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## **The UK and 'genocide' in Biafra**

By Karen E. Smith

### **Abstract**

In late August 1968, following a British proposal, Nigeria announced it would allow an International Observer Team into the country to show that it was not pursuing a campaign of genocide in Biafra. This article analyses why the United Kingdom pushed for the creation of the observer team, and shows how the team's work was incorporated into the government's justifications for its support of the Nigerian government. The experience of the observer team illustrates the difficulties of providing an 'objective' view regarding whether or not genocide is taking place.

## **The UK and ‘genocide’ in Biafra**

In late August 1968, just after it launched a ‘final offensive’ to defeat the ‘Biafra’ rebels, the Federal Military Government of Nigeria (FMG) announced it would allow an International Observer Team into the country to show that it was not pursuing a campaign of genocide against Igbos in Biafra.<sup>1</sup> It did so under some pressure to take such a course of action: the British government had signalled strongly that its continued support for the FMG, including arms supplies, would depend on the FMG’s acceptance of observers. From September 1968 until the end of the war in January 1970, a small team of observers from the United Kingdom (UK), Canada, Poland, Sweden, the Organisation for African Unity (OAU) and the United Nations (UN) operated in FMG-controlled territory and repeatedly reported that no genocide was taking place in the country. The British government used those findings to justify its policy of support for the FMG.

The observer team hardly features in recent discussions of the Nigeria-Biafra war, or even in some older pieces.<sup>2</sup> Only Suzanne Cronje discussed it at much length, in *The world and Nigeria*.<sup>3</sup> Yet it is curious that the observer team was sent at all, as it is an indication of how much pressure the UK itself was under as a result of the claims that a genocide was being perpetrated against Biafrans.

This article explains why the UK pressed for the FMG to invite observers into Nigeria, highlighting the need for the British government to rebut accusations that it was abetting genocide in Nigeria, especially by continuing to supply arms to the FMG. These accusations generated concern within the government despite the fact that the UK had not yet acceded to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Their concern stemmed not from questions about the UK’s conformity to the

legal norm against genocide, but instead from doubts about its conformity with the social norm against genocide.

This article first sets out the argument that there are two norms against genocide, a legal one (embodied in the 1948 Genocide Convention) and a social one. The main part of the article then reveals the decision-making and diplomacy regarding the creation of the observer team – as disclosed in the relevant papers in the UK National Archives. The social norm created pressures on the government to take action that it viewed as inimical to its interests (such as imposing an arms embargo on the FMG), and thus it needed specifically to rebut the claims of genocide to relieve the pressure. The section also shows how the observer team’s conclusions were used by the UK government to justify its policy (and to resist any changes to it), while activists and observers argued the observer team was biased. This case illustrates how and why it is difficult to use observer teams to ensure an ‘objective’ determination of whether genocide is taking place or not.

### **1. The social and legal norms against genocide**

This article uses the concept of ‘norms’ when assessing the impact that the claims about genocide in Nigeria had on British foreign policy. Norms are ‘collective expectations about proper behavior for a given identity’.<sup>4</sup> Norms can have different impacts on states: they can require action (to comply with the norm), constrain action (again, to comply with the norm), and enable action (which could be justified as in compliance with the norm).<sup>5</sup> However, norms may also have little or no impact on states: in other words, states’ behaviour may not conform with the norm at all, and they may resist pressure or incentives to take action in accordance with the norm. This may be

because the costs of so doing are perceived to be greater than the costs of not conforming to the norm. There are also different types of norms – legal, social, professional, cultural, and so on – and they may have different influences on states.<sup>6</sup>

As I have argued elsewhere, there are two norms against genocide, a legal one and a social one.<sup>7</sup> The legal norm is set out in the Genocide Convention, which provides a definition of genocide and a set of rules by which states are to punish and prevent genocide. The definition of genocide in the convention is widely considered to be constricting, with its demanding requirement to prove ‘intent to destroy’. Furthermore the convention does not mandate any *particular* action with respect to ‘prevention’, instead setting out certain requirements regarding the punishment of individuals for carrying out acts of genocide.

The UK’s attitude towards the Genocide Convention was lukewarm in 1948, and for twenty years afterwards. It abstained in the UN Sixth Committee vote on the convention, and then very nearly abstained from voting on it in the General Assembly, because of concerns that acceptance of the convention into British law would require changes to the laws on granting asylum and the Cabinet had not agreed to this. Though the UK did in the end vote for the convention, the British delegate told the General Assembly that the UK’s vote was without prejudice to the right to grant asylum.<sup>8</sup> The UK did not sign the convention,<sup>9</sup> and only moved to accede to it after Harold Wilson became prime minister in 1964. Until then, a bureaucratic standoff between the Foreign Office (in favour of accession due to the reputational costs of remaining aloof) and the Home Office (adamant that there was no support for changing the UK’s law on asylum) had prevented accession. Wilson, however, supported accession and after he assumed office, his

government put the convention forward for approval by parliament, though not until 1968.<sup>10</sup> The main debate on the convention in the House of Commons took place in February 1969; the UK formally acceded to it on 30 January 1970.

There is little evidence of British government concern about any legal requirements that the UK might have vis-à-vis Nigeria as a result of accession to the Genocide Convention. Indeed, the Foreign Office was confident that accession would not lead to claims that the UK was violating the convention by supporting the FMG, because the observer team had proven that FMG was not committing genocide.<sup>11</sup> Had the observer team not been dispatched to Nigeria and found no evidence of genocide, then it is possible that when the UK acceded to the convention, it could have been accused by Biafra's supporters of contravening its legal obligations.<sup>12</sup> But there is no evidence in the files in the UK National Archives or parliamentary debates to suggest that the question of accession to the convention was linked to decisions about the observer team.

What this indicates is that the legal norm played little to no role in the British government's considerations of either its vulnerability to criticism over its policy regarding Nigeria, or its defence of its policy. Nor did the legal norm figure highly in public contestation of the policy. Instead, the case of the UK and genocide in Biafra illustrates the impact that social norms can have on foreign policy-making.

