

The Imperatives of Dialogue and Negotiated Resolution of Self-Determination Conflicts in Nigeria: Lessons from Others Jurisdictions

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Abstract

This paper examined 'The Imperatives of Dialogue and Negotiated Resolution of Self-determination Conflicts in Nigeria', considering 'Lessons from other Jurisdictions'; against the background of crisis of self-determination agitation in Nigeria particularly secessionist movements for Biafra and Yoruba Nations. The pertinent questions are; how can Nigeria be amenable to dialogue on self-determination conflicts? what mechanism for resolution of self-determination conflicts can be apposite for Nigeria democracy? and what lessons can be learned from other jurisdictions?. Adopting doctrinal research method, combining comparative analysis of other jurisdictions, this paper draws on the Causal Analysis Theoretical Approach. It found that the 1999 Constitution and African Union's Uti Possidetis principles prohibits secession, while state responses relied on repression and criminalization than dialogue. Denying mechanism for examining self-determination claims fuels instability human rights abuses and conflict. Negotiated, consensual secession secures legitimacy and peace while unilateralism and repression prolong violence. This paper recommended replacement of repression with inclusive constitutional dialogue and a legal framework for self-determination to preserve democratic stability. Also advocated is an integrated Cosmo-National-Realism Mechanism (ICNRM); a two-track process combining a domestic, 'Negotiated Secession Mechanism' modeled on Canada Clarity Act-with constitutional amendment, clear referendum and good-faith negotiation, and an international 'Cosmopolitan Realism Mechanism' through a proposed Reformed World Court for mediation and or adjudication when domestic remedies fail. It concluded that Nigerian system prioritizes territorial integrity over self-determination right. For democratic stability, Nigeria should treat self-determination as a claim to be examined and negotiated peacefully, not as treason or terrorism.

Key words: Right to self-determination, self-determination conflicts, territorial Integrity, sovereignty, dialogue, negotiated resolution of conflicts.

1.1. Introduction

The violation of the rights to self-determination has historically triggered secessionist wars and remains a threat to global peace and stability¹. Groups agitating for secession often based claims on the right to external self-determination particularly through ‘Right to Remedial Secession’: the idea that secession is justified in response to severe oppression or injustice. However, remedial secession is highly controversial because it can provoke conflict and undermine territorial integrity of state. Legal interpretation of self-determination are contradictory and uncertain when applied to secessionist claims². Both international and Nigeria domestic legal systems also lack a structured mechanism for the objective examination of such claims³. Self-determination agitation in Nigeria has been intensified since 1999 with movements demanding Biafra, Yoruba Nation, and others, taking on organized and international dimensions. The Nigeria state response has largely been repressive, proscription, and criminalization under the Terrorism Act, rather than dialogue⁴. The pertinent question is; how can Nigeria be made amenable to dialogue and peaceful resolution of self-determination conflicts? What mechanism for resolution of self-determination conflicts can be apposite and enduring for Nigerian democracy? and what lessons can be learned from other jurisdiction on self-determination processes? In furtherance of the quest to unravel the forgoing questions, this paper is structured in six (6) parts. Part 1 is the introduction, while part 2 highlight the legal and institutional constraints against secession and negotiation of secessionist conflicts. Part 3 examines imperatives of dialogue and negotiated resolution of self-determination conflicts and the theoretical approach: part 4 analyses the comparative lessons from Canada, the Baltics States, Kosovo, South Sudan and Eritrea. Part 5 is the Summary of Findings and Recommendations while part 6 is the Conclusion.

2.0. Legal and Institutional Constraints Against Secession and Negotiation of Secessionist Conflict.

Sections 1, 2, 3 and 2(1) of the constitution of the Federal Republic of Nigeria 1999 preserves the territorial integrity and sovereignty of Nigeria and implicitly prohibits secession⁵. Section 2(1) in particular affirms that ‘Nigeria shall be one indivisible and indissoluble sovereign state to be known by the name of the Federal Republic of Nigeria’; while section 8 merely provides for referendum on creation of States, boundaries and Local Government Areas internally, not for independent statehood⁶. Besides, Nigeria is a signatory to Resolution 16(1) of the African Union by virtue of which OAU (African Union) adopted at Cairo in 1964, the principle of *Uti possidetis*

¹ The Helsinki Final Act (Helsinki Accord) 1975. B Meissner ‘The Right of self-determination after Helsinki and its significance for Baltic states’ (1981) (13) *Case W. Res J. Int’l law* 575.

