THE SURVIVAL CON: FRAUD AND FORGERY IN THE REPUBLIC OF BIAFRA, 1967–70*

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Abstract
Over the course of the Nigerian Civil War (1967–70), many people in the secessionist Republic of Biafra resorted to forgery, confidence scams, and other forms of fraud to survive the dire conditions created by Nigeria’s blockade. Forgery of passes and other documents, fraudulent commercial transactions, and elaborate schemes involving impersonation and racketeering became common in Biafra, intensifying as the Biafran government’s ability to enforce the law diminished. Using long-neglected legal records from Biafra’s courts and tribunals, this study traces the process by which deception emerged as a practice of survival in wartime Biafra – a process with important implications for the growth of fraud (known as ‘419’ after the relevant section of the Nigerian criminal code) in reintegrated postwar Nigeria.

Key Words
Biafra, Nigeria, warfare, crime, law, fraud, violence.

In October 1969, in the final months of the Nigerian Civil War, Arnold Akpan became a forger. Akpan was a sixteen-year-old deserter from the Biafran Army and had fended for himself since being separated from his parents when the Republic of Biafra seceded from Nigeria in May 1967. Afraid of being conscripted again by the bands of soldiers that moved throughout what remained of Biafra, he wrote up a pass for himself saying that he was exempt from military duty. He soon realized that forging passes could be a valuable skill. Having no other means to support himself, he began making passes for others. He stole a sheaf of letterhead from the Mkpat Enin Divisional Office of the Biafran Army, and carved a rubber stamp reading ‘Officer of the Commander-in-Chief, Aba–Para-military Operations’. One of his customers was Emmanuel Imoh, a nervous young man who paid Akpan to forge a conscription exemption for him. Imoh was disappointed by the unconvincing document that Akpan produced, and when Akpan demanded payment Imoh complained to a policeman. Akpan tried unsuccessfully to swallow the forged passes as he was being arrested, and the partially chewed papers were presented as evidence against him in a subsequent trial. Like most people who were convicted for fraud in Biafra, Akpan had no prior criminal record. He was found guilty on charges of subversion by the

* Research for this article was supported by the Council on Library and Information Resources, the Mellon Foundation, and the Harry Frank Guggenheim Foundation. I am thankful for comments by the anonymous reviewers of The Journal of African History, along with Gregory Mann, Mamadou Diouf, Golda Kosi Onyeneho, and Vivian Chenxue Lu. Author’s email: sfd38@scarletmail.rutgers.edu
Special Tribunal of Biafra and sentenced to twenty years imprisonment. What happened to him next is not found in the fragmentary remains of Biafra’s legal record. However, 18 years later Arnold Akpan made another appearance in court, this time in Onitsha, where he had been arrested again for forging school certificates. The particulars of this later arrest are not known, but Akpan’s story corroborates something that lawyers and jurists in postwar Nigeria knew to be true anecdotally: skills like forgery that ordinary people used to survive in Biafra often long outlived the war itself. Akpan’s case and others like it provide a picture of how survivalism bled into criminality and of how the conditions of the war transformed the practice and perception of fraud.

Historians and anthropologists have struggled to understand how crime – and especially the variety of scams, fraud, and financial malfeasance colloquially known as ‘419’ after the section of the Nigerian criminal code that addresses it – came to be such an important part of Nigerian social and political life in the late twentieth century. An examination of how Biafrans survived the Nigerian Civil War provides part of the answer. This article intervenes in the historiography of crime by adding this war to the assemblage of factors underpinning Nigeria’s deep association with fraud in the late twentieth century. Centering Biafra in this history represents a more temporally foreshortened explanation than accounts that trace it to colonial administration, but it takes a longer view than those that diagnose crime as a symptom of more contemporary features of Nigerian history like oil extraction or structural adjustment.

In May of 1967 Nigeria’s Eastern Region declared independence as the Republic of Biafra. Biafra did this in the name of protecting the lives and interests of Igbos who had been targeted in a series of pogroms the previous year, but ethnicity was not the only factor that defined the pluralistic new nation. The way Biafra governed was improvisational, ideologically agnostic, and constantly changing. Like the Rhodesia of Luise White’s description, Biafra ‘made up its governmentality as it went along’. The one idea that always figured in Biafra’s ideology, however, was that of orderliness – exemplified by the law and enacted through legal process. In the later stages of the war, the idea of how the state worked and what it should do was distilled to maintaining ‘discipline’, which the army and judiciary increasingly failed to do. After Biafra’s loss of Port Harcourt in May

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1 Nigerian National Archives, Enugu (NNAE) MINJUST 116/1/8, The State v. Arnold Akpan, 18 Nov. 1969. Names of criminal defendants have been changed to protect anonymity.
2 Imo State High Court, Owerri, uncatalogued collection, ‘Return of cases to registry from Anambra State’, 1 Feb. 1991.
3 Readers today may know 419 as a form of Nigerian advance-fee fraud conducted primarily over email. As this article will demonstrate, the body of fraudulent practices encompassed by that term is in fact much older than the Internet.
of 1968, conditions in the now landlocked enclave reached disastrous— to many, genocidal—proportions. It was in this later period of the war that most of the cases cited here took place. Biafra would surrender in January of 1970, after which began a long and contentious process of reintegration.