The social norm against genocide entails a wider definition of genocide: in public parlance, genocide usually just means large-scale killing (as happened in Cambodia under the Khmer Rouge regime, for example). The social norm also requires a response going beyond the legal norm: genocide is seen as raising 'a legal, political and moral obligation, an irrevocable imperative that cannot be pushed aside but must be acted on...'<sup>13</sup> In the

last two decades, this has entailed an expectation that states will take measures to *stop* genocide, measures which ultimately should include the use of coercive military force if that is what it takes to stop the killing. But before the end of the Cold War – when ‘humanitarian intervention’ was beyond the limits of acceptable action in international affairs<sup>14</sup> – the social norm against genocide meant that governments should take action short of intervention, such as imposing arms embargoes or criticising countries in international fora. Indicators of the social norm in discourse include the use of the term genocide to describe killings without reference to the Genocide Convention definition, and use of the related argument that a government’s policy has to change to try to stop the killings. Whether and how the government does so indicates the norm’s impact: did the norm enable, require or constrain action? To investigate the way the social norm impacted British policy vis-à-vis Nigeria, I have analysed the public discourse (declarations by the government, debates within parliament, newspaper editorials), reviewed the relevant official documents in the UK National Archives and read the memoirs of the key British actors involved in the discussions.

## **2. The UK and the Nigeria-Biafra war**

On 30 May 1967, the military ruler of the eastern regions of Nigeria (‘Biafra’), Odumegwu Ojukwu, announced the secession of Biafra from the Nigerian federation, and its independence as a sovereign state. He did so following the massacre of perhaps 30,000 Igbos in the north of the country in September 1966,<sup>15</sup> and his declaration of independence told the people of Eastern Nigeria that ‘[you are] aware that you can no longer be protected in your lives and in your property by any government based outside

Eastern Nigeria'.<sup>16</sup> In response, the federal government (also military-ruled) imposed a blockade on Biafra and attempted to regain control of the region by military means. It did not do so until January 1970.

Initially, after Ojukwu had declared Biafran independence, the Wilson government adopted a 'neutral' position, though it continued to fill the Nigerian government's orders for supplies of arms.<sup>17</sup> But British support for the FMG soon became clear, reflecting an understanding of its national interests.

Those interests were economic in the first place: 'secession would threaten the security of the 3,500 subjects in the Eastern region and put investments at risk, especially in the oil industry'.<sup>18</sup> Shell-British Petroleum was a major investor in Nigeria, and over a tenth of British oil imports came from Nigeria.<sup>19</sup> When the Six-Day War broke out in the Middle East in June 1967, the importance of securing oil imports from Nigeria was reinforced. Secondly, the British feared the implications of the breakup of states in Africa: 'if the principle of secession on a tribal basis were once accepted there would be chaos on the [African] continent'.<sup>20</sup> Thirdly, there were 'geopolitical concerns'. Nigeria was potentially a major power in Africa; a breakup of the federation would reduce such power – and allow France and its francophone allies in the region to exercise more influence. The UK also needed to balance Soviet support for the FMG (the Soviets were also selling arms to it).<sup>21</sup>

Arms sales were justified by the government because it 'was undoubtedly right to help an ex-colony and fellow Commonwealth country when it faced secession....to change our policy now when both sides have reached virtually irreconcilable positions, would have a catastrophic effect on our relations with the Federal Government and would



put our interests in Nigeria in jeopardy.’<sup>22</sup> In August 1968, in Parliament, the Secretary of State for Commonwealth Affairs, George Thomson, publicly defended arms sales in this way:

Our supplies have amounted to about 15 percent by value of Nigeria’s total arms purchases...[I]f we were to cut off our supply of defence equipment unilaterally...we would, I believe, lose our capacity to influence the Federal Government.<sup>23</sup>

The 15 percent figure was inaccurate: the UK had supplied most Nigerian arms imports in 1963, less than 40 percent in 1964-66, but almost half in 1967.<sup>24</sup> (It was revealed after the war that British arms imports amounted to considerably more than that during the war itself: British supplies made up 79.19 percent of Nigerian imports in 1968 and an astonishing 97.36 percent in 1969.<sup>25</sup>) It would have damaged the FMG’s war effort had the UK cut off arms supplies, and almost certainly led the FMG to acquire supplies from the USSR: this made the issue of a British arms embargo on Nigeria such a potent one. In comparison, at the start of the conflict, the US had refused to supply arms to either side (arguably an easier decision than that facing the UK, given that the US had not been a major arms supplier to Nigeria),<sup>26</sup> in June 1968 France and the Netherlands announced an arms embargo on Nigeria (though within two months the French government was supplying arms to Biafra), and a month later Belgium did so.<sup>27</sup>

As discussed further below, the Wilson government came under considerable pressure to halt arms sales to the FMG, and was facing accusations that by not halting arms sales, it was aiding a government that was engaging in genocide. The rest of this

article explores why and how the Wilson government tried to ‘square the circle’ by combating the accusations of genocide and continuing its support for the FMG.

*Accusations of genocide in Nigeria and opposition to UK arms sales*

Ojukwu referred to the massacres of Igbos in 1966 as a ‘genocide’ and the core reason why the Igbos needed their own homeland. In an address to the Organisation of African Unity on 5 August 1968, he accused the FMG of waging a ‘genocidal war’ against Biafra, and argued that it was ‘appalling’ that ‘this palpable genocide is being openly financed and directed by major NON-AFRICAN powers whose interest in the event is the economic and political advantage of their own countries’.<sup>28</sup> (Although not directly named, the UK was seen as the principal supporter of the FMG, and therefore of its ‘genocidal war’.) The accusations of genocide were repeated by what some regarded as a very well-oiled Biafran propaganda machine, and, for John Stremlau, served the primary purpose of magnifying the external threat so as to promote internal unity.<sup>29</sup> Nonetheless, the accusations were repeated elsewhere. The Senegalese and Tanzanian presidents (Leopold Senghor and Julius Nyerere) also labelled the Nigerian policy as ‘genocide’, though it should be noted that most African governments opposed the Biafran move to secede.<sup>30</sup>

