefore cannot be explained by oil alone. Moreover, oil wealth was usually not the target of crime; thefts of food, clothing, and other humble essential goods made up nearly all of the criminal cases in eastern courts. As had been the case during the war, the *allocutus* statements that follow most criminal convictions are pitiable statements of desperation. In many criminal cases defendants claimed that they stole goods or money to pay for their children's

⁶²⁷ Economists call this phenomenon “Dutch disease” after a similar case where the discovery of natural gas in the Netherlands precipitated a decline in the manufacturing sector in the 1950s. See Ezekiel Ayodele Walker, “Structural Change, the Oil Boom and the Cocoa Economy of Southwestern Nigeria, 1973-1980s,” *The Journal of Modern African Studies* Vol. 38, No. 1 (Mar., 2000): pp. 71-87; Michael Watts, ed., *State, Oil, and Agriculture in Nigeria* (Berkeley: University of California Press, 1987); Ann Genova and Toyin Falola, “Oil in Nigeria: A Bibliographical Reconnaissance,” *History in Africa* Vol. 30 (2003): pp. 133-156.

schooling, which was a particularly difficult situation for people who prized formal education and had formerly been financially self-sufficient.⁶²⁸ Similarly, many convicted thieves explained that they stole to pay for hospital bills or medicine, or to support family members crippled by the war. Many women brought to court on charges of prostitution testified that they were the sole providers in their families, their husbands unable to find work or physically incapacitated. As residents of the impoverished East Central State themselves, most judges were inclined to believe these stories even if they did not always lead them to impose lighter sentences.

Given this kind of deprivation, the stakes of all commercial and social transactions in the East Central State were high. In the strained times of the postwar, quarrels that would have been peacefully resolved in normal circumstances became charged and sometimes mortal. Markets, largely empty of goods and crammed with people trying to sell what remained of their personal effects, were especially contentious places. At Nkwerre Market in 1971, two women who had stalls beside one another had an altercation after one asked the other to shift her wares over a few inches. She refused, and in the fight that followed she hit her neighbor in the head with a chair, giving her an injury that killed her the following day. “The offence is a serious one and the accused’s act was savage to the extreme,” the judge remarked, aghast that such a small matter had escalated without anyone intervening. “I am sure she has no qualms of moral compunction for what she did. The attack was unprovoked. A deterrent sentence is in my view desirable for the justice of the case.” The woman was given a long prison sentence.⁶²⁹ This was not normal

⁶²⁸ Sending children to school before the war had not been a problem – education had been plentiful and valued in southeastern Nigeria, where village associations and informal family structures ensured that schooling was accessible to most people who wanted it for their children. After the war, with many schools destroyed and nearly everyone penniless, school fees became a large burden. Interview with Jerome H.C. Okolo, SAN, in his chambers on Zik Avenue, Enugu, 17 September 2014.

⁶²⁹ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Owerri, *The State v. Evelin Mbaeli*, 17 November 1971.

behavior, and judges and others were appalled by the kind of things that people did to one another as the dust of the war settled. In Abakaliki, an upstanding schoolteacher brandished a gun at his crippled neighbor to collect a portion of horsemeat from him, leading the judge to remark on the record that “the entire place has been driven mad and has gone low.”⁶³⁰ In these conditions, ordinary people continued to survive by extraordinary and often illegal means.

Everyday deception in the postwar

The people who had done well in Biafra were those who had developed ways of doing business in the context of extreme crisis and danger, often developing new networks of trust that were cloaked in secrecy and underpinned by violence. The skills required to prosper in this environment included knowledge about the scale and character of various types of demand, of routes and geography, and access to informal credit. The experience of the war had taught ex-Biafrans these skills, and many recalled that in the desperation of the war they learned whom they could and could not trust. This knowledge was valuable in the postwar. Postwar commercial relationships, both legitimate and “criminal,” required having business partners whom one could trust would not abscond into the chaotic maw of the East Central State with goods or money. It was these people who were best positioned to succeed there, or at least to get by. Some did so by smuggling, counterfeiting, and trading on the black market.

The twinned problems of black marketeering and endemic graft meant that hardly any transaction conducted in the postwar east did *not* in some way involve deceit, or the violation of an increasingly complex regime of customs regulations that appeared to be stacked against ex-

⁶³⁰ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Abakaliki, No. AB/86c/71, *The State v. Nwigboji Afiakwaoke*, 17 January 1972.

Biafrans.⁶³¹ The result was that virtually every aspect of economic life could be considered criminal, and certain forms of fraud, deception, and armed violence which had become integral to wartime commerce continued to overlap with trade after the war came to an end.⁶³²

The State v. Ogechi Dim and four others from 1971 illustrates how, in the eyes of much of the judiciary, no transaction in postwar eastern Nigeria was untouched by crime and no commercial activity was entirely above the board. Testimony described an increasingly familiar series of events:

It is not in dispute that those thieves were six in number; that there was shooting during the burglary; that the thieves came in an Army lorry; that one of the thieves was in Army Uniform; and that Innocent Orisakwe was assaulted and hit on the shoulders with an iron rod by one of the thieves. It is also uncontroverted that the thief in Army Uniform pointed a gun at Orisakwe and asked him to run for his life and that while running away Orisakwe was fired at but fortunately for him the bullet missed him and hit the coal tar road.⁶³³

The men proceeded to steal a few dozen tires owned by the Nigerian Army, a sewing machine, and other valuables from Orisakwe and two other shopkeepers on his street. They then sold the tires to merchants in Onitsha the following morning, who quickly sold them onwards at a large

⁶³¹ The bans on the importation of stockfish from Scandinavia (ostensibly over a pricing dispute) and second-hand clothes (to encourage domestic clothing production), both key goods in trade and lifestyle in Igbo communities, were widely understood as a kind of collective punishment of ex-Biafrans. These restrictive customs regulations were first passed as part of Awolowo's federal budget in 1971. The East Central State government refused to negotiate with the Federal Government in the matter on behalf of (mostly Igbo) stockfish traders, which many ex-Biafrans saw as evidence of an anti-Igbo conspiracy. Following protests elsewhere in Nigeria, these trade restrictions were eased the following year. *The Renaissance* [Enugu], 20 January 1974; NAUK FCO 65/1195, A.P.F. Bache, British High Commission, Lagos to Foreign and Commonwealth Office, 8 April 1972.

⁶³² In this respect, a fruitful comparison can be made to Europe in the context of the Second World War. As Tony Judt wrote of Poland, "to live normally in occupied Europe meant breaking the law: in the first place the laws of the occupiers (curfews, travel regulations, race laws, etc.) but also conventional norms and laws as well." Tony Judt, *Postwar: A History of Europe Since 1945* (New York: Penguin, 2005): p. 37.

⁶³³ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Onitsha, No. O/42c/71, *The State v. Ogechi Dim and four others*, 7 December 1971.

profit. The merchants appeared to have commissioned the robbery, knowing that they would be able to sell tires at a very high price but having no legitimate way to obtain a supply.

Justice Oputa's furious decision in this case excoriated everyone involved, and he took the case as evidence that criminality had "infected" Onitsha root and branch.⁶³⁴ Everyone, he argued, from the merchants who hired the thieves, to the people they hired to transport the tires, to the people who facilitated their sale, to the people who purchased them, was complicit in the theft – even if practically speaking only the six armed robbers would be brought to trial. The decision implied that practically no transaction made in the rubble of the East Central State could be completely legitimate; the total collapse of legal commerce, the shortages of all essential goods, the lack of money and other financial instruments, and the easy availability of firearms created a situation in which buying virtually anything could make one complicit in theft. The fact that the middlemen had sold the tires in secret was proof to Oputa that they – and everyone else up the chain of events – knew that there was wrongdoing involved.