Biafra existed for less than three years, but meaningful historical change took place there. In the dense temporality of wartime, living conditions in Biafra and the standards of what survival tactics were permissible changed quickly. As hunger set in during the second half of the war, increasing numbers of Biafrans turned to fraud to feed themselves, move within the war zone, and shield their loved ones from harm. Constant displacement and growing insecurity made fertile ground for confidence scams, racketeering, and impersonation. Biafra’s legal system buckled under the weight of the war, and forgery and fraud ceased to be the preserve of professional criminals and confidence artists. Biafra’s legal record, which is the only part of its state archives even partially intact, reveals how fraud became a means of survival in the context of insecurity and crisis. This article uses cases from Biafra’s courts to elaborate the link between the war and the incidence of fraud, and to suggest why fraud became such an important part of Nigerian social and political life. In aggregate, these cases reveal that over the course of the war it grew easier and more necessary for Biafrans to engage in fraud. Those who did so came from many class positions, ethnic identities, and walks of life, and their actions would have important implications for how crime was practiced and perceived in late twentieth-century Nigeria.

The story of the Biafra War has commonly been told as a military history, though it has also generated dozens of novels, polemics, and local accounts. Today the war is often understood as an episode in international history—especially in the history of humanitarianism, the Cold War, or the idea of genocide. Few historians have analyzed the inner workings of the Republic of Biafra. This reflects a general consensus, even among

7 Aside from some cases preserved in the Nigerian National Archives in Enugu, most of what remains of Biafra’s legal record is found in the storerooms of provincial courthouses and the personal archives of lawyers who practiced there. This material is not only scattered but also endangered by neglect. The incompleteness of this record makes it impossible to analyze the incidence of fraud quantitatively. The present approach interprets these cases individually, identifying patterns in jurisprudence where possible.

8 This dynamic has analogues elsewhere. For example, Charles Tilly found a similar nexus between war and crime in Western Europe after the Second World War. C. Tilly, ‘War making and state making as organized crime’, in P. Evans, D. Rueschemeyer, and T. Skocpol (eds.), Bringing the State Back In (Cambridge, 1985), 169–87.

9 Many, but far from all, of these people were Igbo. It is important to note that ‘Biafran’ was not coterminous with the ethnic category ‘Igbo’, and both terms concealed considerable internal diversity.

10 In a vast literature, see, for example, A. Madiebo, The Nigerian Revolution and the Biafran War (Enugu, 1980); O. Obasanjo, My Command: An Account of the Nigerian Civil War, 1967–1970 (Ibadan, 1980); G. Alabi-Isama, The Tragedy of Victory: On-the-Spot Account of the Nigeria-Biafra War in the Atlantic Theatre (Ibadan, 2013). Since the war was politically sensitive in Nigeria under military rule, fiction became one of the primary ways in which Nigerian intellectuals could publicly reckon with Biafra’s legacy. Among many works, see C. Achebe, Girls at War and Other Stories (London, 1972), B. Emecheta, Destination Biafra (London, 1994); C. Ngozi Adichie, Half of a Yellow Sun (New York, 2006).


12 Biafra’s internal history is most vividly told in memoirs and biographies, including N. Akpan, The Struggle for Secession, 1966–1970: A Personal Account of the Nigerian Civil War (London, 1971); E. Sampson, Evergreen
those who made up the Biafran government, that Biafra was never quite a real state. One ex-Biafran lawyer recalled that the new country’s state institutions ‘never had a moment of peace in which they could fashion a separate identity’, and even Biafrans who were committed to the cause of independence often felt that their government was a façade, or a mimicry of a ‘real’ state. There is some truth to this idea. Even in its own state records Biafra often seems shambolic and intangible; trials were held in the shells of bombed out buildings, and proceedings were recorded on scrap paper or in children’s exercise books. But the fact that Biafra’s state institutions seemed more symbolic than real does not mean that they had no force of compulsion. The Biafran state—ephemeral as it was—had administrative logics, internal fault lines, and moral economies. These are visible in what remains of its legal record. Despite the prevalence of crime there, the Biafran state was not a ‘shadow theatre’ of sinescures and criminal activities, as Jean-François Bayart called the African postcolony. Nor did it fit the description offered by Patrick Chabal and Jean-Pascal Daloz, who characterized the African state as a ‘relatively empty shell’ outside of which real politics takes place. Biafra’s government had greater coherence and instrumentality than these typologies would suggest. Legal decisions in Biafra recognized and dissolved marriages, changed the boundaries of property, and sent people to the gallows. If this legal system was a façade, it was a very convincing one.

The war was not the only factor that determined the emergence of 419. Other dynamics that influenced crime in this period included the wealth disparities created by the oil boom of 1973, the emergence of organized crime on university campuses, and the Nigerian government’s diminishing capacity to secure its authority in the age of structural adjustment. In the 1980s, Tekena Tamuno and other contributors to the landmark *Nigeria Since Independence* series connected crime to the nature of military administration, arguing that economic factors alone were not enough to explain it; infighting between the police and military and other forms of ‘internal bleeding’ within the Nigerian state drove the turn towards criminality. More recently, Stephen Ellis described crime as a product of Nigeria’s fractured and venal political culture in the late colonial period. Ellis emphasized the affective and metaphysical dimensions of Nigerian ‘organized’ crime, which became internationalized as new markets and linkages with the outside

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13 Interview with Jerome H. C. Okolo, Senior Advocate of Nigeria (an honorific equivalent to Queen’s Counsel, hereafter SAN), Enugu, 17 Sept. 2014.

