

Nigeria, Operational Code of Conduct

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

[Source: Greene, K., *Crisis and Conflict in Nigeria, A Documentary Sourcebook*, vol. I, 1966-69, pp. 455-457]

OPERATIONAL CODE OF CONDUCT FOR THE NIGERIAN ARMY

[Footnote 1 reads: Not dated, but issued early in July 1967. Reproduced by courtesy of a Nigerian soldier. The English version promised a translation into Hausa, Ibo, Yoruba, Efik, and Ijaw. Tiv was not mentioned.]

RESTRICTED

DIRECTIVE TO ALL OFFICERS AND MEN OF THE ARMED FORCES OF THE FEDERAL REPUBLIC OF NIGERIA ON CONDUCT OF MILITARY OPERATIONS

1. As your Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, I demand from all officers and men the two most important qualities of a fighting soldier – *loyalty and discipline*. Nigerian Armed Forces, especially the Army, have established a very high international reputation for high discipline and fighting efficiency since their establishment until the events of 15th January, 1966 spoilt that reputation. Since then it has become most necessary to demand the highest sense of discipline and patriotism amongst all ranks of the Armed Forces. Success in battle depends to a large extent on this discipline and loyalty of the officers and men and their sense of patriotism.

2. You are all aware of the rebellion of Lt.-Col. C. Odumegwu-Ojukwu of the East Central State and his clique against the Government of the Federal Republic of Nigeria. In view of this defiance of authority, it has become inescapable to use the force necessary to crush this rebellion. The hardcore of the rebels are Ibos. The officers and men of the minority areas (Calabar, Ogoja and Rivers and even some Ibos) do not support the rebellions acts of Lt.-Col. C. Odumegwu-Ojukwu. During the operations of Federal Government troops against the rebel troops many soldiers and civilians will surrender. You should treat them fairly and decently in accordance with these instructions.

3. You must all bear in mind at all times that other nations in Africa and the rest of the world are looking at us to see how well we can perform this task which the nation demands of us. You must also remember that you are not fighting a war with a foreign enemy. Nor are you fighting a religious war or Jihad. You are only subduing the rebellion of Lt.-Col. Odumegwu-Ojukwu and his clique. You must not do anything that will endanger the future unity of the country. We are in honour bound to observe the rules of the Geneva Convention in whatever action you will be taking against the rebel Lt.-Col. Odumegwu-Ojukwu and his clique.

4. I direct all officers and men to observe strictly the following rules during operations. (These instructions must be read in conjunction with the Geneva Convention):

- a. Under no circumstances should pregnant women be illtreated or killed.
- b. Children must not be molested or killed. They will be protected and cared for.
- c. Youths and school children must not be attacked unless they are engaged in open hostility against Federal Government Forces. They should be given all protection and care.
- d. Hospitals, hospital staff and patients should not be tampered with or molested.
- e. Soldiers who surrender will not be killed. They are to be disarmed and treated as prisoners of war. They are entitled in all circumstances to humane treatment and respect for their person and their honour.
- f. No property, building, etc, will be destroyed maliciously.
- g. Churches and Mosques must not be desecrated.
- h. No looting of any kind. (A good soldier will never loot).
- i. Women will be protected against any attack on their person, honour and in particular against rape or any form of indecent assault.
- j. Male civilians who are hostile to the Federal Forces are to be dealt with firmly but fairly. They must be humanely treated.
- l. All military and civilians wounded will be given necessary medical attention and care. They must be respected and protected in all circumstances.
- m. Foreign nationals on legitimate business will not be molested, but mercenaries will not be spared: they are the worst of enemies.

5. To be successful in our tasks as soldiers these rules must be carefully observed. I will not be proud of any member of the Armed Forces under my command who fails to observe them. He does not deserve any sympathy or mercy and will be dealt with ruthlessly. You will fight a clean fight, an honourable fight in defence of the territorial integrity of your nation – Nigeria.

6. You must remember that some of the soldiers Lt.-Col. Ojukwu has now forced to oppose you were once your old comrade at arms and would like to remain so. You must therefore treat them with respect and dignity except anyone who is hostile to you.

Good luck.

MAJOR-GENERAL YAKUBU GOWON,

Head of the Federal Military Government, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

Note. – To be read and fully explained to every member of the Armed Forces. Sufficient copies will be made available to all members of the Armed Forces and Police. It will be carried by all troops at all times.

Discussion

1.
 - a. On which issues does this Code go beyond Art. 3 common to the Conventions? Beyond Protocol II?
 - b. Which issues dealt with in Art. 3 common to the Conventions are not mentioned in this Code? What are the reasons and possible justifications for those omissions? Which issues subsequently dealt with in Protocol II are not contained in this Code?
2.
 - a. Does this Code instruct soldiers to apply the IHL of international armed conflicts? Does it provide for prisoner-of-war status for captured rebel soldiers? Does it imply a recognition of belligerency for the rebels?
 - b. Is the instruction that mercenaries shall not be spared compatible with today's IHL? Do mercenaries benefit from any protection? Under the law of international armed conflict? Under Art. 3 common to the Conventions? (GC I-IV, Art. 3; GC IV, Arts 4 and 5; P I, Arts 47 and 75; CIHL, Rule 108)
3. By what means does this Code try to make sure that it is respected by governmental forces? Do any terms risk undermining its chances of being respected? Do you find its language appropriate?

4. Do you see any reason why this Code is labeled “restricted”? Do you see any reasons for instructions on the implementation of IHL not to be known to the enemy?

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