As for the buyers, Oputa argued that in the present circumstances they should have known that finding tires for sale at any price was too good to be true. As he remarked of one of them, "he knew the 2nd accused well and ought then to have known his financial resources soon after a devastating civil war that left every one penniless... I reject in its entirety his evidence that he thought it was a genuine transaction and that he did not know the tyres were stolen."⁶³⁵ In a similar case over the theft and sale of a car, the judge criticized the people involved at every step of the way, arguing that the conditions after the war should have put everyone "on their

⁶³⁴ Both judges and members of the public frequently used the language of contagion and disease to describe incidence of crime in the 1970s. Later, the public language on crime would take a more martial tone, most famously with Muhammadu Buhari's "war on indiscipline."

⁶³⁵ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Onitsha, No. O/42c/71, *The State v. Ogechi Dim and four others*, 7 December 1971.

guard,” and that a person would have to be delusional to believe that a car for sale in occupied Onitsha could be anything but ill-gotten.⁶³⁶ The only way to remain above the criminal fray, these decisions suggested, was to avoid commercial dealings, keep to oneself, and trust that the state had one’s best interests at heart. Except perhaps judges themselves, few people were in a position to live like this in postwar eastern Nigeria.

The criminalization of the state in eastern Nigeria

There were many famous criminals in postcolonial Nigeria, most notably men like the armed robbers Lawrence Anini and Ishola Oyenusi. Oyenusi’s violent robberies made him a symbol of depravity and disorder in Nigeria until his execution on Lagos’ Bar Beach in 1971, where he laughed and taunted the crowd as he faced the firing squad. But crime in the postwar period was a more ordinary and mass phenomenon than these figures, who represented both tabloid sensationalism and perverse folk heroism, might suggest.⁶³⁷ “Lawlessness” was not limited to figures like Oyenusi, nor was it reducible to the incidence of new kinds of crime like armed robbery. To many, the state itself seemed criminal in how it operated. As the artist and critic Fela Kuti lamented in 1974,

The newspapers are crying “armed robbers, thieves,” so the public think they have to take care of themselves. Any thief they think they see they lynch, they kill by themselves. This is wrong. It’s very un-African. Africans don’t behave like that. This is the kind of criminal behavior, the criminal atmosphere, our government has put in the country.⁶³⁸

⁶³⁶ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Onitsha, No. O/25c/71, *The State v. Clarence Mbagwu and three others*, 1 November 1971. See also ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/27c/72, *The State v. Nwaosuagwu Ahiwe, Friday Nwosu and Ugboaja Ahiwe*, 30 November 1972.

⁶³⁷ On Anini, see Otwin Marenin, “The Anini Saga: Armed Robbery and the Reproduction of Ideology in Nigeria,” *Journal of Modern African Studies* Vol. 25, No. 2 (June, 1987): pp. 259-281.

⁶³⁸ *Fela Kuti: Music is the Weapon* (video recording, Los Angeles: Geffen Records, 2004).

To many Nigerians in the 1970s – including those less radical in their thinking than Fela Kuti – the violence pervading *civic* life was more pernicious than crime that took place in the streets. This was the case first, and especially, in the former Biafra. In the public imagination, the criminality that infected the East Central State was never purely the work of “criminals,” but a coproduction between soldiers, the police, and the state’s administration.

In the early 1970s, the fact that the people tasked with maintaining law and order were themselves sometimes the culprits of crime convinced many ex-Biafrans that Nigeria’s promises of peaceful reintegration were disingenuous. Police operated with great impunity in the occupied areas of the east. There were many cases in which policemen – especially those who had been posted there from elsewhere in Nigeria – used their authority to requisition materials and intimidate people. Empowered by a growing mandate to maintain public order and prevent political dissent, these policemen used their broadened powers to commit crimes themselves. Some even saw a posting to the deprived and unstable East Central State as an opportunity for personal enrichment, going out of their way to secure transfers from other, ostensibly more desirable posts.

One such unscrupulous policeman was the Squadron Leader of the Mobile Police Force in Aba, a Gabriel Ededey from Warri. In June 1970 Ededey staged a week-long spree of arrests, thefts, and beatings on the pretense that someone had stolen money from his wife.⁶³⁹ His actions were both an act of collective punishment and a well-organized criminal shakedown of a large segment of the town – all performed under the authority of the state government. During the rampage Ededey and his men confiscated every valuable they could find, including cars, radios,

⁶³⁹ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/8c/71, *The State v. Gabriel Ededey and Frank Odita*, 31 March 1971.

appliances, tires, jewelry, and dry goods. Anyone who attempted to stand in the way of his band of about a hundred policemen was beaten and publicly humiliated. Many of the incidents during that week made it clear that Ede dey intended his crackdown as a punishment for Aba having been one of Biafra's strongholds.

Following the theft of his wife's money, Ede dey was, as the case against him related, "thrown into an outburst of temperament and he resolved there and then that he must recover the stolen amount by all means. He got the mobile police out on parade fully armed, some with pistols, some with sub-machine guns, and others with Mark 4 rifles and some with horse whips or kobokos [rawhide whips]." Loading into a convoy with flags flying and sirens blaring, the policemen went to the main market, where Ede dey

instructed that the policemen should beat up the people around, arrest them, seize their goods and carry both men and goods into the Police lorry. He took the initiative when he began to beat people, cursing and swearing on them and on seeing this demonstration the Mobile men let themselves loose on the marketers and beat them with koboko whips. The result was that the people went astir, running helter skelter and abandoning their goods which the Mobile Policemen, on the instruction of Ede dey, carried into their lorry... The relatives of Ede dey's wife who were in that neighbourhood jubilated and sang songs in praise of the Mobile Police. The Police lorry went on four trips to the station with loads of goods and those arrested. The operation continued until the market was bare and no more people could be seen except unwary passerby who were then terrorised and rough handled.

The frenzy lasted all night, ending with the Ede dey "requisitioning" the goods from the market for himself and ordering everything else to be put into the police warehouse. When that filled up, goods were deposited in Ede dey's house. At one point when Ede dey was challenged by a fellow policeman in a private car, he ordered the man to "arrest himself" and deposit his car at the Mobile Police station. This was repeated several days in a row in various parts of the town. A number of market women were severely beaten, and many valuables disappeared in the melee.

To those who testified against him, Ede dey's actions were motivated by contempt for Igbos. Towards the end of his reign of terror Ede dey took his officers and took over a petrol station. The manager of the station, Timothy Onuoha, testified that

I attempted to run away and another of them held me back, tore my singlet and then used a piece of wire to flog me and I bled. . . . He then looked round and said "Ibo man, you own these vehicles," and I said that they were not mine but belong to my customers. He went to one of the vehicles, drew out the driver and beat him.

When the owner of the petrol station went to the police station to file a complaint,

the desk sergeant declined to make an entry and advised him to go to one Mr. Peters a Superintendent of Police as the report concerned a high ranking personnel. He did so and Mr. Peters asked him to go back and have the complaint recorded. He went back and after the station staff consulted among themselves they declined to record the complaint and gave as their reason that the 1st accused [Ede dey] would beat up whoever made any such entry.

In the days after the goods had been requisitioned, they were sold onto the black market by the policemen in charge of the storeroom.

This kind of retribution happened in many towns in the East Central State in the months immediately after the war. Ede dey went too far and crossed the wrong person, however, and it was for that reason that his actions in Aba ended in a court case. Some of the dozens of people whom Ede dey and his policemen robbed complained to a visiting federal official (incidentally, a Muslim northerner) about his behavior. The official confronted Ede dey about it, warning that Ede dey had "created fear and consternation and a feeling of absolute insecurity in the township." Ede dey retorted that he "did not want to see any Resident or D.O. and remarked that these Ibos who had only just come out of the bush were very ungrateful in that they had stolen his wife's money which he said he must do everything possible to recover adding that the purpose of the operation was to see that his wife's stolen money was recovered." Ede dey further told him that that "Aba was too rough," and described how "he was out to teach the people of Aba a bit of

lesson so that they could desist from evil.” The official retorted that “not everybody in Aba is a thief,” and Edeley lost his temper and ordered his police to arrest him. Realizing that arresting a federal official would be a step too far, Edeley’s subordinates refused to do so.