14 In this respect, this project speaks to the important theoretical literature on how postcolonial states govern and the ways in which they pursue or internalize criminal acts. See J. Comaroff and J. Comaroff (eds.), *Law and Disorder in the Postcolony* (Chicago, 2006); A. Mbembe, *On the Postcolony* (Berkeley, 2001); C. Piot, *Nostalgia for the Future: West Africa After the Cold War* (Chicago, 2010).


world developed. More recent literature addresses corruption within the state—a different type of crime to the more individualized practices of fraud discussed here, but one which overlaps with it in significant ways. Andrew Apter argued that official corruption and 419 as a social phenomenon were mutually constitutive, and that emerged from the larger political and social circumstances of the 1973 oil boom (and the following bust). Daniel Jordan Smith’s ethnography of 419 described the many forms of corruption in Nigeria, connecting it to social and political dynamics ranging from contemporary agitation for Biafran independence to the spread of occult practices. Taking a longer view, Steven Pierce’s history of corruption connected it to the forms taken by colonial administration, especially in the Hausa emirates of the north. Pierce posited that rather than mere ‘malpractice’, corruption and critiques of it became inherent to the process of political change in Nigeria.

Scholars have appreciated how these and other forces made 419 what Smith called ‘a way of life’, but until recently the Biafran episode has been a lacuna in Nigeria’s large historiography. The preponderance of fraud in Biafra suggests that 419 is best understood in the frame of war, rather than as a legacy of colonial rule, or as a criminal practice that grew root-and-branch out of the oil economy—though these are also important dimensions of its history. Events in Biafra influenced later patterns of crime not only through historical memory, as Smith and others have argued, but at the level of habitus—by how people living in conditions of crisis adapted their behavior, comportment, and ethics to survive it. When the fighting ended, in many ways the habits of war did not. Nigeria in the late twentieth century was not only a petro-state and a postcolony but, as is too often forgotten, a postwar society.

This article uses legal records from Biafra to show how the conditions of the war shaped fraud and the ethics surrounding it. It then describes the practice of forgery and considers what historical circumstances compelled Biafrans to survive by deception. The final section considers the opportunities for personal gain that were available in the humanitarian crisis, paying particular attention to acts of commercial fraud and impersonation. The piecemeal legal record from which this account is drawn has blind spots and prejudices, but court cases from Biafra provide an emic view of the war that propaganda, diplomatic records, and other sources do not. Tracing Biafra’s history through what happened in its criminal courts represents a new way of understanding the war; this history unfolds in a more granular and anecdotal register than most, and the best-known turning points and personalities of the war figure here only slightly.

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20 Though the forms of crime he described are more diffuse than that term suggests. See Ellis, *This Present Darkness*, 215–30.
24 Writing from different genres but asking related questions are A. Nwaubani, *I Do Not Come to You By Chance* (New York, 2009); S. Newell, *The Forger’s Tale: The Search for Odeziaku* (Athens, 2006).
LAW, ORDER, AND SURVIVAL

The rhetoric of ‘law and order’ came to animate governance in many African states in the period after independence, and Biafra was no exception. To the outside world, Biafra looked lawless and anomic, but law and legal process were of the highest importance in the new state’s national imaginary. Many of its founders were lawyers who had enormous faith in the common law system they had inherited from Britain, and Biafra’s legal system was its main mechanism of administration in its brief period of sovereign existence. Law was also at the center of Biafra’s sense of itself as a place of order in contrast to an ostensibly anarchic Nigeria run by ‘vandals’.25 But in spite of the pride of place that Biafra gave to orderliness, the war made a society very different from the law-bound and disciplined one its founders had envisioned. Alongside the broad violence of the war, sophisticated schemes to defraud, steal, and smuggle emerged in Biafra. The Special Tribunal regularly took notice of the fact that an alarming number of people were becoming skilled forgers, and its members lamented that they would only ever be able to investigate a small percentage of fraud cases. In the later stages of the war, Biafra would lose both its internal struggle for order and its monopoly on violence. Even as Biafra’s legal system came apart, however, courts and tribunals continued to hear cases. Their proceedings reveal as much about the dissolution of the Biafran state as they do about the incidence of crime.26

Fraud was not invented in Biafra; forgery and confidence scams had existed throughout prewar Nigeria and had never been limited to any particular region or community. But fraud took place on a larger scale in Biafra and was perceived differently there. Judges often remarked that the incidence of fraudulent activity in Biafra was unprecedented, and their ethical stances toward it changed over the period of the war. Early in the war Biafran courts saw fraud as a threat to Biafra’s survival, and the Biafran administration often made emphatic statements that fraud would not be tolerated in the new republic.27 The large number of prosecutions for that crime suggests that there was force behind this rhetoric. Later in the war, judges came to see fraud as a by-product of the conflict, rather than evidence of avarice or moral failing. No longer did it inspire screeds about the state of public morality, and even the most stringent tribunal judges frequently took pity on Biafrans charged with fraud. This link between the hardship of the war and the growth of fraud is especially clear in post-conviction allocutus statements, in which a person found guilty of a crime could appeal to the mercy of the court in the hope of receiving a lesser sentence. In dozens of these statements, Biafrans testified that they had committed fraud to feed themselves or their dependants, or had been ‘driven to madness’ by kwashiorkor or grief. Many judges took official notice of the physical emaciation of the people brought before them.28 Judges’ tolerant stance towards fraud reflected not only an inclination towards mercy

26 The cases discussed here are from both the common law courts and the Special Tribunal of Biafra, a tribunal established under Biafra’s emergency measures with wide jurisdiction for acts of ‘subversion’ – a loosely defined offense which could include virtually any criminal or seditious act.
27 See, for example, a case involving acts of forgery and misconduct by a bank clerk, ESHC uncatalogued collection, Harrison Ofonda Amadi v. African Continental Bank, Limited, 28 June 1967.
given the circumstances, but the fact that Biafra’s law enforcement infrastructure had deteriorated to the point that carrying out prison sentences was very difficult.