Above all, though, the genocide claims were heard in Europe. The capture of Port Harcourt, Biafra’s only link to the outside world, by Nigerian forces in May 1968, combined with a blockade of Biafra that seemed to be the cause of malnutrition and starvation of increasing numbers of victims, gave the accusations of genocide enough force to generate widespread public concern in Europe. For example, in the wake of the

fall of Port Harcourt, several British newspapers used Holocaust imagery: ‘worse than Belsen’; ‘fate could be as dreadful as that of the victims of the Nazi concentration camps’.<sup>31</sup> It was widely believed (in Biafra and outside it) that the Igbos would be at risk if they were defeated by the FMG. Such fears were easily fuelled by the words of Nigeria’s top military commander, Colonel Benjamin Adekunle, who declared in August 1968, ‘I want to prevent even one Ibo having even one piece to eat before their capitulation. We shoot at everything that moves.’<sup>32</sup> As *The Guardian* noted, the Nigerian government may not have had any intention of committing genocide, but it was less certain this applied also on the battlefield.<sup>33</sup>

For almost a year, from November 1967 to August 1968, the UK considered participating in a Commonwealth peacekeeping or observer force as a solution to the war: it could help persuade the Biafrans to surrender because their safety would be guaranteed by the external force.<sup>34</sup> The idea was pushed principally by the Commonwealth Secretary-General, Arnold Smith, who was attempting to arrange a ceasefire and negotiations between the two sides. The UK was in principle willing to contribute, but only if certain conditions were met first, including that Canada would help pay for the force, and India and Ghana would contribute to it.<sup>35</sup> In the end, however, the idea did not gather enough support – in Nigeria or the rest of the Commonwealth. Instead, during the course of the summer 1968, the proposal was transformed into the idea of sending observers from the International Committee of the Red Cross or other governments who would monitor the FMG’s conduct of the war.<sup>36</sup>

Throughout the first half of 1968, opposition to British policy increased – as concern grew also about the accusations of genocide in Nigeria. In particular, the

government's defence of arms sales was criticised intensely inside and outside parliament. The Archbishops of Westminster and Canterbury called for a ban on arms supplies to Nigeria.<sup>37</sup> In May 1968, the Church of Scotland assembly unanimously called for the ends of arms sales to the FMG, and one speaker claimed the arms supplies would 'link Britain's name in history with premeditated massacre'.<sup>38</sup> Leading newspapers such as *The Times* echoed the call.<sup>39</sup> *The Guardian* argued in July 1968 that 'stopping the arms is therefore the best way to save Biafrans from both slaughter and starvation'.<sup>40</sup>

Although 'genocide' was not a term that was used very often in parliamentary debates (except, somewhat paradoxically, by those MPs and ministers arguing that no genocide was taking place), several MPs used very similar terms. On 11 June 1968 in the House of Commons, one MP asked the Foreign Secretary whether he was 'aware of the depth of feeling in the country that arms supplied to the Nigerian Government should be cut off so that we should not be a party to the slaughter?'. Another asked him to 'reconsider policy on this point [supply of arms], particularly now when the dangers of massive slaughter appear to be brooding over the scene'. A day later, an MP argued that it has 'now become a war leading possibly the extermination of a race'. Another said that 'so long as we are sending arms we are partly responsible for the bloodshed'.<sup>41</sup>

However, it should also be noted that the number of public protesters was never particularly high: about 700 people attended a march in early June 1968; a 1968 petition calling for a ban on arms sales was signed by 2000 people.<sup>42</sup> Although the Labour Party conference passed resolutions calling for an end to arms sales in 1968 and 1969,<sup>43</sup> the then Foreign Secretary, Michael Stewart, noted later in his memoirs that 'the great majority of Labour and Conservative M.P.s supported the Government...so we always

had a decisive majority'.<sup>44</sup> Thus while the Nigeria-Biafra war was 'the most consistently significant foreign policy issue' in 1968-1970,<sup>45</sup> the government was not in serious danger of falling over it. Instead, it appears that the moral arguments used by protesters – including the claims that arms sales were aiding a government engaging in genocide – had a particular force that put the British government in a bind and led it to make adjustments to its policy. Wilson wrote later that Nigeria 'took up far more of my time, and that of ministerial colleagues, and far more moral wear and tear than any other issue. Commentators...rarely recognise the impact of these moral pressures, internal as well as external.'<sup>46</sup>

Evidence of the impact of the moral pressure can be seen in the government's response to it. In the course of the 12 June House of Commons debate, the Foreign Secretary, Michael Stewart, made the following declaration:

If we make the supposition that it were the intention of the Federal Government not merely to preserve the unity of Nigeria but to proceed without mercy either with the slaughter or the starvation of the Ibo people, or if we were to make the supposition that it were the intention of the Federal Government to take advantage of a military situation in order to throw aside with contempt any terms of reasonable settlement, then the arguments which justified the policy we have so far pursued would fall, and we would have to reconsider, and more than reconsider, the action we have so far taken.<sup>47</sup>

The British government needed not only to defend arms sales to the FMG, but also to indicate that it would stop supplying arms if the FMG appeared to be slaughtering Igbos.

Arguably this shows the impact of the social norm: if slaughter – or genocide as some supporters of Biafra termed it – is happening, then government policy must change.

The same message about the conditions for continued British support was given directly by Wilson to the Federal Nigerian Commissioner for Information and Labour, Chief Anthony Enaharo, in a meeting following the 12 June debate. At the same time, Wilson also asked what the FMG's views were on the possible stationing of a Commonwealth observer force before a ceasefire were in place, and was told only that the FMG would consider it.<sup>48</sup>

After the FMG publicly announced that it was launching the 'final push' to defeat the Biafrans on 26 August, there was an uproar in the House of Commons, and a noisy demonstration outside it. The House of Commons has been recalled to discuss the Soviet intervention in Czechoslovakia, but the government had been successfully pressed into adding a day during which there could be a debate on Nigeria. That debate occurred on 27 August. It was particularly uncomfortable for the government.