Incensed, the federal official took up the issue with the state Ministry of Justice. Several months later, an investigation was launched and the East Central State’s state prosecutor filed a case against Edeley and his accomplices. The investigation revealed that there were many grievances against this branch of the police, who had been “molesting the inhabitants of Aba and had been raiding, robbing and pillaging” since the moment the Nigerian policemen arrived in the recaptured city. Edeley and his accomplice were charged with nine counts of robbery and three counts of assault and found guilty of most of them. In addition to being dismissed from the police force, Edeley was given a long prison term and publicly reprimanded. The high court ruling characterized him as “a tin god and a bully and terror to [his subordinates].” The decision was a warning to other officials to behave well, or at least not to be too brazen in their misconduct in the former Biafra: “the operations had no lawful basis and was not within the purview of the officers’ lawful duties; it was savage to the extreme and was nothing but a naked show of power and an abuse of his authority.” Edeley appealed the decision, but the Federal Supreme Court of Nigeria concurred with most of the high court ruling, quashing only one of the charges of theft.⁶⁴⁰

Edeley’s actions demonstrated how state authority and criminal activity bled into one another in Aba after the war. They also show that the principle of “no victor, no vanquished” did not always guide the Nigerian government’s actions in the former Biafran territories – at least at the lower levels of state authority. Although the court claimed that Edeley and his accomplice

⁶⁴⁰ SC 85/1971, *Gabriel Edeley v. The State*, 21 January 1972.

were proverbial bad apples, Justice Chuba Ikpeazu was disturbed by the fact that the rank and file officers had followed Ededey's orders even when they had become blatantly illegal and violent. This fact seemed to point to some moral flaw in the police that went deeper than its corrupt squadron leader. Ededey's case shows how violence and theft had become normalized in places like Aba. The tone of the testimonies against Ededey is not angry, but weary, resigned, and wary of the court and the authority it represented. Ededey's victims seem to have been satisfied by how the case turned out. But the way it was resolved should not be taken as evidence that officials like Ededey who abused their power were always – or even usually – made to answer for their actions. The case would never have been heard had the visiting federal official not taken an interest, which also points to the growing importance of the personal and the patrimonial in Nigerian politics at this time.

This and other cases fed into the idea that the state itself, acting through the police and mechanisms of law, was becoming criminal. The proliferation of roadside checkpoints where demands were made, especially in the east, made many Nigerians see the police themselves as “armed robbers in uniform.”⁶⁴¹ As had been the case in Biafra, passes were required for travel within the East Central State, and Igbos who wished to resettle elsewhere in Nigeria after the war were often asked by local governments to produce documents attesting to their loyalty.⁶⁴² This illegal – but officially tolerated – practice gave latitude for a whole range of venal demands. To many Igbos, harassment by the state was just another form of crime perpetrated against them. Igbos were not alone in this feeling – harassment by the state was a problem throughout Nigeria

⁶⁴¹ Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

⁶⁴² Paul Obi-Ani, *Post-Civil War Political and Economic Reconstruction of Igboland, 1970-1983* (Nsukka: Great AP Express Publishers, 2009): p. 26.

under military rule – but ex-Biafrans felt that they were singled out more frequently than others.⁶⁴³

Men in uniform involved themselves in all dimensions of civic life, exacerbating disagreements more frequently than they diffused or resolved them. When they felt that their authority was flaunted, they often responded with force.⁶⁴⁴ As a result, the relationship between local communities and representatives of the state and federal governments was delicate in the former Biafra. Mistrust was common in interactions between villages and representatives of the state, especially tax collectors.⁶⁴⁵ One casualty of this tension was a tax collector named Emeka Njoku, who was killed by a mob while making his rounds in a village near Abakaliki in 1971.⁶⁴⁶ Suspicion and resentment towards a distant central government was not new in the postwar period, and it had a long colonial pedigree. But the recent, bitter experience of the war combined with deprivation and the availability of weapons made for explosive encounters between ex-Biafrans and the Nigerian government's representatives (even those, like the tax collector, who were Igbo and had not long ago been Biafrans themselves).

Social crisis and violence in the postwar

⁶⁴³ Interview with Kola Babalola, SAN, in his chambers on Harbour Road, Port Harcourt, 5 March 2015.

⁶⁴⁴ As when a wealthy delta trader ordered his servant to slap a soldier whom he considered to have acted insolently, who retaliated by beating the servant to death. ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/12CA/73, *The State v. S.I. Guinness*, 13 May 1974.

⁶⁴⁵ This dynamic was not limited to the East Central State. The best known example of it is the Agbekoya Uprising, a nearly contemporary outburst of civil unrest arising from taxation policies in southwestern Nigeria. See Tunde Adeniran, "The Dynamics of Peasant Revolt: A Conceptual Analysis of the *Agbekoya Parapo* Uprising in the Western State of Nigeria," *Journal of Black Studies*, Vol. 4 No. 4 (June 1974).

⁶⁴⁶ SC 92/75, *Michael Odigiji and six others v. The State*, June 1976.

Judges in postwar Nigeria were often caught between their ethical dispositions, the letter of the law, and their knowledge that the war had deeply disrupted social conventions. This is especially apparent in criminal cases that turned on the meaning of “provocation,” of which there were many after the war. Provocation is a defense that can be mounted in a murder trial, where the defendant claims that a killing was committed “in the heat of the moment” and “before passion had cooled.” If successful, it results in the lesser charge of manslaughter. The fact that many murder charges were reduced to manslaughter in postwar courts – far more than usual, and often on grounds that would not usually be recognized as provocation – suggests that judges were aware of how difficult conditions had become in the East Central State.⁶⁴⁷ The implication of these and other cases was that life in the former Biafra was, in many ways, *one long heated moment*.⁶⁴⁸

The war’s shortages and displacements had forced people into new familial and social relationships, which created strains that led to violence or crime. Many acts of violence in the 1970s took place in households that had been shaped or formed by the war. Tempers flared in the

⁶⁴⁷ The historicity of provocation has recently become a topic of interest in legal historical scholarship more generally. See Krista Kesselring, “No Greater Provocation? Adultery and the Mitigation of Murder in English Law,” *Law and History Review* Vol. 34, No. 1 (Feb., 2016): pp. 199-225; Elizabeth Papp Kamali, “Feloniam felonice facta: Felony and Intentionality in Medieval England,” *Journal of Criminal Law and Philosophy* Vol. 9 (2015): pp. 397-421. In Africanist scholarship, see Stacey Hynd, “Murder and Mercy: Capital Punishment in Colonial Kenya, ca. 1909-1956,” *International Journal of African Historical Studies* Vol. 45, No. 1 (2012): pp. 81-101; Katherine Luongo, “Domestic Dramas and Occult Acts Witchcraft and Violence in the Arena of the Intimate,” in Emily Burrill, Richard Roberts, and Elizabeth Thornberry, eds., *Domestic Violence and the Law in Colonial and Postcolonial Africa* (Athens: Ohio University Press, 2010).

⁶⁴⁸ See for example a case from August 1971 in which a man in a village outside of Ngwa killed his junior wife when she revealed that she was pregnant with the child of a Nigerian soldier. The court found him guilty of manslaughter rather than murder even though the crime took place “dispassionately,” finding that the act of infidelity with a Nigerian soldier was enough to provoke him. ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/19c/72, *The State v. Godswill Ufomba*, 9 November 1972.

context of close living arrangements,⁶⁴⁹ and families split apart over disputes arising from the war.⁶⁵⁰ Domestic and sexual dynamics affected how crime unfolded in the 1970s. For example, an entire generation of men impoverished by the war and its aftermath found it difficult to raise the money to marry, which led some of them to steal the money for a dowry that they could not earn through work. Sexual relationships that emerged out of the war, especially between ex-Biafran women and Nigerian soldiers, were often the sites of discord – though others created affective bonds that crossed ethnic and regional boundaries. While family tensions were certainly nothing new in the postwar, the shortages of the period gave them greater urgency.