Racketeers and confidence artists took advantage of the fact that the war split up households and villages, breaking the bonds of trust and mutual assurance that structured social and economic life in peacetime. Some used the cover of the war to make new lives for themselves, often by assuming the identities of the war dead. To Biafrans who remade themselves through fraud, the making of the new state and the making of their new lives were linked; both were acts of reinvention for the purpose of survival.29 Like judicial attitudes, the public perception of these types of fraud changed over the course of the war. Jerome Okolo, a lawyer who had worked for the Biafran propaganda directorate, observed a change in how certain crimes of survival were publicly perceived, recalling that ‘in the past, if your relative went to jail the entire family would be tainted by that fact and would be shunned. In Biafra, they would throw you a party when you got out’.30 This perspective is not shared by everyone, but cases from Biafra and postwar East Central State broadly support the idea that the circumstances of the war shaped both how crime was committed and the ethics surrounding it. ‘Coping’ by fraudulent or deceitful means came to be socially acceptable in a way that it had not been before.31 After the war, the fact that so many otherwise law-abiding people had survived through ‘criminal’ means would ensure that few people in reintegrated eastern Nigeria felt they were in a position to condemn others for breaking the law.

The demands of the war created many legal and ethical gray areas, unsettling the ideology of law and order that Biafra’s independence rested upon. In Biafra war blurred sharp distinctions in the law; actions that were criminal in times of peace were sometimes patriotic or dutiful in wartime. In certain circumstances deception could even serve the cause of Biafra’s independence, as the Court of Appeal suggested in Oscar Oti and two others v. The State from early 1968. In this case, Biafra’s highest court acquitted three men who had been arrested before secession for possessing tools to forge Nigerian banknotes. This was a clear violation of Biafra’s criminal code, but their counsel pointed out that forging Nigerian currency would also drive inflation for Biafra’s adversary and disrupt commerce there. The men were acquitted on the grounds that it was not illegal to possess these materials, since forging specifically Nigerian banknotes was not specified as a crime in the criminal code. Even their defense counsel could admit that this was a contrived interpretation of the law. Their acquittal seemed calculated to give oblique legal sanction to forgery, as long as it was Nigerian currency being forged.32 This was an unusual case that did not reflect the Biafran courts’ attitude towards forgery in general, but it shows that the prerogatives of wartime gave some forms of crime an ambiguous place in Biafra. Ostensibly clear divisions gave way to a spectrum between legal and illegal behaviors, with crimes of patriotism or survival – especially fraud – falling somewhere in between.

31 For fictionalized treatments of this dynamic, see F. Iyai, Violence (London, 1979); and C. Ekwensi, Survive the Peace (London, 1976).
32 NNAE BCA 1/1/15, Oscar Oti and two others v. The State, 2 Feb. 1968.
The 1969 case *The State v. Catherine Nwabunike* from the Special Tribunal of Biafra illustrates how the challenges of the war drove law-abiding people to fraud. The main witness for the prosecution was Karina Anasoh, a Finnish woman married to a Biafran physician serving a prison sentence for subversion against the Biafran state. In early 1969 a Biafran housewife named Catherine Nwabunike came to Anasoh and told her, truthfully, that their husbands were being held in prison together. The two women became friends, and after a few weeks Nwabunike proposed that if Anasoh could give her two hundred pounds, she would be able to bribe the prison warden to release both of their husbands from jail. Anasoh agreed immediately and gave Nwabunike everything she had. Nwabunike then absconded with the money and sold the car that Anasoh had loaned her to travel to the prison. She then used the money to try to get only her own husband – a British expatriate suspected of being a spy – out of jail. When it became clear that Nwabunike was not coming back, Anasoh reported the whole matter to the police. In the tribunal, it emerged that the fact the two husbands had shared a cell had given Nwabunike the idea that the foreign wife of her husband’s cellmate might have the money she needed to buy her own husband’s release. The central question in the lengthy trial was whether Nwabunike’s con was an offense against the welfare of the Biafran state under Biafra’s emergency measures or merely a violation of section 419 of the criminal code. The tribunal ruled that since her ultimate objective had been to unlawfully secure the release of a political prisoner, her actions were ‘subversive’ and not merely criminal. Nwabunike was sentenced to twenty years imprisonment.

This case and others like it show how Biafrans like Catherine Nwabunike, who was hardly a professional confidence artist, resorted to swindling one another in response to the crises that the war created. Nwabunike’s actions foreshadowed the intricate cons for which Nigeria later became known internationally, and the case bears striking similarities to the tactics of confidence schemes that became common in postwar Nigeria. These included Nwabunike’s appeal to Anasoh’s trust, her choice of a foreigner as her target, and the heightened emotional tone of her pitch to her mark. Unlike in later 419 cases, however, in wartime Biafra the emotional urgency of Nwabunike’s scam was real rather than manufactured.