Numerous fears were expressed that the 'final push' would lead to genocide/mass slaughter of the Igbos. One Conservative MP said, 'If this invasion takes place and if resistance continues, there is the gravest possible danger of genocide.' Another said that the UK government's policy 'is not defensible if it leads in Nigeria itself to indifference to civilian suffering and eventually to the destruction of a whole people'. Once again, it was the British government's policy on arms supplies that attracted the most criticism. A Labour MP accused the government 'of helping the war and worsening the terrible situation'.<sup>49</sup> A motion calling on the government to halt arms sales had been tabled by fifty MPs, and they tried to force a vote on it, to no avail – amid much 'turmoil' and 'near

chaos' in the chamber, as both MPs and spectators in the gallery protested angrily.<sup>50</sup> A large demonstration in Trafalgar Square marched to 10 Downing Street and 'nearly succeeded in battering their way through the front door'.<sup>51</sup>

That very evening, Chief Enahoro was called in to meet the Commonwealth Secretary, George Thomson, and informed that if there had been a vote, the government would have been defeated (a view which contradicts Stewart's optimism, reported above, but seems to reflect both a real fear of the strength of opposition, and a bargaining chip vis-à-vis the FMG). Thomson told Enahoro that if the British government was to continue its present policy in the midst of a final offensive by the FMG, then there needed to be 'an invitation to outside observers to accompany the troops and to testify that there were no massacres'. If the FMG did not do so, then the British government would not continue supporting the FMG. Enahoro was then given a paper drawn up by the Commonwealth Office on the proposal for observers.<sup>52</sup> The paper suggested that the federal government might find it

helpful to have a small number of outside observers attached to their own forces at this stage in the campaign. ... The main purpose of such observers would be to demonstrate that the Federal authorities were not seeking to conceal the truth and to provide a degree of objective and authoritative checking on future propaganda stories about misconduct by Federal troops, so that world opinion could be quickly reassured about the true facts in a supposed incident.<sup>53</sup>

The International Red Cross would be the most suitable organisation to arrange for such observers.

Two days later, the Nigerian High Commissioner told Thomson that they were to make an announcement about international observers that very day.<sup>54</sup> Thus, although various UK ministers and diplomats portrayed the observer team as having been proposed by the FMG – not only did the British push for the Nigerians to take such a move, but they made it clear the kind of team desired. However, Stremlau suggests that the Nigerian head of state, Yakubu Gowon, agreed to invite in observers ‘to show his good faith’ – given that British arms exporters had already committed themselves to delivering arms months in advance, he was not under serious pressure to comply with the British demands, plus he could also purchase equipment from Russia.<sup>55</sup>

Of more relevance to this article is that the Wilson government needed the FMG to agree to observers to reduce the pressure it was under at home and abroad, as one official indicated in an internal request for funding a third observer:

The Biafrans have gained a great deal of international sympathy by claiming that the Federal Government are bent on a policy of genocide. This sympathy throughout Europe and North America has led to widespread and most embarrassing criticisms of H.M.G.’s [Her Majesty’s Government] own policy...The Federal Government’s decision to establish a team of international observers is a valuable step in the direction of countering Biafran allegations of genocide, and it is very much in our own interests that the observer team should succeed.<sup>56</sup>

The creation of the observer team indicates that the social norm against genocide had an impact, though not exactly the one hoped for by the British government’s critics – the government needed to prove that genocide was not being perpetrated in Nigeria. This



would enable it to continue to support the FMG, including by selling arms to it. The social norm had enough of an impact to prompt a response to the concerns about genocide, but not enough to prompt a change in policy (suspension of arms supplies).

### *The Observer Team*

The formal invitation from the Nigerian Ministry of External Affairs was directed to Canada, Poland, Sweden, the UK, the OAU, and the UN Secretary-General.<sup>57</sup> It stated that the ‘Federal Government’s reason for establishing this Observer Team is in pursuance of its desire to satisfy the world opinion, contrary to the malicious propaganda of the rebels, that there is no intentional or planned systematic and wanton destruction of civilian lives or their property in the war zone’. It invited one observer from each country or organization, who would ‘visit all war affected areas and newly liberated areas, on the Federal-controlled side, to witness the conduct of Federal troops – *re charges of genocide, etc.*’<sup>58</sup> The FMG would provide transport, and board and accommodation, for the observers. The team was to serve for two months.

The FMG allowed each observer to have an assistant, but did not bow to pressure from the British government to permit the further expansion of the observer team. The FMG eventually agreed to allow the team to remain in Nigeria ‘until such time as may be determined by the Federal Military Government unilaterally or by mutual consultation with the respective governments or organisations’<sup>59</sup> – though only after prodding by the British government, which reminded Nigeria of the usefulness of the observers in ‘taking the sting out of Biafran claims of genocide’.<sup>60</sup> The Nigerian government would not agree, however, to allow the observer team to operate in Biafra (assuming the Biafrans would

allow them to do so), even though many MPs and some officials in the Foreign and Commonwealth Office tried to push for this.<sup>61</sup> Allowing the observers to operate in Biafra would confer status on the rebels.<sup>62</sup>

Between September 1968 and January 1970, the observers periodically issued reports on their activities, which included visits to displaced persons camps, prisoner of war camps, and villages that had been retaken by Nigerian federal forces. Their reports invariably found no evidence of genocide. The first report, of 2 October 1968, concluded that ‘There is no evidence of any intent by the Federal troops to destroy the Ibo people or their property, and the use of the term genocide is in no way justified.’<sup>63</sup> Every subsequent report repeated that message.<sup>64</sup>

#### *Using the Observer Team’s Findings to Justify Policy*

The British government considered that the observer team had performed the important task of proving there was no genocide, thus enabling it to reassure public and parliamentary opinion and reduce the pressure to suspend arms supplies to the FMG. In October 1968, Wilson told the Commons that

the best guarantee against what the whole House seeks to avoid, namely, genocide or a massacre as a result of the last stages of the fighting, is our success in securing the agreement of the Federal Government to the appointment of international observers, including a very distinguished military officer from this country. The reports which we are getting are more reassuring than some of us might have expected two or three months ago.<sup>65</sup>