The crises of the postwar affected women most pointedly. Relationships between soldiers and ex-Biafran women were often flashpoints for larger conflicts between occupying troops and local communities. Nigerian army camps became semi-permanent villages in the early 1970s, and some eastern Nigerian women took up residence with soldiers in or around their barracks.⁶⁵¹ Many of these relationships, even those solemnized by marriage, were thought of as analogous to

⁶⁴⁹ In one case a nine year old girl was charged with manslaughter for having killed her young niece with a knife that she threw at the niece's mother in the midst of a heated family dispute. The girl lived in a crowded and deprived compound near Aba, where the family had returned from a refugee camp. She was acquitted on a technicality. ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/1C/1970, *The State v. Monday Nwugo*, 24 November 1970. See also ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/20.c/73, *The State v. John Chikezie and Nwakwu Erundu*, 1 May 1974.

⁶⁵⁰ Beyond the legal record, a discussion of this dynamic can be found in the memoirs of R. B. Alade, *The Broken Bridge: Reflections and Experiences of a Medical Doctor During the Nigerian Civil War* (Ibadan: The Caxton Press, 1975): p. 60.

⁶⁵¹ An extended discussion of this phenomenon appears in ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/4c/70, *The State v. Francis Odijie and Marcus Alimi*, 20 November 1970.

prostitution.⁶⁵² When children resulted, both child and mother often faced social exclusion; as one judge remarked,

Children with Nigerian soldiers as their fathers were not very popular with the local natives in this area, more so if their mothers are unmarried... Perhaps the local parents care little or nothing about their daughters living with Nigerian soldiers so long as they bring home some money for them. But it is a different matter if and when they also bring back children from the Nigerian soldiers.⁶⁵³

As in many wars, young women bore the brunt of the occupation, both as victims of sexual violence by soldiers and as targets of moral opprobrium by their own communities when they consorted with Nigerian soldiers.

The fact that some soldiers and civilians had intimate relationships, and sometimes married, did not preclude them from feeling fear or contempt for one another. One northern Nigerian soldier stationed near Aba mentioned in court that he brought his gun with him when he went to visit the parents of the Igbo woman he intended to marry. When asked why he felt he had to be armed for that visit, he responded that “it was necessary as the villagers were cannibals. He added that [he] was entitled to carry his gun anywhere he wanted [as he] is the head of his own unit.”⁶⁵⁴ This did not make for the best start to a marriage, and she left him before it could be solemnized. Some of these relationships were stronger than the forces working against them, enduring even though in almost all cases their families disapproved of them. Others ended in disaster, and the legal record is littered with marriages and sexual relationships between occupying troops and ex-Biafran women that turned violent. In a case from Owerri, a Nigerian

⁶⁵² Axel Harneit-Sievers, Jones O. Ahazuem and Sydney Emezue, eds., *A Social History of the Nigerian Civil War* (Enugu: Jemezie Associates, 1997): p. 205.

⁶⁵³ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Okigwe, No. HO/360/18, *The State v. Basemath Ukazu*, 31 May 1973.

⁶⁵⁴ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/4c/70, *The State v. Francis Odijie and Oseni Alimi*, 20 November 1970.

officer fatally assaulted his six-month pregnant girlfriend. She had refused to cook for him until he agreed to undergo the traditional marriage ceremony of her community, which sparked an argument that ended in him beating her to death in front of their landlady. The court sentenced him to death by hanging, the prosecution arguing that the accused's reaction was "completely disproportionate and unwarranted by any reasonable standard." The case was especially important because the accused officer was "not a primitive peasant but a literate and disciplined Army Corporal," and therefore to be held to a higher standard of behavior as an elite representative of the occupying forces.⁶⁵⁵

A murder case from Urualla indicates the difficulty of the situation in which many ex-Biafran women found themselves. A few months after Biafra's surrender, Basemath Ukazu began living with a Nigerian soldier "of Hausa extraction" in his barracks outside of her village. She became pregnant, and bore him a son in August of 1972. Furious that she had had a child with a Nigerian soldier, but hoping that the situation might be salvaged through marriage, Ukazu's family pressured the soldier to wed her. The soldier refused to do so. Two weeks after the child was born, Ukazu took him to his father's barracks and tried to drown him in a latrine. Another soldier discovered the child the next day and took him to the hospital, where he died waiting for medical care from nurses who refused to treat the child unless they were paid for it in advance. Their actions became the subject of a separate case.

In court, Ukazu testified that her uncle had threatened to kill her unless she got rid of the child, and her entire village had "[made] mockery of her for getting her baby from an Hausa soldier a thing apparently loathed by the local natives [sic]." The court warned that "young women like the accused who choose to embark on reckless living must be prepared to face the

⁶⁵⁵ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Owerri, No. [illegible], *The State v. [illegible] Ojo*, 8 December 1971.

consequences of their actions.” It found that while “in the normal circumstances this court would have no difficulty in condemning the accused to death... I am satisfied that the balance of the mind of the accused was disturbed by reason of her not having fully recovered from the effect of her giving birth to a child coupled also with the reaction to this persecution and taunt from her co-villagers for having her baby from a non-Ibo man.”⁶⁵⁶ It is hard to overstate how horrified members of the judiciary and the public were by cases like *The State v. Basemath Ukazu*, but they also recognized that events like this did not take place in a vacuum; allowances had to be made for the conditions of the times. Ukazu was found guilty of murder, but given a very light prison sentence.

For many ex-Biafrans, the period immediately after the war’s end was a time to settle scores. Old arguments that had been put on the back burner during the fighting simmered again, and disputes over events during the war came to a boil. The end of the war brought people together who had believed they would never see one another again. These reunions were not always happy. In one such case a man killed his wife “with hot temper” when they were reunited in Umuahia in 1972. She had absconded to the federal side with her dowry at the end of the war, thinking incorrectly that her husband would be killed by the advancing Nigerian troops. He was not, and when they met again he killed her for having abandoned him. The judge resignedly gave him a sentence of death.⁶⁵⁷

The parties and gatherings to celebrate the end of the war were not joyous. For Igbo people they were often melancholic reminders of the lost nation and lost family members. For non-Igbos who were generally happy to see Biafra go, they were tense for other reasons. In many

⁶⁵⁶ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Okigwe, No. HO/360/18, *The State v. Basemath Ukazu*, 31 May 1973.

⁶⁵⁷ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Umuahia, *The State v. Nnokwam Akwali*, 26 July 1973.

cases they became the venue for accusations, fights, and reckonings with betrayals committed during the war. There were enough cases of parties that ended in bloodshed that the problem received official judicial notice.⁶⁵⁸ For example, in April 1970 Eyo Okpo returned home to Oron after having spent the war in exile in Cameroon. His return was “a matter of rejoicing by his relatives and friends. There was plenty to drink, the appellant himself providing some of the drinks. There was general merriment including singing and dancing in which the appellant also played a prominent part.” In the midst of the party, Okpo took the opportunity to kill his brother by striking him from behind with a machete. In his trial, he testified that “the reason why I cut [my brother] is because he bewitched me that I should not see any fortune in my life.”⁶⁵⁹ It was not uncommon for ex-Biafrans to attribute misfortune to enchantment, malevolent spirits, or witchcraft.⁶⁶⁰

Robbery and the settling of personal scores sometimes overlapped. For example, in April 1972 a group of eleven men in Aba planned a series of armed home invasions. The men chose for their targets people with whom they had grievances from the recent experience of the war. One of their victims was a man who had accused one of them of sleeping with his wife while he was away at the front. Another was a man who had threatened to kill one of their mothers when she came to him as a refugee during the war and asked him for help. The men’s state-appointed

⁶⁵⁸ See, for example, SC 276/1971, *Ominyi Ogeikpa v. The State*, February 1972, SC 220/1971, *Ayogu Ugwu and Onu Ugwuanyi v. The State*, 28 January 1972.

⁶⁵⁹ SC 196/1971, *Eyo Okpo v. The State*, February 1972.