**MAKING A STATE ON PAPER: FRAUD AND BUREAUCRACY IN BIAFRA**

It was not inevitable that so many Biafrans would endure the war through fraudulent means. The important place that state bureaucracy occupied in Biafra’s administration helps to explain why many people turned to fraud and not some other technique of survival. In addition to having a culture of petition and litigation – qualities associated with many African societies in the wake of colonialism – Biafra was highly bureaucratized. Much weight was given to ‘official’ registration and documentation even in the most

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chaotic periods of the fighting, and the state performed its increasingly tenuous independence by performing bureaucratic tasks.\(^\text{35}\) It is not unusual that the Biafran government hoped that printing its own passports, letterhead, and postage would make Biafra’s sovereignty real, both to its own citizens and to the foreign governments from which it hoped to gain recognition.\(^\text{36}\) But the way in which this translated into a widespread practice of fraud makes the history of Biafran bureaucracy uniquely important. As this bureaucracy disintegrated in the later stages of the war, Biafra became, in effect, an army with a legal system attached to it. But papers were still required to avoid conscription, obtain humanitarian aid, and for other matters of life and death. The fetishization of documents in a setting in which the embattled state did not have the capacity to issue them created a high demand for forgeries. Widespread knowledge about how to produce them ensured that there would be a ready supply.

As many ex-Biafran informants observed, forgery was a skill at which Biafrans were adept for reasons to do with the history of colonial administration. Biafra was, as one lawyer recalled, ‘a nation of bureaucrats’.\(^\text{37}\) Eastern Nigerians, and especially Igbos, had played an important role in Nigeria’s state bureaucracy prior to secession. Many of the Biafrans charged with forgery had been government administrators in prewar Nigeria.\(^\text{38}\) Some defended themselves in court by arguing that their actions were not ‘forgery’ since they were still civil servants, even if now they were no longer in the country where they had been appointed. These defenses did not succeed, but judges understood that confusion over what constituted legitimate authority was unavoidable in the circumstances. Moreover, a large proportion of ordinary people in Biafra knew the language and conventions of state bureaucracy well. Igbos’ experiences as migrants in the north and elsewhere had taught them that carrying an official pass could offer some protection from aggression or harassment, both by the state and their neighbors. This idea lived on in Biafra, and it should not be surprising that when faced with insecurity and danger during the war, many Biafrans tried to protect themselves by carrying passes – a bureaucratic technology with which they had a long acquaintance from the period of colonial rule.\(^\text{39}\)

Hundreds of checkpoints existed along Biafra’s roads, some official and others not, and the war made civilians distrustful of the many strangers who passed through their communities. Traders, deserters, refugees and others found that carrying papers – of almost any provenance – could help them both within Biafra and when they went behind enemy

\(^{35}\) Interview with A. M. O. Onukaogu, Umuahia, 9 Mar. 2015; interview with Barrister Mike Onwuzunike, Enugu, 14 Sept. 2014. This protective capacity of passes suggests that Biafrans conceived of them differently than the history of other pass regimes in Africa, like apartheid South Africa or Kenya under the kipande system, might lead one to expect.


\(^{37}\) Interview with Ejike O. Ume, SAN, Onitsha, 12 Mar. 2015.


\(^{39}\) Interview with A. M. O. Onukaogu, Umuahia, 9 Mar. 2015.
lines to buy goods from Nigerians. Since some soldiers and civil defenders were illiterate, the value of these passes was likely totemic as well as bureaucratic. Knowing how important papers were in Biafra the Nigerian government dropped propaganda leaflets designed as ‘safe conduct passes’ into Biafran territory to encourage Biafrans to defect to the Nigerian side. Within Biafra, moving freely was especially difficult for members of ethnic minorities who were looked upon with some mistrust in the Igbo-majority parts of the country. In the trial against him, one trader from the Delta region testified that he carried a forged pass because ‘the villagers used to molest us because they felt we brought in the Hausas [Nigerians]. They did not molest those with passes.’ Traders were not the only ones who needed documents because they moved within the war zone; avoiding the lines of battle and seeking out food and shelter required nearly all Biafrans to be constantly in motion.

A brisk trade in forged papers developed in response to this situation. Over the course of the war complicated rackets emerged involving forgers, bureaucrats, military officers, and middlemen to produce and sell forged passes and conscription exemptions. In some cases, the documents that they produced survive in the archival record as evidence presented in the trials against them. Many are rudimentary, but the Biafran government’s administrative disorder covered for lack of skill; it was not hard to pass off a document written by hand or on scrap paper as real since chronic shortages meant that even genuine Biafran documents were often irregular, handwritten, and printed on whatever paper was available.

Many cases involving forged passes were heard before the Special Tribunal. One that describes the increasingly professionalized nature of forgery in Biafra is The State v. Benson Isaac Jaja from April 1969. In his testimony Jaja described how he came into possession of the forged pass that he was arrested for carrying:

On the 30th October 1968, I came back from Umuatia main market and on my way home along Uzuakoli Road I saw my friend an army man by name Friday Ekpennyong. He asked me whether I do still trade, I said to him yes. He wanted to know how we trade I told him that we do trade well, but that the only trouble we encounter on the way is the worriness [sic] from the natives of the place we go to buy things. They continue to ask one where he comes from and if one says from Umuahia they will demand paper from Umuahia. I asked him where he works and he told me that he works at the State House, Umuahia. He then asked whether I need any paper, I then told him that if he would get me any good paper which I will carry with me wherever I go that I will be happy. I mean pass when I talk of paper. ... I asked him whether I will not be held by police or army people if they see me with it and he said that nobody will hold me and that anytime I am challenged by the army people that I should present the pass. He went so far to ask me to affix my passport photograph if I have any, which I did. This pass makes me to move freely and

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40 The Biafran government called those who had fled from other parts of the Nigerian Federation ‘refugees’ in order to underscore Biafra’s status as a separate nation-state.
42 It is not clear how successful this endeavor was. National Archives of the United Kingdom (NAUK) FCO 38/287, Sir David Hunt to Commonwealth Office, 9 Aug. 1968.
especially whenever I go to the village to buy things. ... I cannot do trade without am and I am sure I would be dead [by] now without paper.