Foreign Secretary Michael Stewart told the Commons in November 1968 that ‘the story about genocide has been proved beyond doubt to be completely false.’<sup>66</sup> The following month, Wilson directly linked the observer team to domestic concerns about genocide: ‘Because of the concern of this House and all of us to prevent genocide, massacres and undisciplined action, we have a military observer at the battlefield, reporting all the time, together with other observers, on what is happening.’<sup>67</sup>

A confidential diplomatic report written by the British High Commissioner in Nigeria (Sir Leslie Glass) in March 1970 (shortly after the end of the war) argued that the ‘value of the [Observer] Team’s work cannot be over-estimated’. The observer teams’ reports refuting the accusation of genocide ‘played a large part – perhaps a key part – in enabling Her Majesty’s Government to resist demands that we should change our policy of support for the FMG.’<sup>68</sup>

Sir David Hunt, the British High Commissioner in Nigeria for much of the war, later wrote of the observer team:

The genocide story was killed stone dead by the most sensible action on the propaganda side that the Federal Government ever took [inviting in the observer team]. It is startling evidence of the credulity of the world that it was thought necessary to go to such lengths, especially as Nigerians, very reasonably, resent foreign interference.’<sup>69</sup>

In his memoirs, Michael Stewart justified the continued arms sales to Nigeria principally because Britain could not side with secessionists and would respect existing state boundaries. It would have been different if Gowon had been brutal, but his ‘conduct of the war can only be described as chivalrous, old-fashioned though that word is. He agreed

that his troops should be accompanied by U.N. observers, whose verdict on their conduct was favourable.’<sup>70</sup> But as seen below, there were still doubts about the observer team’s objectivity and the extent to which its conclusions were credible.

### *Criticisms of the Observer Team*

Despite the British government’s faith in the observer team’s findings, the team was criticised in Biafra and by its supporters in the UK and elsewhere. The Biafran government claimed it was ‘nothing but a shameless conspiracy’, aimed at preventing the UN and OAU ‘from taking a positive stand or positive action against the genocide being practiced.’<sup>71</sup> Ojukwu claimed that the observer exercise would ‘hardly achieve anything that can be presented to the world as original, accurate and impartial’ so long as there are so few of them and their movements are restricted on the federal side.<sup>72</sup>

In the UK, *The Guardian* expressed scepticism: ‘There is alarming evidence that the assurances given by General Alexander [the British observer] and the other observers – that Biafran fears of “genocide” are groundless – are not the whole truth.’ The newspaper cited as evidence the televised picture of a Biafran being shot dead by an FMG officer, the shooting of four Red Cross workers, air raids on crowded Biafran markets, and the reports of a group of Canadian MPs that there was an element of genocide in the war. It urged the UK to put pressure on the FMG to reach a compromise, confederal solution.<sup>73</sup> A piece in *The Times* noted that the conclusions of the observer team may have helped ‘dispel in the public mind some of the horror raised by the sight’ of that televised execution, but then the news that millions of people could die of starvation disturbed them again.<sup>74</sup>

The impartiality of the British members of the observer team was questionable. There was evidence that they gathered intelligence for the British government, commented on the military performance of the FMG, considered what the FMG could do better and assessed FMG military needs.<sup>75</sup> Two somewhat bizarre episodes at the end of the war illustrate this. In 1970, the Sunday Telegraph published the Scott report, written by a defence adviser to the British High Commission in Lagos, which not only criticised the FMG's conduct of the war but also indicated the extent to which the UK supported the FMG. Scott passed the report to Colonel Douglas Cairns, a British member of the observer team at the time, who then showed it to General Alexander, a former member of the observer team. Alexander then passed a copy to the journalist Jonathan Aitken, who published it without permission. Cairns, Aitken and the editor of the Sunday Telegraph were charged with violating the Official Secrets Act (they were all acquitted).<sup>76</sup> The key point here is not about the case, but the fact that there was communication about the FMG's war efforts between the British High Commission and the British members of the observer team – thus feeding doubts about the impartiality of the observer team itself. In the second case, a British member of the observer team, Ian Walsworth-Bell, was withdrawn from Nigeria by the Foreign Office because he had been in too much contact with FMG army officers; Walsworth-Bell later claimed he had been wrongfully dismissed, as he had been instructed to obtain details of Russian arms supplies to the FMG, to make reports for the Nigerian army and to tell the Nigerians to destroy a Biafran airstrip. The social security tribunal rejected his claim for compensation, but indicated that the evidence provided about his work could have been truthful.<sup>77</sup> These cases raise

obvious questions about the extent to which the observer team was acting in British interests rather than objectively investigating the accusations of genocide.

Cronje argues that the observer team was not neutral; it was not instructed on what genocide is nor how to identify it; it was dependent on the FMG for transport and accommodation; it never investigated the 1966 massacres of Igbos.<sup>78</sup> Indeed, at no point did the British government ever provide its observers with a definition of genocide, nor did it provide guidance on how one might determine whether or not a genocide was taking place or had taken place.<sup>79</sup>

The observer team did refer to the Genocide Convention definition in one of its reports,<sup>80</sup> but as Cronje notes, all of its members except for the UN representative were military men (often retired): ‘they had no means of judging in legal terms what constituted genocide, and it was within their terms of reference to pronounce on this issue. At the very least the team should have included international jurists and professionals experienced in the investigation of crime and the recording of evidence, not to speak of social workers, medical men and people capable of telling an Ibo from a non-Ibo.’<sup>81</sup>

Nonetheless, the observer team – and the related pressure on the FMG by the UK government to moderate the level of violence – may have had some impact on the ground. Wilson later wrote that the observers’ ‘presence was designed to be a guarantee against “genocide”’.<sup>82</sup> This is not how it was presented initially, but the extent to which the UK’s expressions of concern and its insistence on the observer team may have helped to prevent violence against civilians merits further research.