⁶⁶⁰ Lest one believe that the presence of spirits, bewitchment, and other forms of the “un-real” in Nigerian jurisprudence is the residue of a particularly “African” legal imagination, note that fabulous or spectral figures populate American and British jurisprudence in much the same way. As Colin Dayan writes, “Once the doors are opened into the house of law, we find implausible metamorphoses that have the power to exploit and oppress. Once inside, we encounter historical fragments, legal fictions, and spiritual beliefs. We see humans turned into things, ghosts into persons, and corpses into spirits. The intriguing thing is the thoroughly matter-of-fact way these phenomena are dealt with legally.” Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton: Princeton University Press, 2011): p. 10.

lawyer, a young woman who had spent the war studying in the United Kingdom, argued that the wartime infidelity and death threat should be dismissed as circumstantial – “bygones should be let alone.” The judge agreed with her, and the two men who could be positively identified were sentenced to only a moderate prison term.⁶⁶¹

Cyprien Ekwensi’s novel *Survive the Peace* ends with a violent armed robbery committed at a funeral in the months after Biafra’s surrender. “I am worried about the future of our lives ... war has changed everything!” laments the protagonist’s mother. “The young men want to become rich before morning, without working. There are still many guns, hidden away ... many are in evil hands ... Our lives are worth nothing, nothing!”⁶⁶² To many ex-Biafrans, all of this added up to a deep and intractable social crisis. What Ekwensi and others found most disturbing about the postwar was the way in which people had become inured to violence and indifferent to one another’s needs. Ona Dike, a nurse who was married to the historian Kenneth Dike, recalled how “at a time like this one finds out that people one expects to be kind will not be kind because they feel, well, this is war and everybody is levelled. We are all Igbo, we are all the same; why should anybody go to help anybody else?”⁶⁶³ Witness testimonies from the 1970s feature many variations on the theme of fear and self-preservation: “Nobody from the neighbouring compounds responded to their alarm because they were scared away by the gun shots,” reads one criminal case, in language so common that it became a sort of boilerplate.⁶⁶⁴ The instinct towards self-preservation remained intact long after the war was over. As Jerome Okolo recalled, few

⁶⁶¹ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/20.c/73, *The State v. John Chikezie and Nwakwu Erundu*, 1 May 1974.

⁶⁶² Cyprien Ekwensi, *Survive the Peace* (Ibadan: Heinemann, 1976): p. 173.

⁶⁶³ Alex O. Animalu, *Life and Thoughts of Professor Kenneth O. Dike* (Enugu: Ucheakonam Foundation, 1997): p. 158.

⁶⁶⁴ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/20.c/73, *The State v. John Chikezie and Nwakwu Erundu*, 1 May 1974.

people were willing to stick up for one another in the East Central State. “After the war,” he remembered, “no one wanted to be a martyr.”⁶⁶⁵

Conclusion

One question of postwar jurisprudence – minor as a legal concern but poignant as an illustration of the world the war made – was what constituted criminal insanity.⁶⁶⁶ In the context of Biafra’s independence struggle, it had sometimes been hard to see the difference between martial valor and types of violence that, in peacetime, would be classed as manifestations of mental illness. When the war was over, sorting out “mental infirmity” from good soldiering was not easy.

In a 1972 case, Samuel Nwarungwa killed his neighbor with a machete for no discernable reason. Realizing what he had done in a moment of lucidity, he turned himself in to the police. His experience of the war as it emerged in the criminal proceedings against him strikingly illustrates how the normalization of violence during the war made violent forms of insanity invisible. The court described how

The accused in 1967, when he was working as a steward in the University of Nigeria Nsukka, got mentally deranged and was brought home where his people took him to a native doctor who gave him treatment. The accused got well, apparently, and returned to his work but returned later to his village when the Nigerian Civil War broke out.⁶⁶⁷

There, for the duration of the war, his insanity went unnoticed. His outbursts of violence, in which he would walk around the village brandishing a machete at people and talking to himself,

⁶⁶⁵ Interview with Dr. Jacob Ibik, SAN, in his chambers on Owerri Road, Enugu. 26 September 2014.

⁶⁶⁶ For a general discussion of insanity cases in Biafra see Ekong Sampson, *Evergreen Memories of Sir Louis Mbanefo* (Lagos: Lomanc, 2002): pp. 113-117.

⁶⁶⁷ ESHC uncatalogued collection, In the High Court of the East Central State of Nigeria, Holden at Aba, No. A/30c/72, *The State v. Samuel Nwarungwa*, 4 November 1972.

were considered strange but not unduly threatening by his neighbors, who did not know of his previous treatment for schizophrenia. In a context where violence and fear had become normal, one more man making threats with a weapon did not raise much alarm. He even served in his village's civil defense organization, where he gained a reputation for bravery and thoroughness in conscription campaigns. When the war ended and Nwarungwa continued to threaten people on the road, his neighbors began to suspect that he had not just imbibed the martial spirit of the times, but was mentally ill. A few months later, he killed one of them. Showing some sympathy for what the war had done to him, the judge acquitted the man of manslaughter and sentenced him to treatment in a federal asylum.

Samuel Nwarungwa's temporarily unnoticed insanity was symptomatic of a larger blurring of ethics, norms, and legality in wartime Biafra and postwar Nigeria that this dissertation has sought to understand. This history of the relationship between warfare, crime, and violence is not unique to Biafra. Analogues can be found in many wars. The Nigerian Civil War and the difficult years that followed offer a number of larger lessons, not only for an empirical understanding of African politics or postwar societies, but for the study of crime. Studies of criminology in this period often suggested that there was a sliding scale between freedom and security. Many posited, implicitly or explicitly, that the more democratic a system is, and the more freedoms that it allows, the less secure everyday life will be – street crime and violence appear to be the price a society pays for political liberalism and everyday freedom.⁶⁶⁸ In this thinking, the one virtue of living under a military regime is security in day-to-day life. Nigeria's experience in the 1970s gives lie to this idea; postwar eastern Nigeria was subjected to

⁶⁶⁸ This matter is addressed in Jean Comaroff and John Comaroff, "An Introduction," *Law and Disorder in the Postcolony* (Chicago: University of Chicago Press, 2006).

very authoritarian rule with few freedoms and no pretense of democracy, *and yet* it also was rife with violence, crime, and insecurity.

Conclusion: War crimes and crimes in wartime

Sitting in his darkened office packed with a career's worth of paper, half-drowned out by generators and traffic in the busy center of Port Harcourt, a lawyer who had spent the afternoon describing the political problems that divided Nigeria abruptly ended our interview by asking me a frustrated question. "So what is to be done? When Chernyshevsky asked that question Russia was under the tsar in a state of feudalism. When Lenin asked it fifty years later things were just as bad. We in Nigeria live here in conditions that are worse than either. So what is to be done? I do not think you will have any answer."⁶⁶⁹

The present work offers no clear answer to his question, except to say that the foregoing work is a description of a past that does not determine Nigeria's future. Nigeria is now in a substantially different historical moment than that of the crime-ridden 1970s, where this inquiry ends. Crime continues to be a facet of life in Nigeria, but the flagrant displays of venality, criminal violence, and deception that fill this study are becoming things of the past.⁶⁷⁰ But even if this period is largely over, the question of how crime came to be so important in Nigeria is still salient. This dissertation has found part of the answer in the history of Biafra. Forgery, impersonation, violent crime, and general chicanery were not invented in Biafra. But to understand how crime came to be so much a part of Nigeria's history in the late twentieth

⁶⁶⁹ Interview with anonymous informant, Port Harcourt, February 2015. Demonstrating a wide intellectual frame of reference shared by many lawyers of his generation, he refers to Nikolai Chernyshevsky's 1863 novel of radical asceticism *What is to Be Done?*, from which Vladimir Lenin derived his famous question. Nikolai Chernyshevsky, *What is to Be Done?* (Ithaca: Cornell University Press, 1989).