Eventually a policeman at a checkpoint challenged the legitimacy of Jaja’s pass, and he was arrested. Ekpenyong, the soldier who had supplied the forged pass, was nowhere to be found despite an extensive search carried out by the tribunal’s bailiffs.

Jaja’s case prompted the tribunal to consider what constituted a ‘genuine’ pass in Biafra. Both the stationery and signature looked convincing, and the official appearance of the document led the tribunal to believe that perhaps the pass itself was real despite the seemingly fraudulent way in which Jaja had come to possess it. As similar passes turned up in Biafra’s courts, the tribunal pledged to ‘get to the bottom of the racket’ and launched an inquiry to find the government officials issuing these ‘fraudulent’ passes. The investigation was inconclusive, and its failure reflected the factionalism and treachery that had set in within Biafra’s government. A judge opined that ‘even when the Tribunal gave a directive the directive was ignored’ by the statehouse, suggesting that perhaps someone was protecting the person responsible for the forgery.44

The possibility that figures in the Biafran government were organizing the production of ‘forged’ passes was alarming but not surprising to the members of the Special Tribunal. The collapsing distinction between genuine and counterfeit documents was enabled by the administrative entropy that the war created. Legitimate government authorities in Biafra – from the smallest municipal unit to the head of state – had little contact with one another and were subject to irregular rules about who could legitimately issue papers or exemptions. Administrators and army officers who sold ‘genuine’ passes to civilians and deserters straddled the line between legitimate and illegitimate use of their authority, and few judges felt they could confidently call this ‘fraud’. Forgers who had no claim to state authority also took advantage of these ambiguities, and Biafra’s administrative dysfunction ensured that they would not usually be caught.

The effect of this situation was that the difference between a forged document and a real one became increasingly unimportant. In The State v. Benson Isaac Jaja the tribunal eventually ruled that a document should be assumed to be genuine until it is conclusively proven otherwise – a liberal notion of authenticity by any standard. Leaving aside the question of whether Jaja’s pass was genuine, the tribunal ruled that ‘the accused is merely an innocent agent. He did not now that the person who signed was defrauding the government. This argument arises even if the pass is not genuine.’ Jaja’s acquittal illustrates how tolerant of forgery the Biafran courts had become by the end of the war – a tolerance born both of administrative collapse and the knowledge that this kind of crime had become a means of survival for many Biafrans.

As far as most Biafrans were concerned, the distinction between real and fake was not very important. The measure of a document’s worth was whether it successfully eased passage through checkpoints or convinced a press gang that one was ineligible for conscription. For these purposes a forged document was often more effective than a ‘real’ one. A genuine pass issued on a piece of scrap paper under the dubious authority of a civil defense

organization, or by a bureaucrat whose only remaining claim to officialdom was the stamp that he carried with him, often looked less like something a government might issue than the work of a skilled forger did. To many it was unclear who counted as a government official, and to some the distinction was immaterial. As one lawyer recalled, ‘the mass of the people [in Biafra] thought that any man who possessed a stamp was as good as a civil servant’. Knowing that ostensibly official documents were increasingly untrustworthy, Biafran banks, businesspeople and others turned to other proofs of identity and authenticity. For example, a complicated and idiosyncratic signature by a known individual came to mean more in proving a document’s authenticity than the stamp or official seal of his or her office – a convention that would become common in postwar Nigeria.

Over time the ubiquity of forgery begged a larger question – how legitimate was the Biafran state itself? The answer to that question was not clear, and the glut of forged documents did little to clarify it. These cases suggest that what constitutes ‘forgery’ in an inchoate state like Biafra is a matter of perspective. A document’s legitimacy is in the eye of the beholder, and the passes that Biafran courts called ‘forgeries’ were often the work of people who did not view their actions as fraudulent. Many judges came to agree with them. The techniques of forgery that Biafrans turned to were not unknown in prewar Nigeria, and documents had much the same power before the war as they did during and after it. But Biafrans’ common use of forgeries to survive the conditions of war and navigate its chaos made the distinction between real and fake permeable in a way that it had not been before.

**OPPORTUNISTIC FRAUD IN BIAFRA**

For some, the war was a time of opportunity; in all of its adversity there were possibilities for reinvention and personal gain. This included not only war profiteering, but commercial graft and impersonation. The fighting created a situation of constant displacement for most people, shattering the structures of trust and interdependence that held communities together. This made room for new and opportunistic forms of fraud. In prewar eastern Nigeria, being familiar to those in one’s village or neighborhood, personally knowing administrators and traders, and knowing who was and was not trustworthy had allowed people to buy and sell goods with confidence, entrust money to collective enterprises, and engage in other everyday business transactions. The war’s upheaval compromised these largely informal mechanisms of trust. The war also cut off many Biafrans from their homes and investments, forcing them to rely on others to watch over what they had left behind. Chicanery flourished in these conditions.