The story of the observer team shows that the social norm against genocide had an impact on the British government: to continue with its policy of support for the FMG, including by supplying arms, it had to assuage public concerns about genocide. However, the story also illustrates the difficulty of providing 'objective' evidence regarding a purported ongoing genocide. The suspicion is that any observer team is simply there to confirm the views of the sending state/organisation.

## **Conclusion**

This article has not taken a position on whether genocide was or was not perpetrated in Nigeria in the late 1960s; that is a matter for debate among historians and experts on the region. Instead, it has sought to show the power of language, and particularly, of one word. 'Genocide' is indeed so powerful that its usage is linked to the imperative to act to stop it. As Alain Destexhe has argued, genocide 'is the first and greatest of the crimes against humanity both because of its scale and the intent behind it: the destruction of a group. It is, therefore, a crime that obliges the international community to respond'.<sup>83</sup> Although there has long been controversy over what that response should entail (more recently, for example, the debate centres on military action with or without United Nations Security Council authorization), there has also long been an understanding that there should be an appropriate response. Wilson's government clearly felt and understood this pressure.

This, however, means that those governments, such as Wilson's, who are being pressed to 'take action' will try to avoid using the word – because if a situation is not

genocide, then there is less pressure to do something. As we have seen in the case of the observer team to Nigeria, a decision to send an observer team to investigate whether genocide is ongoing or not, can be linked to protecting the interests of outside states *not* to intervene or change policy, which thus leads commentators and others to cast doubt on their objectivity.

This leads to a conundrum: if genocide is never acknowledged while it is possibly ongoing (so as to avoid having to respond to it), it will only ever be ‘discovered’ after the fact. One way out of this conundrum is for governments, international organizations and civil society to pay more attention to the task of preventing genocide (and other mass atrocities), entailing a shift in emphasis from short-term crisis response to long-term prevention. Numerous commentators have urged such a shift and there are indications of government response, as with the 2005 UN agreement on ‘responsibility to protect’, which includes the imperative to prevent mass atrocities, and the creation of the US Atrocities Prevention Board in 2011.<sup>84</sup> Prevention may thus become a higher priority for governments and international organizations.

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<sup>1</sup> The Igbos are an ethnic group originating in south-eastern Nigeria. In the past they were often (incorrectly) referred to as ‘Ibos’, as the sources cited in this article demonstrate.

<sup>2</sup> It is not mentioned in Chinua Achebe, *There was a country: a personal history of Biafra* (London: Allen Lane, 2012) or Chima J. Korieh, ed., *The Nigeria-Biafra war: genocide and the politics of memory* (Amherst, NY: Cambria Press, 2012) or Frederick Forsyth, *The Biafra story: the making of an African legend* (Barnsley: Pen & Sword Military, 1969, reprinted in 2001). John Stremlau discusses it briefly in *The international politics of the Nigerian civil war, 1967-1970* (Princeton: Princeton University Press, 1977), pp. 265-8. Of course, the fact that the observer team operated only on the Nigerian side of the frontline meant that those inside Biafra would not have encountered it.



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<sup>3</sup> Suzanne Cronje, *The world and Nigeria: the diplomatic history of the Biafran war 1967-1970* (London: Sidgwick and Jackson, 1972).

<sup>4</sup> Ronald L. Jepperson, Alexander Wendt and Peter J. Katzenstein, 'Norms, identity, and culture in national security', in Peter J. Katzenstein, ed., *The culture of national security: norms and identity in world politics* (New York: Columbia University Press, 1996). p. 54.

<sup>5</sup> See Nicholas Wheeler's work on how norms constrain and enable actors. Nicholas Wheeler, *Saving strangers: humanitarian intervention in international society* (Oxford: Oxford University Press, 2000).

<sup>6</sup> Martha Finnemore, 'Are legal norms distinctive?', *New York University Journal of International Law and Politics*, vol. 32, no.3, Spring 2000.

<sup>7</sup> Karen E. Smith, *Genocide and the Europeans* (Cambridge: Cambridge University Press, 2010), pp. 6-7.

<sup>8</sup> A. W. Brian Simpson, 'Britain and the Genocide Convention', *British Yearbook of International Law*, vol. 73, 2003, pp. 14-35. The concern about the asylum law is that the Convention states that genocide cannot be considered a political crime, and thus laws that protect individuals fleeing political persecution cannot extend to those accused of genocide.

<sup>9</sup> The Convention was opened for signature until 31 December 1949; 41 states signed the Convention and could then 'ratify' it. After 1 January 1950, any state which had not signed it could 'accede' to it.

<sup>10</sup> Smith, *Genocide and the Europeans*, p. 48-51.

<sup>11</sup> Note from A.J. Collins (3 February 1969), on Genocide and Nigeria, in UK National Archives file FCO 61/520.

<sup>12</sup> Auberon Waugh – a journalist and trenchant critic of the UK's support for the FMG – suggested in December 1968 that British ministers could be answerable in the courts to charges of genocide in Nigeria after the UK acceded to the Convention. Auberon Waugh, 'Within the meaning of the act', *The Spectator*, 6 December 1968, pp. 791-2.

<sup>13</sup> Lene Hansen, *Security as practice: discourse analysis and the Bosnian war* (Routledge, 2006), p. 140.

<sup>14</sup> While some interventions during the Cold War might be classified as 'humanitarian' (Vietnam's overthrow of the Khmer Rouge, for example) these were not justified principally in those terms. See Wheeler, *Saving strangers*.

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<sup>15</sup> The number of dead was initially given as 30,000 by the eastern region after the names of dead and missing were listed. In 1969, the British government stated that 7000 had died; in later stages of the war, the Biafran government claimed that 50,000 had been killed. Cronje, *The world and Nigeria*, p. 18.

<sup>16</sup> Cited in Stremlau, *The international politics*, p. 60. It should be noted that there were other, complex reasons for the declaration of secession. See, for example, Chibuiké Uche, 'Oil, British interests, and the Nigerian civil war', *The Journal of African History*, vol. 49, no. 1, 2008, pp. 114-21; or Laurie Wiseberg's review of several early histories of the war, 'An emerging literature: studies of the Nigerian civil war', *African Studies Review*, vol. 18, no. 1, 1975; or the works cited in endnotes 2 and 3.