⁶⁷⁰ Though not as quickly as many in and out of Nigeria would like. See for example, Global Witness Report, 'International Thief Thief: How British Banks are Complicit in Nigerian Corruption,' 2010; Stephen Ellis and Mark Shaw, 'Does Organized Crime Exist in Africa?' *African Affairs* Vol. 114, No. 457 (Nov. 2015): pp. 505-529.

century, one has to look back to the point where Nigeria's unraveling national culture came closest to coming off the spool. In my view, that point was the Nigerian Civil War.

I have contended that the threads of violence, deceit, and the criminal grotesque that are woven into Nigerian governmentality and civic life are not simply knock-on effects of colonialism or some essential episode in the deeper past. But nor are their origins entirely contemporary; they have a slightly but crucially longer history than oil, structural adjustment, democratization, and all of the more recent phenomena that are usually marshalled to explain them. This argument does not deny the existence of other dynamics besides the war that fed into crime – including the legacy of colonial administration, the workings of the oil economy, and the “pauperization”⁶⁷¹ of the African state in the late twentieth century. But crime in late twentieth century Nigeria can only be fully understood in the frame of war. Legal records reveal that the entrenched criminal practices for which Nigeria became known were a continuation of patterns of behavior that emerged in the context of a catastrophically destructive war. The problems of 419, armed robbery, and general insecurity became deeply ingrained in Nigerian life during this period, profoundly shaping Nigeria's internal affairs and its place in the world. In large part, it was this complex of crimes that gave Nigeria the global reputation for fraud and violence that it still struggles to shake off today.

The crime that flourished in the context of war was not isolated in its cause or effect to a particular class, community, or “type.” Criminal practices, both in Biafra and in the postwar East Central State, cut across social and communitarian categories, affecting people from all walks of

⁶⁷¹ Elias Bongmba, *The Dialectics of Transformation in Africa* (New York: Palgrave Macmillan, 2006): p. 17.

life.⁶⁷² One could look for a “criminal profile” here in vain; there was no singular notion of how crime worked in this time and place, and no “criminal class” to which its perpetrators added up. The people hauled before criminal courts in Biafra and postwar Nigeria came from places high and low, and from all ethnicities and backgrounds. We find petty thieves with university degrees, illiterate village women who carried out sophisticated confidence scams, and elite military officers who raped or stole. This cross-cutting quality of crime profoundly alarmed Nigerian judges and administrators, whose assumptions about what kinds of people broke the law were deeply shaken. The criminal legal record from Biafra and postwar Nigeria forces historians to critically consider who and what constitutes “the criminal” in times of war and crisis.

The dissertation has also suggested new ways of understanding how postcolonial states can be understood. Many descriptions of independent African states and political cultures proceed from the notion that legal and other state institutions have failed in some normative sense. They posit, implicitly or explicitly, that politics and law are fundamentally characterized by disorder, patrimonialism, and administrative malfeasance. The existence of systemic corruption, the lack of faith that many citizens have in their legal systems, the involvement of the courts in electoral politics, and in some cases the outright collapse of legal institutions, have led many observers to treat African legal systems as – at most – colonial holdovers with political instrumentality but no intellectual content or internal life. In fact, there is more and richer meaning to postcolonial jurisprudence than this view implies.

⁶⁷² Later crime waves, such as the spate of kidnappings in the south-south region from the 1990s until the 2010s, tended to disproportionately affect the well off. This was not the case during and immediately after the war, when the targets of violent and property crime crossed the social spectrum.

Biafra and postwar Nigeria were not legal vacuums, nor were they spaces of “non-governance,” however much they may have looked like it from the outside.⁶⁷³ I have argued that law in Biafra had more force and coherence than historians have previously understood, even if in the end the Biafran government failed to make concrete the spirit of law and order that animated the new state. However, to call what went on in Biafra’s courts and tribunals “law” is not uncontroversial, implying as it does the existence of mechanisms of coercion that Biafra did not always have. Law is not merely a normative order – a set of principles enforceable by common agreement, applicable to a segment of society – but a body of rules applied (sometimes despotically) by coercive force. This distinction is at the center of how “law” is often understood.⁶⁷⁴

On which side of this distinction did the “legal” systems described here fall? The ways in which the Biafran and postwar Nigerian courts operated sometimes fell short of this standard; they were inconsistent and unsystematic in their workings, and at times they had very little force of compulsion. In some improvisational trials the trappings of law – wigs, gavels, elevated language – seemed to be the only thing that made a given decision “legal.” But the courts’ inability to put their principles into action does not mean that what happened in these courtrooms can be ignored. The ways law worked in this raucous period – with all that it left desired – had lasting effects on Nigeria’s political and legal culture. The madcap jurisdictional politics that emerged in wartime ensured that divorces could be settled before military tribunals and civilian

⁶⁷³ For ethnographic works that describe situations of legal vacuity see Judith Scheele *Smugglers and Saints of the Sahara: Regional Connectivity in the Twentieth Century* (Cambridge: Cambridge University Press, 2015); Janet Roitman, *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa* (Princeton: Princeton University Press, 2005); James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University Press, 2009).

⁶⁷⁴ Frederick Schauer, *The Force of Law* (Cambridge: Harvard University Press, 2015); Sally Falk Moore, *Law as Process: An Anthropological Approach* (Oxford: James Currey, 2000): p. 17.

magistrates could rule on treason cases. The authority of judges in Biafra sometimes extended no further than the threshold of the courtroom. The boundaries between military and civilian jurisdictions, and between legitimate violence conducted by the state and illegitimate forms of “crime,” came to mean very little in these circumstances. All of these dynamics outlasted the war in various ways, with dramatic consequences for how Nigerians maneuvered the ethical and legal landscape of the postwar.

In 1980, a law professor at the University of Ibadan declared that military rule had decimated the rule of law in Nigeria. General Olusegun Obasanjo, who had recently handed over power to the civilian government of Shehu Shagari, felt compelled to respond. In a remarkable discussion sponsored by the Institute of African Studies at the University of Ibadan, the jurist and the general staged a public debate. The law professor, Folarin Shyllon, enumerated many compromises that were made to the rule of law during the period of military administration, including arbitrary enforcement of the death penalty, the imposition of excessive punishments for armed robbery, the continuation of wartime emergency measures after the war’s end, and violating the writ of *habeas corpus*. “They passed Decree after Decree which violated the rule of law,” Shyllon remarked. “They set up special tribunal after special tribunal the composition of which offends against the rule of law and fundamental rights of the Constitution of the Federation. ... The exercise of arbitrary power is neither law nor justice.”⁶⁷⁵ Obasanjo responded:

I believe that it is necessary to refresh our minds of the political, security, and law and order situation in the country before the advent of the Military in the political arena in 1966. There was arson, murder, robber and general insecurity of life and property. There was in effect a total breakdown of law and order. ... High

⁶⁷⁵ Folarin Shyllon and General Olusegun Obasanjo, *The Demise of the Rule of Law in Nigeria Under the Military: two Points of View* (Ibadan: Institute of African Studies Occasional Publication No. 33): p. 16.

incidence of armed robbery was one of the direct results of the civil war. To deal with the menacing crimes, states started to set up special tribunals to handle armed robbery cases expeditiously. [...] Mr Shyllon also criticised the reversal of the onus of proof or burden of proof and the acceptance of the evidence of accomplices. He described this as *the travesty of legal process*. Again I ask whose legal process? How relevant is this received legal process and system to our own society and situation today? Is the totality of our legal system and process keeping pace with the economic, social and political changes within our society, or is it sufficiently dynamic to bring about the assured change within the society? I doubt it very much.⁶⁷⁶

This dissertation has concurred with Obasanjo that crime was intimately connected with the war, but not with his corollary that crime justified abandoning the civilian order of things.

This conversation between the jurist and the general underscores that the Nigerian Civil War is important for another reason, unconnected to crime precisely. The war provided the intellectual and legal justification for the continuation of a state of emergency that lasted with only brief interruptions until 1999. In Biafra and after, the extreme demands of the war precluded any kind of consensus by administrators, soldiers, and civilians about how order could be achieved. Soldiers were the ones best positioned to claim the mantle of political power in this situation, acting in the name of “justice” and good governance. Generals and coup plotters justified their power in these terms for thirty years after Biafra’s defeat, often by invoking the specter of secession or the ongoing problem of crime.