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45 Interview with Barrister Mike Onwuzunike, Enugu, 14 Sept. 2014.
46 Interview with Ejike O. Ume, SAN, Onitsha, 12 Mar. 2015.
47 The production of passes and other documents by Biafran village militias and civil defense organizations illustrates this ambiguity. Although few of these cases were taken to court, civil defense committees routinely complained that the passes they issued to members were not honored by soldiers, tax collectors, and policemen. They took great umbrage at being accused of forgery by the central government, and considered their passes and documents to be as real as ones ‘issued by Biafran head of state Ojukwu himself’, as one commander complained. National War Museum, Umuahia (NWM) uncatalogued collection, ‘Umuobom Civil Defence Committee Minute Book’, 1968–9.
A Special Tribunal case from early 1969 in which a small town politician tried to frame his rivals for treason suggests that fraud was sometimes more than a tool of survival. Joseph Nwabueze, the unpopular head of the Biafra Civil Defence Committee in Isiukuwato, forged a letter purporting to come from the Nigerian Army command addressed to various town elders, all of them Nwabueze’s political opponents and enemies. The spurious letter thanked them for their loyal dedication to the Nigerian war effort and assured them that their payment for their betrayal of Biafra was on its way. The typist who prepared the letter was alarmed to see that some of his relatives were named among the collaborators and asked Nwabueze why he was not going straight to the police. Thinking quickly, Nwabueze told the typist that it was all part of a high-level mission he had been given by Biafra’s Head of State Chukwuemeka Odumegwu Ojukwu himself. He threatened that ‘the persons named therein were “spoiling” their town, and if he told anyone and the soldiers came to arrest these persons and found them absent he [the typist] would be shot to death by the soldiers.’\(^\text{48}\) Nwabueze slipped the note into a shipment of pots bound for Umuahia, knowing that it would be searched when it arrived there, and waited for the army to come arrest his rivals. Unfortunately for Nwabueze, the note was discovered before the shipment reached Umuahia. A local man connected the dots and reported Nwabueze to the military police. He was found guilty of subversion before the Special Tribunal of Biafra and sentenced to twenty years imprisonment. As this case suggests, the war both created opportunities for deception and raised the stakes of personal disputes. Although Nwabueze was caught, the tribunal was troubled by how deftly he had played on wartime paranoia.

After Biafra lost Port Harcourt in May of 1968, the Nigerian blockade and the humanitarian crisis it produced raised the stakes of commerce and sharpened disputes over the distribution of aid. The distribution of humanitarian materials – brought into Biafra at great risk by various international political and religious organizations – was disorganized and poorly supervised. Fraud proliferated along the narrow pathways through which food and other essential goods flowed into the enclave; large amounts of aid material wound up in markets where it was sold at exorbitant rates. Black marketeering overlapped with forgery, since officials and merchants often forged papers to give stolen or misappropriated goods a legitimate provenance.

The Special Tribunal energetically pursued fraud cases involving humanitarian aid. For example, in early 1969, Casimir Ige embezzled relief materials from the stores of the Biafran (national) Red Cross in his capacity as a regional manager. The case against him includes a detailed description of how he and his accomplices used forged documents to repackage and sell Red Cross relief materials at a large profit:

> It is clear that the accused has been using his position in the Red Cross to carry on spurious deals with relief materials. . . The modus operandi in this case is this: the accused who is a Red Cross official is in a position to know which contractors supply the Red Cross gari in exchange for stockfish. He uses one of these contractors as a camouflage to carry out his criminal designs, to wit, stealing relief materials to which he has access. Whenever he is caught he already has an answer, which is that Mr Kalu, a contractor to the Red Cross, brought them to his house for

safekeeping. Of course [he] will then produce an authority like exhibit 5 to confuse everyone into believing the story of the accused.49

Exhibit five was a crudely written pass on the letterhead of the ‘Comité International de la Croix-Rouge’ stating that the bearer ‘is authorised to transport and sale 5 bags of stockfish of the ICRC foodstuff’. The tribunal observed that individuals like Casimir Ige had considerable power given that they controlled the country’s dwindling food supplies, and chastised him for allowing the temptation to provide for his own family to overcome his sense of duty. Ige begged for mercy, claiming that his family was destitute and that without money his many dependants would starve to death. Unmoved, the tribunal sentenced him to a long term in prison.

Fraud also had a place in wartime commerce, which was difficult at the beginning of the war and almost impossible by its end. The fluid military situation meant that commercial activity in Biafra nearly always involved concealment and danger. For those willing to take risks, however, there were opportunities to make money, or at least to provide for one’s dependants.50 The establishment of price controls to discourage profiteering ended up producing a large black market. The Biafran courts pursued infractions of wartime price controls when they could, but recognized that most offenders would go unpunished.51 The lack of effective regulation also created opportunities for trade in counterfeit imported goods within the enclave; just a few months after secession one could find cigarettes filled with sawdust, shoes with hollow soles, and tea being sold as whiskey in Biafra’s marketplaces.52 A British intelligence report found that in spite of the blockade, ‘surprising things went in and out of Biafra, [including] elephant tusk carvings, ball-point pens and cocoa in bags marked “Cocoa Nigeria”’.53 In the absence of a coercive state authority, some Biafrans made the best they could out of the situation.