<sup>17</sup> John W. Young, *The Labour governments 1964-70, volume 2: international policy* (Manchester: Manchester University Press, 2003), p. 200; Stremlau, *The international politics*, p. 65.

<sup>18</sup> Young, *The Labour governments*, p. 198; Stremlau, *The international politics*, p. 76.

<sup>19</sup> Young, *The Labour governments*, p. 201.

<sup>20</sup> 'Confidential (not for public use), Nigeria: A Background Note on British interests and the Government's approach to the civil war' (no date, but in file from Nov 1968 to March 1969), in UKNA file FCO 65/179. Such reasons were actually frequently cited by the government, as in debates in the Houses of Parliament.

<sup>21</sup> Young, *The Labour governments*, p. 199.

<sup>22</sup> Ibid.

<sup>23</sup> House of Commons, Sitting of 27 August 1968, Hansard, volume 769, col. 1447.

<sup>24</sup> Young, *The Labour governments*, p. 203; Cronje, *The world and Nigeria*, pp. 38-65.

<sup>25</sup> Cronje, *The world and Nigeria*, pp. 38-65.

<sup>26</sup> 'Information Memorandum from the Western Africa Country Director, Bureau of African Affairs (Melbourne) to the Assistant Secretary of State for Africa Affairs (Palmer)', 18 April 1968, Department of State, Central Files, POL 1 NIGERIA-US, in *Foreign Relations of the United States, 1964-1968*, vol. XXIV, document 396.

<sup>27</sup> See Young, *The Labour governments 1964-70*, p. 204; Stremlau, *The international politics*, pp. 228 and 297.

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<sup>28</sup> Republic of Biafra, ‘Address by Ojukwu to the OAU in Addis Ababa, 5 August 1968’, in file MS321463 vol 65, of the Nigerian Civil War Collection archives (donated by Suzanne Cronje), School of Oriental and African Studies.

<sup>29</sup> Stremlau, *The international politics*, p. 113.

<sup>30</sup> ‘Pressure on Lagos to Accept Cease-fire’, *The Times*, 10 April 1968. In 1968, the ‘International Committee for the Study of the Crimes of Genocide’, a Paris-based unofficial organisation of lawyers from several countries, determined that genocide was occurring in Nigeria. Cronje, *The world and Nigeria*, pp. 277-8.

<sup>31</sup> Cronje, *The world and Nigeria*, p. 75.

<sup>32</sup> As reported in ‘Let’s Finish it Off’, *The Economist*, 24 August 1968.

<sup>33</sup> ‘Too partisan to mediate’, *The Guardian*, 28 August 1968.

<sup>34</sup> Note to Mr Williams from E.G. Norris, 24 November 1967, in UKNA file FCO 38/293.

<sup>35</sup> Cabinet Defence and Oversea Policy Committee, Peacekeeping Force for Nigeria, Memorandum by the Secretary of State for Commonwealth Affairs, 18 March 1968, in UKNA file FCO 38/293; Briefing note on Nigeria by the West and General Africa Department, Commonwealth Office, 29 May 1968, in UKNA file FCO 38/294.

<sup>36</sup> Record of Meeting between the Commonwealth Secretary and Chief Enaharo on Monday, 26 August 1968, in UKNA file FCO 25/243.

<sup>37</sup> Dennis Barker, ‘Save Biafra Movement Gets a Fillip’, *The Guardian*, 4 June 1968; ‘Archbishop Urges Arms Ban’, *The Guardian*, 16 July 1968.

<sup>38</sup> Robert Brown, ‘Government blamed for allowing export of arms to Nigeria’, *The Guardian*, 24 May 1968.

<sup>39</sup> ‘Stop the Arms’, *The Times*, 28 May 1968.

<sup>40</sup> ‘A final solution for Biafra?’, *The Guardian*, 15 July 1968.

<sup>41</sup> Quotes in order: David Winnick MP (Commons sitting of 11 June 1968, Hansard, vol. 766, col. 35); Reginald Maudling MP Commons sitting of 11 June 1968, Hansard, vol. 766, col. 36); Sir John Eden MP Commons sitting of 12 June 1968, Hansard, vol. 766, col. 247); and Frank Allaun MP Commons sitting of

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12 June 1968, Hansard, vol. 766, col. 263). Winnick and Allaun were Labour MPs, Maudling and Eden Conservative MPs.

<sup>42</sup> Barker, 'Save Biafra Movement Gets a Fillip'.

<sup>43</sup> 'Demand for Peace and Equality', *The Guardian*, 1 October 1969.

<sup>44</sup> Michael Stewart, *Life and Labour: an autobiography* (London: Sidgwick and Jackson, 1980), p. 241.

<sup>45</sup> Young, *The Labour governments*, p. 193.

<sup>46</sup> Harold Wilson, *The Labour government 1964-1970: a personal record* (London: Weidenfeld and Nicolson, and Michael Joseph Ltd, 1971), pp. 558-9.

<sup>47</sup> Commons sitting of 12 June 1968, Hansard, vol. 766, col. 293.

<sup>48</sup> Record of a meeting between the Prime Minister and the Federal Nigerian Commissioner for Information and Labour, in the Prime Minister's Room at the House of Commons on Wednesday June 12 at 7 p.m; in UKNA file FCO 25/242..

<sup>49</sup> First quote: Hugh Fraser, House of Commons, Sitting of 27 August 1968, Hansard, volume 769, col 1456; 2<sup>nd</sup> quote Bernard Braine, col. 1513; 3<sup>rd</sup> quote: Frank Allaun, col. 1469.

<sup>50</sup> Hugh Noyes, 'Protests by MPS over Arms for Nigeria', *The Times*, 28 August 1968.

<sup>51</sup> Stremlau, *The international politics*, p. 265.