Biafra ceased to be a place on the map in 1970, but it created political cleavages that Nigeria still lives with today. Peter Ekeh was one of the first Nigerian intellectuals to grasp how deep the wounds of the war were. His theorization of the “two publics” of African states – one ethnic, one civic – was in many ways a response to the politics of the postwar moment, even

⁶⁷⁶ Folarin Shyllon and General Olusegun Obasanjo, *The Demise of the Rule of Law in Nigeria Under the Military: two Points of View* (Ibadan: Institute of African Studies Occasional Publication No. 33): p. 27.

though it located the origins of that divide in the earlier colonial period.⁶⁷⁷ The ethnic and regional dimensions of Nigerian politics were not overcome by Biafra's defeat.⁶⁷⁸ Since 1970, regional and ethnic divisions have become more complex as Nigeria has been carved into ever-more states.⁶⁷⁹ Some politicians and intellectuals, in most cases from exile, have continued to make the case that the pogroms and the war that followed them constituted an Igbo genocide.⁶⁸⁰ The case for Igbo injury takes evidence from many places, ranging from the punitive banking regulations, to the marginalization of Igbos in national events like FESTAC,⁶⁸¹ to the fact that Nigeria has not had an Igbo head of state since the war's end.⁶⁸²

The war and its crimes – both crimes of the state and crimes of a more prosaic variety – remain an open wound for Nigeria. Ifi Amadiume contended in the early 2000s that the process of reconciliation was far from complete, noting that

⁶⁷⁷ In Biafra, these publics substantially overlapped; many who insisted that Biafra was a diverse, ethnically agnostic state also recognized that Biafra existed because of what had happened to Igbos, and that Biafra's separate identity could not be understood in isolation from that history. Peter P. Ekeh, "Colonialism and the Two Publics in Africa: A Theoretical Statement," *Comparative Studies in Society and History* Vol. 17, No. 1 (1975): pp. 91-112. See also Joseph Okpaku, ed., *Nigeria: Dilemma of Nationhood; an African Analysis of the Biafran Conflict* (New York, Third Press, [1972]).

⁶⁷⁸ Yakubu Gowon would later argue that the war had not only fractured Nigeria, but set back the integration of Africa as a whole. After being deposed in 1976, Gowon spent his exile completing a doctorate in political science in the United Kingdom. He eventually produced a thesis arguing, among other things, that other African countries having recognized Biafra was a betrayal of pan-Africanism and an impediment to African integration. Yakubu Gowon, "The Economic Community of West African States: A Study in Political and Economic Integration," Doctoral thesis, University of Warwick, 1984.

⁶⁷⁹ More recently, state and ethnic cleavages have been joined by sharp religious divisions. See Ousmane Kane, *Muslim Modernity in Postcolonial Nigeria: A Study of the Society for the Removal of Innovation and Reinstatement of Tradition* (Leiden: Brill, 2003).

⁶⁸⁰ See especially Herbert Ekwe-Ekwe, *Biafra Revisited* (Dakar: African Renaissance, 2007).

⁶⁸¹ The Second World African Festival of Arts and Culture, held in Lagos in 1977. Andrew Apter, *The Pan-African Nation*, p. 101.

⁶⁸² On this grievance see Joe Igbokwe, *Igbos Twenty Five Years After Biafra* (Lagos: Advent Communications, Ltd., 1995); Paul Obi-Ani, *Post-Civil War Political and Economic Reconstruction of Igboland, 1970-1983* (Enugu: Great AP Express, 2009).

The Biafran civilians did not have a war crime tribunal and court records. What they have is a different truth of the creative imagination in oral history and literature, which mostly are where the war experiences are being revisited and recorded. They can look back with some detachment and comment on the situation as the need arises. Their own truth commission is a situational one, lived in process, and as such, although there is no political closure, individuals have been achieving closure by themselves.⁶⁸³

Indeed there was no tribunal over war crimes, but there was an involved and extensive inquiry into events under military rule between 1966 and 1999. This was the Human Rights Violations Investigation Commission, popularly called the Oputa Panel after the jurist who convened it. Over a period of five years, the commission heard hundreds of testimonies from survivors of the war, the relatives of people who had been killed or disappeared, victims of crime, and political dissidents. It generated several thousand pages of testimony and made many recommendations, from symbolic apologies to the payment of reparations. Almost none were acted upon, and the Nigerian government under Olusegun Obasanjo and subsequent presidents has studiously ignored the panel's reports.⁶⁸⁴

Since the end of military rule in 1999, organizations like the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) have taken one idea of what being Biafran meant – that of being Igbo – and built a political platform on it.⁶⁸⁵ The spectral, nostalgic idea of Biafra that MASSOB and similar groups have mobilized is something different from the Biafra of the 1960s, emerging as it does in a different moment of Nigerian politics.⁶⁸⁶ The

⁶⁸³ Ifi Amadiume, "The Politics of Memory: Biafra and Intellectual Responsibility," in Ifi Amadiume and Abdullahi An-Na'im, eds., *The Politics of Memory: Truth, Healing and Social Justice* (London: Zed Books, 2002): p. 54.

⁶⁸⁴ The records of the panel are available as of April 2016 at <http://www.nigerianmuse.com/nigeria-watch/oputa/>.

⁶⁸⁵ Johannes Harnischfeger, "Igbo Nationalism and Biafra." *Afrikanistik online*, Vol. 2011.

⁶⁸⁶ Ike Okonta, "Biafran Ghosts: The MASSOB Ethnic Militia and Nigeria's Democratisation Process," Discussion Paper 73, Nordiska Afrikainstitutet, Uppsala, 2012, p. 19.

discourse of law and order, however, remains central; at a recent demonstration in Onitsha, pro-Biafran marchers held up signs reading “Nigeria is a lawless land.”⁶⁸⁷ MASSOB and other Biafran separatist movements have been fairly marginal in Nigerian politics, especially given the range of other, more potent threats to Nigerian sovereignty that have proliferated since the end of the war.⁶⁸⁸ But in 2015, the arrest of the “Biafran” activist Nnamdi Kanu and a series of increasingly pointed demonstrations calling for secession put Biafra back in the headlines. As the fiftieth anniversary of secession approaches many fear (or hope) that it will stay there.

In 1986 Chinua Achebe wrote that “indiscipline pervades our life so completely today that one may be justified in calling it the condition *par excellence* of contemporary Nigerian society.”⁶⁸⁹ The notion that Nigerian life was shot through with unruliness, deceit, and wariness, while not universally shared, became common enough to be cliché in the decades after the war. Prefiguring Achille Mbembe’s description of the outlandish “aesthetics of vulgarity” at the center of the postcolonial African state,⁶⁹⁰ Ojukwu would write in 1989 that Nigerian society “is imbued with every quality of the unreal, of fantasy and of a grotesque spectacle.”⁶⁹¹ If we accept that there was some kernel of truth to these broad characterizations, it is important to understand that the society that Achebe and Ojukwu were describing was a *postwar* society. Violence, vulgarity, indiscipline, and the spectacle of the grotesque are all fixtures of war, and not only in Biafra. To find them at work after the fighting has ended should not be surprising.

⁶⁸⁷ “Pro-Biafra secessionists paralyse activities in Onitsha,” *Today Nigeria*, 24 November 2015.

⁶⁸⁸ Perhaps the best known of these are the Delta Crisis in Rivers State and the Boko Haram insurgency in the northeast.

⁶⁸⁹ Chinua Achebe, *The Trouble with Nigeria* (Oxford: Heinemann, 1984): p. 27.

⁶⁹⁰ Achille Mbembe, “The Banality of Power and the Aesthetics of Vulgarity in the Postcolony,” *Public Culture* Vol. 4, No. 2 (Spring 1992): pp. 1-30.

⁶⁹¹ Emeka Odumegwu-Ojukwu, *Because I Am Involved* (Ibadan: Spectrum, 2011, originally published 1989): p. xii.