Impersonation would later become a component of many 419 scams, and it too became more prevalent during the war. One former lawyer recalled that to ‘pass oneself off’ as a powerful person was not difficult given that everyone, rich and poor, had been ‘driven low’ by the war.54 The Biafran press was full of criminal cases in which people invented complicated backstories for themselves, often substantiated by documents, hoping that no one would check them in the disorder of the war. A common crime was to use forged or stolen diplomas to obtain jobs that required qualifications, like police work or employment with humanitarian agencies. In one case, a young woman in Aba was sent to prison for impersonating a nun; she had used her new identity to obtain bulk quantities of controlled medicines from a local distributor, ostensibly for a hospital, which she then sold on the black

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51 See, for example, NNAE MINJUST 117/1/3, The State v. Obalete Chijioke, 17 Dec. 1968.
52 Biafra Sun, 8 June 1967, p. 8.
53 NAUK FCO 65/231, Record of Mr. Foley’s meeting with Ambassador Ferguson on Friday, 21 November, 1969.
54 Interview with anonymous former barrister, Enugu, Mar. 2015.
market. As with the ambiguities over forgery, courts gradually lost the ability to ascertain whether defendants and witnesses were who they claimed to be. Early on in the war, a magistrate made a public example of a civilian who impersonated a Biafran soldier by giving him a long prison sentence, but by the war’s chaotic end few judges felt they could be so confident about matters of identification. Trials sometimes collapsed into dueling accusations of impersonation in which all parties claimed that the others were imposters. The general disarray of the war made it impossible to tell who was telling the truth.

Incarcerated people, especially, were easy targets for impersonation beyond the prison’s walls. This is what befell the politician Effiong Okon Eyo, who lost his fortune while serving a prison term for political charges against Biafra. In mid-1968 an acquaintance impersonated him and withdrew all of his money by presenting forged identity papers at a distant bank branch, giving the plausible story that he was a refugee who could not travel to his local branch to make the withdrawal because the area was ‘disturbed’. The act of impersonation succeeded because the war had disturbed the mechanisms of recognition that financial transactions usually involved. Normally the bank would have insisted that a large withdrawal be made at the home branch, where the teller would have recognized that the man was not Eyo. As the war went on, a growing number of people took advantage of the holes that had formed in Biafra’s social fabric to engage in opportunistic forms of fraud.

Like other forms of fraud, however, assuming another identity was most often a strategy of survival. Many informants recalled that they spent periods of the war pretending to be someone else. This was not because they had something to hide, but because they hoped that creating doubt of their identities would keep them safe. In the final year of the war many Biafrans withdrew into rural areas in the hopes that a remote village would be the best place to be when Biafra was overrun, as seemed inevitable. When outsiders came looking for a particular person or family – whether those strangers were Biafran officers, emissaries from Nigeria, or fellow refugees in search of shelter – the safest response was to feign absence. Villages often closed ranks and protected their own by pretending that a wanted person was actually someone else, or by passing off men of conscription age as their younger brothers. An officer who deserted from the Biafran Army recalled that during a period of hiding in his home village a friend, suspiciously well-fed and driving a new car, came looking for him. This made the officer wary, so when the visitor approached him he looked his old friend in the eye and gave a false name; the officer was so gaunt and disheveled that the friend did not realize that he was speaking to the very person whom he sought. The officer still wonders if his schoolmate came as friend or foe, but at the time it seemed safest to pretend to be someone else.

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56 Biafra Sun, 4 Aug. 1967, p. 5.
57 See, for example, NNAE BCA 1/2/35, Kalu Njoku and Eke Oku Udeh v. Ukwu Eme and four others, 13 July 1968; ESHC uncatologued collection, The State v. Luck Ume, 11 Oct. 1969.
59 Interview with anonymous former officer, Enugu, Sept. 2014.
CONCLUSION

Fraudulent practices had existed in Nigeria long before Biafra’s secession, but the war embedded them in the experience of ordinary people in new ways. Law and the idea of order were central to why Biafra seceded and how it ruled, but the conditions of the war compelled people to forge their own passes, pretend to be people they were not, and lay claim to things that were not their own. Events in Biafra blurred lines between genuine and counterfeit, and official and unofficial. This permeability would lay at the heart of the elaborate 419 scams that proliferated in postwar Nigeria. As in many conflicts, acts of deception and violence became tolerable – in some cases honorable – when surviving and winning the war trumped all other considerations. When the fighting ended in January 1970, the practices that Biafrans had used to endure the war did not end with it. After the war, as a lawyer who made his career in Port Harcourt recalled, ‘no one forgot how to forge a document, or how to shoot a gun’. In the lean years of the postwar these skills would serve many Nigerians well. Over the following decades they took on increasingly elaborate and internationalized forms.

Attending to the history of fraud does not imply that crime was the only important dimension of life in Biafra, nor does it pass judgment on the people marked in these records as ‘criminals’. The argument that the war made a space for fraud also does not suggest that Biafrans (much less Igbo) as a national community were culpable for it. Rather, the structural conditions of the conflict entrenched and refined practices of deception that became central in 419 – a phenomenon much larger than Biafra, and one that left no part of Nigeria untouched. To judges and criminologists, one of the most alarming aspects of postwar crime was the way in which it cut across divisions of ethnicity, generation, class, and gender; there was no coherent criminal profile that they could identify. The forms of fraud that emerged in the crucible of the war were not limited to any one group, and in a sense crime unified Nigerians – both as victims and perpetrators – in a way that the war and its aftermath had not. The armed conflict that took place between 1967 and 1970 was not the only force behind the emergence of 419, but it was a potent one.

60 Judges in the postwar East Central State were acutely aware of the relationship between the war and the growth of fraud. Some took notice of it in their decisions. See, for example, ESHC uncatalogued collection, The State v. Levi Okoro (alias Young Negro), David Onwuachu and Matilda Elekwa, 2 Aug. 1971.
61 Interview with Kola Babalola, SAN, Port Harcourt, 5 Mar. 2015.