<sup>52</sup> Record of Meeting between the Commonwealth Secretary and Chief Enahoro at 8 p.m. on Tuesday, 27<sup>th</sup> August, 1968', in UKNA file FCO 25/243.

<sup>53</sup> 'Observers', in UKNA file FCO 38/225.

<sup>54</sup> Letter from George Thomson to the Prime Minister, 29 August 1968, in UKNA FCO 25/254.

<sup>55</sup> Stremlau, *The international politics*, pp. 266-7.

<sup>56</sup> Letter from J Wilson, West and General Africa Department, to the Head of Conference Section, Protocol and Conference Department, 11 October 1968 in UKNA file 38/226.

<sup>57</sup> The choice of countries/organisations involved was down to the FMG. Canada had been involved in discussions on the Commonwealth force; Sweden was considered a sympathetic country; Poland was – like the rest of the Soviet bloc – virulently anti-secessionist; the OAU was supportive of the FMG.

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- <sup>58</sup> Letter from A.A. Baba-Gana, Permanent Secretary, Ministry of External Affairs, Federal Military Government of Nigeria, to Sir David Hunt, British High Commissioner, Lagos, 6 September 1968, in UKNA file FCO 38/225. Emphasis added.
- <sup>59</sup> Telegram from British High Commission in Lagos to the FCO, 9 December 1968 in UKNA file FCO 65/168.
- <sup>60</sup> Confidential minute dated 18 November 1968 on 'Observers', in UKNA file FCO 65/167.
- <sup>61</sup> Poland did not favour such a move and Wilson was unenthusiastic - as the safety of the observers could not be guaranteed. Brief by the Foreign and Commonwealth Office on Observers, for the Prime Minister's Visit to Nigeria, March-April 1969, PMN (69) B.3, 20 March 1969, in UKNA file FCO 65/172.
- <sup>62</sup> Telegram 556 from UK High Commission in Lagos to FCO, 12 March 1969, on the question of observers visiting rebel held areas, reporting a meeting with Gowon and Arikpo (Minister for External Affairs) in UKNA file FCO 65/171.
- <sup>63</sup> Report dated 2 October 1968 on International Observer Team's visit to 1<sup>st</sup> Nigerian Division (UKNA file FCO 65/178).
- <sup>64</sup> All of the reports are in the UK National Archives. See Smith, *Genocide and the Europeans*, p. 77-8.
- <sup>65</sup> Commons sitting of Thursday, 24<sup>th</sup> October 1968, Hansard, vol. 770, col. 1587.
- <sup>66</sup> Commons sitting of Monday, 18<sup>th</sup> November 1968, Hansard, vol. 773, col. 884.
- <sup>67</sup> Commons sitting of Thursday, 3<sup>rd</sup> December 1968, Hansard, vol. 774, col. 1241.
- <sup>68</sup> Foreign and Commonwealth Office, Diplomatic Report no. 211/70, 'Nigeria: International Team of Observers', The British High Commission in Nigeria to the Secretary of State for Foreign and Commonwealth Affairs, 11 March 1970, in UKNA file FCO 65/782.
- <sup>69</sup> David Hunt, *On the spot: an ambassador remembers* (London: Peter Davies, 1975), p. 188.
- <sup>70</sup> Curiously this is the only time he refers to observers – and does not note that the observer team included observers from the UK and other countries. Stewart, *Life and Labour*, p. 240.
- <sup>71</sup> Markpress News Feature Service, "'Observers" in Nigeria Would be Absurd, Says Biafra', in UKNA file FCO 38/225.
- <sup>72</sup> In a radio broadcast on 4 October 1968; referred to in minute of 28 February 1969 by A.N.R. Millington, in UKNA file FCO 65/171.

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<sup>73</sup> 'If not "genocide", still bloody', *The Guardian*, 11 October 1968.

<sup>74</sup> 'Genoslaughter?', *The Times*, 31 December 1968.

<sup>75</sup> Uche, 'Oil British interests and the Nigerian civil war', p. 130; Cronje, *The world and Nigeria*, p. 93.

<sup>76</sup> John Ezard, 'Colonel gave press briefings from confidential report', *The Guardian*, 14 January 1971; 'General says journalist a trusted friend', *The Times*, 15 January 1971.

<sup>77</sup> 'Briton withdrawn from post in Lagos', *The Times* 25 September 1969; 'Major says, "I was asked for Nigeria plans"', *The Guardian*, 2 May 1970, 'Major's "dole" case fails', *The Times*, 30 May 1970.

<sup>78</sup> Cronje, *The world and Nigeria*, pp. 83-92.

<sup>79</sup> For example, the 'Directive for Major-General Alexander' (the first British observer) repeats the terms of reference set out by the FMG, but offers no advice on what he should look for to prove there was no 'intentional or planned systematic and wanton destruction of civilian life or civilian property in the war zone'. UKNA file FCO 38/225.

<sup>80</sup> Report on Activities during the Period 24 Sep – 23 Nov 1968, in UKNA file FCO 65/168.

<sup>81</sup> Cronje, *The world and Nigeria*, p. 84.

<sup>82</sup> Wilson, *The Labour government*, p. 749.

<sup>83</sup> Alain Destexhe, 'The third genocide', *Foreign Policy*, no. 97, Winter 1994/95, p. 4.

<sup>84</sup> See, for example: Genocide Prevention Task Force, *Preventing genocide: a blueprint for U.S. policymakers* (US Holocaust Memorial Museum, American Academy of Diplomacy, US Institute for Peace, 2008); Gareth Evans, *The responsibility to protect: ending mass atrocity crimes once and for all* (Washington, DC: Brookings Institutions, 2008); David A. Hamburg, *Preventing genocide: practical steps toward early detection and effective action* (Boulder, CO: Paradigm Publishers, 2010); I. William Zartman, 'Preventing identity conflicts leading to genocide and mass killings' (New York: International Peace Institute, November 2010); Task Force on the EU Prevention of Mass Atrocities, *The EU and the prevention of mass atrocities: an assessment of strengths and weaknesses* (Budapest Centre for the International Prevention of Genocide and Mass Atrocities, 2013).