How people think and act in wartime – their ideas about ethics and morality, how they measure risk and order priorities – differ fundamentally from how they make their lives in times of peace. When the mentality of wartime bleeds into the postwar, as happened here, the effect is often insecurity and moral crisis. Legal records from Biafra and postwar Nigeria reveal with a vivid and alarming clarity how the experience of war changed behaviors and the ethics that surrounded them. War as we know it today is a more diffuse thing than what happened in Biafra. Since Biafra, wars have ceased to have surrenders or armistices – they often lack clearly defined sides and a sense of what constitutes victory or defeat. In contemporary Nigeria, as in many places in the age of the Global War on Terror, armed conflict has become a constant, ambient phenomenon, so pervasive that it is not immediately recognizable as a state of war. Because of this, it is difficult to see how war changes our patterns of thought and behavior; we inhabit the mentality of war but cannot always see that we do. The perverse logics of wartime are more obvious looking back at the Nigerian Civil War – a war with defined sides, a beginning, and an end – but they are just as present in the more turbid conflicts of our own time.



Fig. 1: Chief Justice of the Biafran Court of Appeal Sir Louis Mbanefo (center) swearing in Lt. Col. Chukwuemeka Odumegwu Ojukwu as Head of State of the Republic of Biafra, 30 May 1967. *Drum Magazine* (West Africa Edition), June 1967.



Fig. 2: Biafran postage stamp issued in 1968 to commemorate the first anniversary of independence, depicting a victim of the pogroms of 1966.

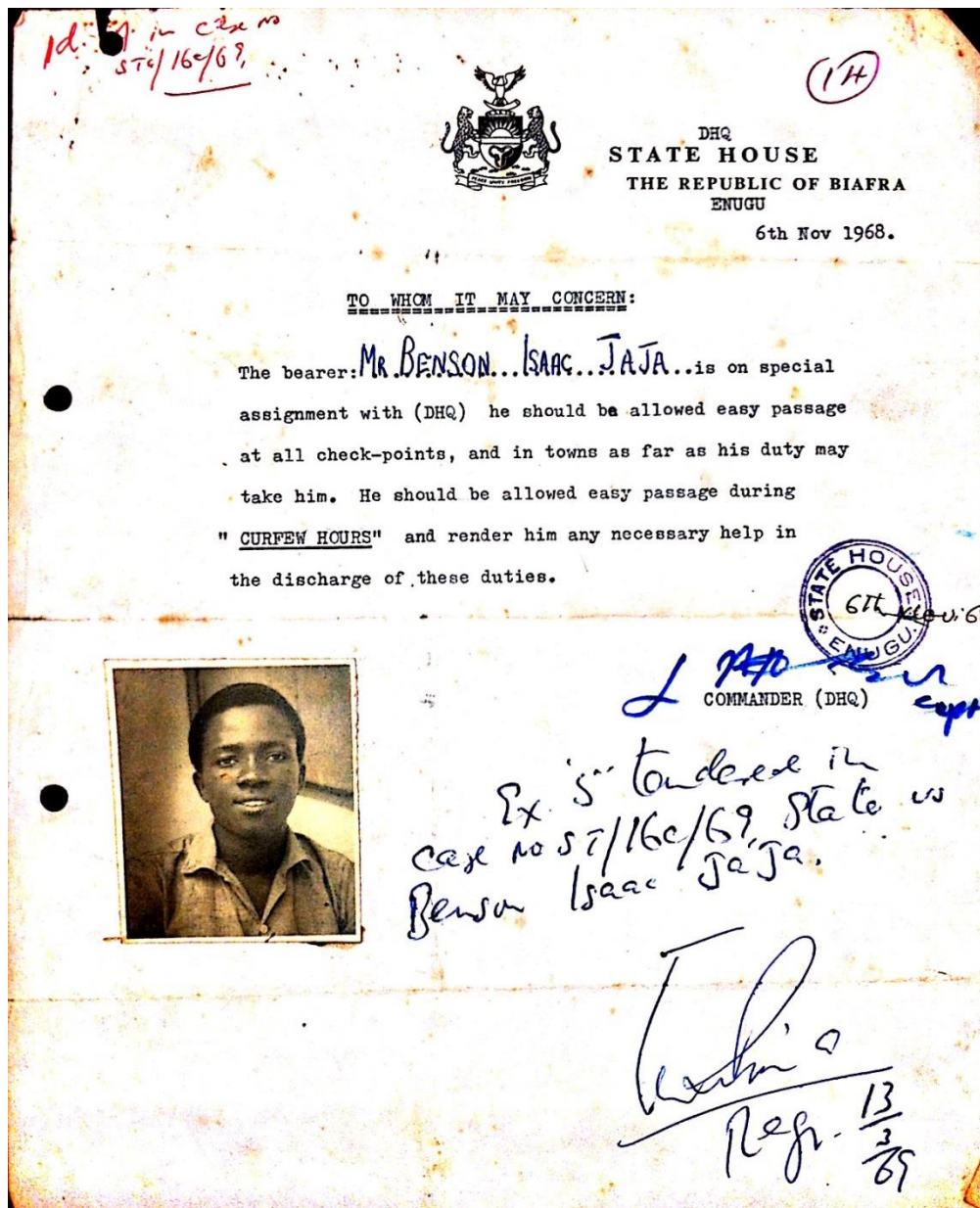
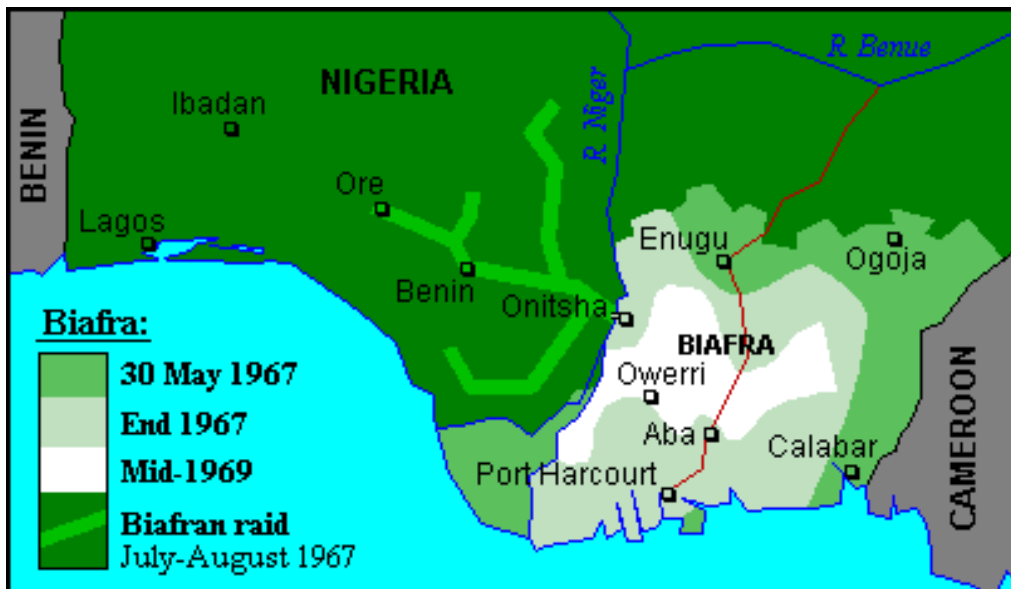


Fig. 3: Forged pass of Benson Isaac Jaja, presented as evidence in the case against him. National Archives of Nigeria, Enugu MINJUST 117/1/8, In the Special Tribunal of the Republic of Biafra, No. ST/16c/69, *The State v. Benson Isaac Jaja*, 10 April 1969.



Map 1: Territory claimed by the Republic of Biafra at secession, May 1967. Open-access map created by Carlos Aponte.



Map 2: Shrinking territory controlled by Biafra, 1967-1969. Open-access map created by Matthew White.

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NB: SAN stands for Senior Advocate of Nigeria, an honorific given to accomplished lawyers equivalent to Queen's Counsel

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