² S D Ojukwu and O D Okoli; ‘A critical Appraisal of the Right to Self-determination under international law’ (2012) (12) (1) *NAUJILJ*, 130.

³ J R Avgustin, ‘The Precarious History of the UN, Towards Self-determination’ International Relations (eds) *The United Nations; Friends or for of self-determination?* <the precarious history of the UN Towards self-determination>e 4 July 2025.

⁴ C Murias, ‘Violation of Human Rights and Criminalization of Secessionist Movement and Civil Population in the Bifra Region in D Fornies (ed); *A Report on and Human Rights Violations* (Esquerra Re Publicana & Elsverds/Ace al parliament European 2022) 27

⁵ Constitution of the Federal Republic of Nigeria (CFRN), 1999, ss. 12; 31 and 2(1).

⁶ CFRN, 1999, ss 2(1) and 8: E C Anichebe, ‘Persistent Separatist Agitations in Nigeria Particularly in the South East: Legal Implications’ (2018)(7)3 *Port Harcourt Law Journal, Rivers State University*, 375.

*juris*⁷. *Uti possidetis juris* is a customary international law principle adopted by the OAU by declaring that ‘Colonial frontiers existing at the moment of decolonization constituted a tangible reality which all member states pledged themselves to respect’. This principle preserves colonial status quo or state of *de facto* possession of territory even if it was forcefully established to ensure stability of boundaries after independence. The ICJ in chamber in the case of Burkina Faso V Mali⁸ affirmed that the principle essentially is to prevent independence and stability of new states being endangered by fratricidal struggles, provided by challenging frontier (boundaries) following the withdrawal (departure) of the Colonial or administering power. The ICJ chambers further stressed that where conflicts appeared between the principle of self-determination of peoples and *uti possidetis juris*, that of *uti possidetis juris* would have precedence and for reasons relating to stability and development of states except where the state concerned agree otherwise. Therefore, the principle of self-determination has been interpreted in international and domestic law in a way which restricts its full operation to carefully constrained situations – colonial situations and internal government of independent states⁹. The legal conundrum is compounded by ‘Nigeria’s brand of authoritarian constitutional democracy’¹⁰ where policy operations repress and criminalise agitations, employ carrot and stick measures, subversive activities and violent use of mercenaries instead of genuinely engaging Agitating groups¹¹. Nigeria government violent response against self-determination movements and avowed condemnation by international organizations is notorious and well documented reality¹². Government arguments against dialogue often rely on fallacies¹³; slippery slope – argument that government should avoid dialogue so as not to unravel the rest of the country by creating a precedent acceding to demands of one group; unjust compromise – avoid dialogue because acceding to agitators demands is unjust against other groups; economic and geostrategic importance – territories rich in natural resources are indispensable and cannot easily be given up and losing it is not an option; nationalist symbolism – keeping Biafran enclave and any other part of Nigeria from breaking away is a common ground holding a symbolic value of nationalism for Nigeria state and political elite.

The result is extra-legal agitations and the use of security force. Human rights violation by state actors remain largely unpunished and the response to self-determination groups borders on acts of state terrorism. It suffices to observe that right to self-determination without a mechanism for examination of claims is an empty rhetoric that compels agitating groups to seek enforcement through self-help resulting in wars, instability and threats to peace.

⁷ OAU DOC. AHG/Res. 16 (1): MN Shaw, ‘The Heritage of States: The Principles of Uti Possidetis Juris Today’ (1997) *University of Webster*, 97 <<https://academic.oup.com/bybil/article/67/1/201947>> Accessed on 22 January, 2025.

⁸ ICJ Report, 1986, 565.

⁹ Shaw (n7) 111.

¹⁰ C U Anyanwu, ‘The Past as Future; Colonialism, Military Dictatorship, Legacy of Pseudo/Dysfunctional Democracy in Nigeria, The Role of Lawyers’ (2008)(1)(1) *Nigerian Law Journal of Public Law* (NJPL), 19.

¹¹ Murias (n4) 27;

¹² *ibid*.

¹³ A Cats-Baril, ‘Constitution Brief: Self-determination’ (2018) *International Institute for Democracy and Electoral Assistance* <self-determination-constitution-brief> Accessed 10 July 2025: Council on Foreign Relations, ‘How self-determination shaped the modern world (2023) <<https://www.cfr.org/>> Accessed 10 July 2025

3.0. Imperatives of Dialogue and Negotiated Resolution of Self-Determination Conflicts.

Nigeria's democratic government employs outright state repression to subdue self-determination agitations with concomitant and egregious wanton destruction of lives and properties, death of citizens, human right violations, and instability.¹⁴ An examination of the overlapping reasons why states are reluctant to allow part of their territory to be independent or gain greater autonomy shows that the arguments are hollow and pales into insignificance when the need for peace and stability in the state is considered. Thus the cost of repression towards achieving quietude (peace) for Nigeria, from agitations may be cheap and short-lived; but the cost to keep the trigger problems under lid of repression is far higher to the state in the long run. The need for peace and stability towards a progressive society is inestimable. *Lee Kuan yew*¹⁵ refers to peace and social stability of a country as the first principles of development, transforming a third world country to a first world country. Peace between ethnic groups, religious groups, equal treatment and non-discrimination; with enabling environment for building of skills and infrastructure. Social peace and stability attract investment which in turn transforms the society, giving every citizen the chance to achieve his maximum. Moreover, the UN Charter listed peace and maintaining of friendly relations as its major objectives among nations. To this end the Charter mandates states to respect principles of equal rights and self-determination of peoples, active international cooperation and promotion of human rights.¹⁶ Therefore, the importance of respect for equal rights and self-determination of peoples in ensuring peace and stability internationally and domestically cannot be overemphasized. The UN has until now promoted the policy of dialogue negotiation; mediation, and arbitration and respect for peoples right as a viable solution to conflicts, to enhance peaceful coexistence in heterogeneous societies. Thus, the repressive enforcement of peace and unity without dialogue to resolve conflicts is like putting a lid on a seething cauldron. It cannot stand the test of evolutionary growth of Nigeria.¹⁷ It can only endure for a short while. The cost of Nigeria's repressive policy against self-determination agitation is far higher and capable of a devastating consequence of instability, social and economic upheaval and war in the long run.

Alfred de Zayas¹⁸ confirms that the right to self-determination plays and will continue to play crucial role as a principle of peaceful democratic and equitable international order and conflict prevention strategy. He attributed the unjust denial of self-determination as the origin of countless wars since 1945; and argued that the UN should have exercised responsibilities under Chapter VII of the UN Charter and adopts preventive measures to avert the outbreak of hostility that endangered local, regional and international peace.¹⁹ UN in view of its overarching objective of achieving sustainable peace, ought to offer its good offices to facilitate dialogue where relevant and organize self-determination referenda. It is a sad commentary generally on the UN and the international community that in many instances' tens of thousands of human being had been killed

¹⁴ Murias (n4)

¹⁵ M Freeman, 'The Right to Self-determination in International Politics: Six Theories in Search of a Policy, (1999) (25) *Review of international studies, British International Studies Association* 355-370.

¹⁶ C U Anyanwu, 'The Past As Future: Colonialism, Military Dictatorships, Legacy of Pseudo/dysfunctional Democracy in Nigeria. The Role of Lawyers' (2008) (i) *Nigeria Journal of Public Law*; 50.

¹⁷ M de Zayas, Promotion of a democratic and Equitable International order at the 69th session of the General Assembly (2014) Office of the High Commissioner United Nation Human Rights, <https://www/ohchr.org/en/statements/2014/II/statement-alfred-maurice-de-zayas-independence-expertpromotion-democratic-and?>

¹⁸ *ibid.*

¹⁹ *ibid.*

before self-determination referenda was organized in Ethiopia/Eritrea, East Timor Sudan and so on.²⁰ Zayas posited that if there is a compelling demand for separation, it is most important to avoid the use of force which would endanger local, regional and international stability and further erode human rights. Good faith negotiations, readiness to compromise in some cases coordinated through the offices of the secretary general or under the Security Council or General Assembly were suggested.²¹ He further argued that the implementation of self-determination is not exclusive within domestic jurisdiction of state concerned but a legitimate concern of the international community. It is contended that the principle of territorial integrity is not sufficient justification to perpetuate situations of internal conflict that may fester and erupt in civil war; threatening international peace and security.²² A consistent pattern of gross and reliably attested violations of human rights against a population, negates legitimacy of exercise of governmental powers. Rather than unrest, dialogue must be engaged to redress grievances.²³ It is wrong for states to first provoke the population by human right abuses, and then invoke the right of self-defence in justification of use of force against them.²⁴ The doctrine of territorial integrity or any other doctrine cannot justify massacres and derogation from right to life.

3.1. Theoretical Approach

This paper relies on the Causal Analysis Theorist approach which rationalizes secession in terms of its causes, violence, instability and dispute resolution.²⁵ It is basically a conflict and peace research which secession is seen as causing conflict and disorder and also a possible resolution to conflict; to this end its causes must be understood in order to yield useful policy result.²⁶ Secession is considered pragmatically as a problem; a necessary evil that can be resolved by careful study, with a view to decreasing the level of separatist conflicts. This theoretical approach is concerned by power relations, violence and significant problem violence poses for politics and policy in the international and national spheres.²⁷ By this approach the variables or problems in secessionist conflicts are identified with a view to deducing the smoothest process for resolution and peace. These processes involves judgment of some kind by the international community or specially designated UN body.²⁸ Theorists in this approach believes that the right to external self-determination or secession is not limited to decolonization but extend also to oppressed peoples alienated by their governments (RRS).²⁹ The sentiment expressed is that because of the ferocity of the right over self-determination claims the only way to solve it as a last resort is to split the antagonist from the state; after all when couples fight irreconcilably they are allowed to divorce.³⁰ As a corollary, a plural society must device the due process for resolution of conflicts that are irreversible or irreconcilable. Thus, the provision of framework for secession in a national

²⁰ de Zayas (n17).

²¹ *ibid.*

²² *ibid.*

²³ *ibid.*

²⁴ L S Bishai, *Secession and the Theory and Practice of International Relation*, (PhD thesis in International Relations, London School of Economics and Political Science, 1999).

²⁵ Bishai (n24).

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ *ibid.*

²⁹ *ibid.*

³⁰ Canada's Clarity Act 1995.

constitution is not necessarily an encouragement to secede; rather, it is a recognition that in certain circumstances secession may be inevitable, and the last resort to resolution of historical conflicts and injustice. Canada's Clarity Act of 1995³¹ is a legal framework on secession of provincial constituents of Canada, but its existence has not exacerbated any agitation for secession. The Act grants the Canada Federal Parliament the discretion to determine if a provincial bid for secession is based on a valid referendum question, valid majority vote outcome of the referendum and to commence negotiations for irreversible secession if satisfied that the referendum process was validly done. But suspicions of the wide latitude of discretion given to the federal Parliament of Canada in the Clarity Act as a booby trap against secession, the Quebec provincial parliament enacted in contradiction to the Clarity Act, its own Bill 99.³² Though the validity of both Laws is yet to be determined by the courts, the conflict vindicates the cosmopolitan theorist argument that states-institutions are low trust institutions to determine secession matters, as such conflicts are better handled by cosmopolitan institutions that will inspire confidence, fairness and objectivity in decisions to all stakeholders.³³ Cosmopolitan theorists insist that global dimension of self-determination problems should be considered, as no solution to self-determination conflicts is ethically acceptable if it cause obvious injustice to outside parties.³⁴ According to Hanna the early international involvement in attempted secession cases is so important that, it not only ensures that rights of minority groups are protected, but may also lessen destabilizing effects of attempts at secession.³⁵ Archibugi³⁶ a cosmopolitan theorist, argued that the UN and its organs as depositories of state sovereignty also cannot be trusted to be objective in secessional matters to all stakeholders. He proposed the Peoples World Parliament or the Reformed World Court for a fair deal of justice to all stakeholder shorn of the state influence and power. This thesis adopts the causal analysis theorist approach which relies basically on the Realist and Cosmopolitan theories of self-determination. This approach is eclectic, in that it combines the Realist and Cosmopolitan approach to ensure a mechanism of conflict resolution that allows fairness and participation of all the stakeholders. Achibugi,³⁷ a cosmopolitan theorist proposes a cosmopolitan institution that could adjudicate or intervene in self-determination conflicts called, Peoples World Parliament or Reformed World Court independent of the UN and its organs, in the world. At this juncture, it is pertinent to state that the concept of Negotiated Secession adopted by the Canada Supreme Court is very valid for set up of internal mechanism of self-determination conflict resolution and implementation of the right to self-determination to the dimension of secession in Nigeria. By that concept, once a valid referendum is held by the agitating section with a clear majority and clear referendum question, by the agitating group towards secession, outcome will be acceptable to international community. This is so because consensual secession offers a basis for statehood and

³¹ Bill 99, Province of Quebec.

³² D Archibugi, Self-determination of Peoples, Cosmopolitan Perspectives in P Hayen, C Ojeili (eds) Confronting Globalization in International Political Economy Services (London: Palgrave Macmillian, 2005) 258-274 www.huk.springer.com/chapter/10.10.57/9780230598829-16

³³ *ibid.*

³⁴ R M Hanna, 'Right to Self-determination in Re: Secession of Quebec' (1999)(22)(4) *Virginia Journal of International Law*.

³⁵ Archibugi (n32)

³⁶ *ibid.*

³⁷ M Sterio, 'On the Rights to External Self-determination "Selfishtans", Secession and the Great Powers Rule (2010) (19) Minnesota Journal of International Law, 137 https://engagedscholarship.csuohis.edu/fac_articles Accessed 25 July 2025.

recognition of international community and consistent with international law deference or respect to territorial integrity and sovereignty of states. However, this paper while leveraging the cosmopolitan and realist mechanism for resolution of self-determination conflicts for the international sphere of nations (by the UN and relevant regional bodies), the states (Nigeria) internal mechanism for resolution of self-determination conflicts and implementation shall be based on Negotiated Secession, suggesting that if the mechanism of negotiated secession fails, internally within the state, the Agitating groups, state or any other stakeholder can proceed to the cosmopolitan institution for redress as the case may be. In this regard we suggest an integration of the cosmopolitan realist mechanism and the negotiated secession mechanism otherwise called Cosmo-national-realism. This is so that a failure of the internal mechanism, of states can spell a recourse to the international mechanism for resolution of self-determination or secessionary conflicts as a safety value. In other words, there should be exhaustion of internal mechanism of negotiated secession before aggrieved party can have recourse to the cosmopolitan realism mechanism at the international sphere for redress. At this juncture this paper seeks to bring the cosmopolitan institutions close and relevant to the people at the national stage of states of the world. To this end, it is suggested that the Reformed World Court or People World Parliament be maintained in the states in event of conflicts to allow the relevant agitating groups to petition to the state office of the cosmopolitan institution. Therefore, by bringing due process of law to bear on secession agitations, the massive bloodletting and loss of lives would be averted at the earliest opportunity. It is established that in many cases where the UN and other international bodies mediated successfully, thousands of citizens had lost their lives before such successes with self-determination implementation. The need therefore for a cosmopolitan state-based institutions cannot be overemphasized. The attraction or strong point for Cosmo-national realism approach is objectivity and fairness to all stakeholders in the self-determination, conflict and the need for early intervention by the international community via the cosmopolitan institutions.

It is pertinent for all to remember the warning in the UDHR preamble that people will turn to rebellion against tyranny and oppression unless they are protected by the rule of law. Nigerian state ruling elites should therefore make every effort to promote respect for the right of peoples to self-determination qua national Government. To avoid emergence of secessionary claims, states must recognize legitimate grievances of the peoples whether as minorities or majorities and address them appropriately by providing some form of political autonomy to ensure political participation, social, economic and cultural protections.³⁸ Moreover, it is of utmost importance that Nigeria national governments provide inclusive governance which remains a sure cure against conflicts, and protection against secessionist claims from emerging and turning violent at all. It should no longer be business as usual for national governments to enjoy monopoly of use of force against secessionist claims under the façade of averting total breakdown of the rule of law. The international community should not continue to support blindly such governments which have forfeited any legitimate entitlement to monopoly of use of force.

4.0. Comparative Lessons

This paper engages the comparative experience to assess whether alternative processes exist for managing such claims within a constitutional order. It inquires how other states have managed self-determination conflicts without resorting to indefinite repression. The essence is to assess whether the comparative models offer viable prospects for reform. Therefore, Canada, the Baltic

³⁸ Cats-Baril (n13).

States, Kosovo, Eritrea and South Sudan forms the focus of this comparative analysis. These jurisdictions are selected for their jurisprudential influence, variance in legal systems and relevance to Nigeria federal structure and constitutional governance.

4.1. Canada; Clarity Act and Negotiated Secession.

Canada, operating a federal structure grounded in rule of law, and constitutional governance, was challenged by Quebec separatism³⁹. Canada chose the path of constitutional resolution of the conflicts and proceeded to the Supreme Court of Canada. The Supreme Court of Canada developed the Negotiated Secession framework which required a clear referendum question and clear majority with outcome to be negotiated in good faith with the Federal Government. This proposition was later translated to law by enactment of the Clarity Act of 1995⁴⁰ by the Federal Parliament of Canada. The model shows that even without an express secession clause, a liberal democracy can manage claims within constitutional order via a determined process. It offers universal recognition because it is based on consent and avoid bloodshed. The negotiated secession mechanism appears to be a balanced mechanism consistent with international law deference for territorial integrity of state.

4.2. The Baltic States; Peaceful Restoration after illegal Annexation

Estonia, Latvia and Lithuania were forcibly incorporated into the USSR in 1940. Their independence was achieved in 1991 through legislative declaration backed by overwhelming popular support, followed by negotiation and dialogue with Soviet authorities⁴¹. It is instructive to note that: (1) non recognition of illegal annexation by the EU and the US kept the statehood claim alive (2), the process was largely peaceful followed by negotiation (3), legal personality of state endures despite occupation, and secession can be lawful when dismantling consequences of foreign domination⁴². For Nigeria, this underscores the value of legislative process, popular mandate, and eventual state consent.

4.3. Kosovo, the limits of Unilateralism

Kosovo declared independence unilaterally after UN trusteeship (interim administration). While the ICJ found the declaration not illegal, recognition remains partial because it lacked Serbia consent⁴³. Thus, where independence is unilateral and not based on negotiated settlement, recognition by the UN and other international organisations may be an uphill task. The lesson is that international legitimacy flows from negotiation. Kosovo also shows that gross human rights violation can trigger external intervention; but without negotiated outcome, statehood remains contested.

³⁹ Re Secession of Quebec 1998 Can. Sup: LEXIS 39

⁴⁰ Clarity Act of Canada 1995: P Bowal and M Bowal, 'Provinces leaving Canada (2020) *The Centre for Public Education, Legal Resources Centre of Alberta information*.

⁴¹ R I Misiunas and J H Barter, Re-Establishment Independence of Baltic State (Encyclopedia Britannica 2004) <Britannica.com/place/Baltic-sea>

⁴² L Malksoo, Chapter 7: The Baltic Case and Lessons from Other Cases; in *Illegal Annexation and State Continuity* 241-266. <http://001.org/10.1163/9789004464>

⁴³ J Almqvist, 'E U and the Recognition of New States' (2017) *E U Border 5 working paper*, 12 www.euborders.com

4.4. South Sudan; Negotiated Referendum after war.

South Sudan self-determination process began with the 2005 Comprehensive Peace Agreement between Sudan and SPLM/A after decades of war. The CPA created a legal framework, Referendum Commission, and international support from UN, EU and AU. The 2011 referendum returned 98.8% for secession and was accepted by president Omar Bashir, leading to UN membership⁴⁴. The South Sudan experience presents noteworthy lessons namely⁴⁵: (1) A negotiated legal framework gives legitimacy and universal recognition. (2). Strategic diplomacy, United leadership secured international alliance. (3) Post independence challenges show voting alone is insufficient – states must also plan for governance, resource sharing and diversity management.

4.5. Eritrea; deferred decolonization and acceptance

Eritrea 30 years old war of separation with Ethiopia ended victoriously in 1991. Rather than declare a unilateral secession, Eritrea Peoples Liberation Front collaborated with the incoming Transitional Ethiopian government, leading to a referendum and acceptance by Ethiopia under international validation of UN. It is treated more as deferred decolonization than pure secession⁴⁶. The noteworthy lesson is that even after arms struggle, final legitimacy came from Ethiopian consent and international process.

5. Summary of Findings and Recommendations

1. The constitutional order of Nigeria is closed to secession and negotiation of related conflicts hence a veritable barrier to dialogue and peaceful resolution of self-determination conflicts. The legal and institutional framework on right to self-determination are state centric and constrains the right in the context of secession and not for independent statehood under sections 1,2,3, 2(1) and 8 of the constitution of Federal Republic of Nigeria 1999 which affirms indivisibility and indissolubility of Nigeria. This provision is internationally reinforced by resolution 16(1) of the OAU, (African Union) 1964 affirming the principle of *Uti Possidetis* which Nigeria is a signatory. Moreover, state practice in Nigeria relied on authoritarian and repressive response rather than dialogue or negotiated approaches to agitating groups, contradicting democratic governance and rule of law. It is recommended that state must reject repression for peace and constitutionalism. To this end, state should adopt inclusive policy by convening constitutional conference of Ethnic nationalities to address modus vivendi and constitutional reforms in relation to self-determination of peoples, autonomy, resources control and distribution, religion, representation, citizenship and so on without restriction of no-go-areas. Government should create a commission for mediation and dialogue on self-determination while the UN and the international community should create a new Reformed World Court Mediatory Arm to facilitate dialogue and prevent escalation of conflicts to wars. Moreover, section 2(1) of constitution of the Federal Republic of Nigeria 1999 on indivisibility and indissolubility of Nigeria should be deleted, right to self-determination process entrenched drawing from Article 19 and 20 of the Africa Charter on Human and people's Rights (Ratification and Enforcement) Act 1983, peoples must be redefined to reflect global dynamics where people under negotiated secession, foreign or local domination or oppression are

⁴⁴Almqvist (n43).

⁴⁵ L B D Kubob, 'Lessons from Decades of South Sudanese Statehood' (2006) *The Peace Research Institute Oslo* (PRIO) <Prio.org/comer> Accessed 20 April 2026.

⁴⁶ D Connelly, 'ERITREA' (1997) *Foreign Policy in Focus* (EPIF)

recognized for self-determination. People should no longer be confined to decolonization context or internal governance of a state. Repression is cheap for the state in the short term but produces fragile peace and cycles of instability. Nigeria as a Constitutional democracy cannot claim democratic credentials while denying space for peaceful examination of claims.

2. On the apposite and enduring mechanism for resolution of self-determination conflicts in Nigeria, it is pertinent to note the apparent absence of any structured domestic mechanism to objectively examine self-determination claims, making the right ineffective and rhetorical. This paper therefore recommends the Integrated Cosmo-National Realism Mechanism (ICNRM) to replace violence with rule of law or due process. The ICNRM is a two track mechanism – including (1) the domestic stage (Nigeria) where Negotiated Secession Mechanism (NSM) prevails. This paper proposes adopting negotiated secession internally, modelled on Canada Supreme Court decision *In-Re Quebec* and Clarity Act. This requires constitutional Amendment to provide referendum with clear question and majority vote, followed by good faith negotiation. The NSM entails petition by the people; 2/3 approval by the relevant state House of Assembly; confirmation by Federal Executive council. Referendum conducted within 18 months by a yet to be created National Referendum Commission monitored by the UN and international bodies: a majority yes vote', triggers negotiation for separation and asset division witnessed by Reformed World Court Mediation Department. (2) International sphere: Cosmopolitan Realism Mechanism prevails at the international stage. Here, the stakeholders can have a recourse to Reformed World Court Adjudicatory Department after domestic remedies are exhausted. Mediatory department facilitate negotiations and referendia. Decisions are binding and enforceable by the UN Security Council. The CRM is retained as a safety valve to stakeholders where the Domestic stage of the conflicts resolution fails. Without such due process, grievances fester and massive bloodletting follows.

3. Comparative analysis shows that Nigeria adopted a strategy of constitutional closure to secession and negotiation of related conflicts. Nigeria therefore deserves a constitutional order on self-determination processes and a mechanism for examination of claims. Canada teaches that law and referendum can channel separatism. The Baltic states show peaceful negotiation after illegal annexation. South Sudan and Eritrea demonstrate that consent after conflict secures recognition. Kosovo warns of the cost of unilateralism. Kosovo experience also shows that international law does not make territorial integrity absolute. Principles of *Uti Possidetis* were adopted in Africa to preserve colonial boundaries, but the African Unions acceptance of South Sudan shows a shift towards recognizing human security over absolute sovereignty when secession is negotiated. Nigeria must therefore create space for internal self-determination, autonomy and wealth / power sharing before claims escalate to external secession.

6. Conclusion

International and domestic legal systems prioritises territorial integrity over self-determination claims to avoid creation of new states that could morph to extremism of ultra-nationalism of Nazism and fascism, majoritarian tyranny, fragmentation of states and instability. For Nigeria, the imperatives are clear: replace repression with dialogue and create a constitutional mechanism for negotiated resolution. By bringing law to bear on secession agitations, the massive bloodletting and loss of lives would be averted. A federal democratic Nigeria can only remain stable if it treats self-determination not as treason or terrorism, but as a claim to be examined, negotiated and resolved peacefully.