



Pre-Colonial Eggon Warfare and the Humanization of War: Reflections on Just War Tradition¹

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Abstract:

This paper examines the humanization of war among Eggon people of central Nigeria during the pre-colonial period from the perspective of the Just War tradition and the core principles under *jus ad bellum* and *jus in bello*. The paper argues that the humanitarian principles of war applied by Eggon people in pre-colonial times conformed to the principle of Just War. It uses primary and secondary sources to posit that the Just War tradition was not only universal but that some aspects of humanitarian principles underlying contemporary International Humanitarian Law were observed in pre-colonial Africa, including Eggonland. The paper concludes, therefore, that the existence of a Just War tradition among the Eggon people shows that contemporary IHL is not entirely foreign as some may suggest. As such African states should adhere more to IHL because it conforms to many of the humanitarian principles of war in pre-colonial Africa.

Keywords:

Humanitarian principles; just war; Eggonland; pre-colonial Africa; international humanitarian law.

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Introduction

War has always been part of the human development throughout recorded history. Many of the different cultures and nations of the world had practiced war at one time or the other in their process of evolution. War was pivotal in the emergence and development of states and it was central to their continuous survival through time. That the practice of war is universal is no longer debatable although its principles vary considerably in different parts of the world. Nonetheless, throughout history, the theories, ideologies, technologies, practices, strategies and tactics of war had always diffused from one part of the world to the other. Therefore, it is often difficult to say with certainty where some military ideas originate from. This is the same with the humanitarian principles that make up the International Humanitarian Law (IHL) applicable to armed conflicts today. The formal codification of IHL only began in the second half of 19th century but for many centuries earlier, war had always been guided by some humanitarian principles. These principles were different across cultures and peoples of the world but the central aim was to limit the excesses of war. While it has been variously acknowledged that IHL is a formalization of customary laws that had been practiced for centuries in the world, Africa was mostly excluded from this process formalization. This paper will show that the underlying principles of IHL were existed in Africa long before Colonialism. This will be done by discussing the customary laws and humanitarian principles guiding warfare in pre-colonial Eggonland from the perspective of the just war tradition. It will begin with providing a brief discussion of the just war tradition. This will be followed by a discussion of warfare and humanitarian principles of Eggonland and its people. Finally, the significance of the humanitarian war principles of pre-colonial Africa to the compliance to contemporary IHL in Africa will be discussed.

The Just War Tradition

Just war tradition, as opposed to just war theory, refers to the “protracted normative conversation about the legitimacy of war, which began in antiquity and has been adopted and refined by numerous subsequent commentators, each advancing related but distinct normative theories about the ethics of war” (Heinze and Steele, 2009, p. 4). This means the discourse spanning over several centuries and cultures that is concerned with the legitimacy of war and makes judgements about the ethics of war while advancing ideas to restrict its excesses. It is the body of ideas about moral judgements in war that is shared by all the just war theories and doctrines developed over the years from different cultures and peoples of the world. As pointed out by Walzer (1977), “For as long as men and women have talked about war, they have talked about it in terms of right and wrong” (p. 3). This means the debate as to whether war is just or unjust is as old as war itself. Just war tradition is mostly expressed using two criteria; *jus ad bellum* and *jus in bello*. The *jus ad bellum* criterion means ‘justice of war’ and it is concerned with specifying the principles that define the right of one polity



to make war against another. The *jus in bello* criterion means ‘justice in war’ and it is concerned with specifying the limits of morally acceptable practices in the process of waging war (Mattox, 2006).

The set of principles under *jus ad bellum* are as follows: *Just cause* – That a war may be waged only for one or more just causes that must be serious enough to justify war. *Right authority* – That the decision to go to war can only be deliberated upon and declared by constituted authority generally recognised to have the power to take this action. *Right intention* – That parties contemplating war must avoid desire for territorial expansion, potentially unnecessary demands, intimidation, hatred, desire for vengeance, and others. *Public declaration* – That the aggrieved party must declare war publicly as a way of demonstrating that all other possibilities have been exhausted and giving the opposing party an opportunity to make amends. *Proportionality of end* – That the anticipated good that would come out of the war must be greater than the expected harm the war would bring. *Last Resort* – That there must be sufficient indication that no other action short of war would satisfy the claims of aggrieved parties. *Reasonable prospect for success* – That war should be avoided unless there is reasonable hope that an aggrieved party will achieve its military objective. *Peace as the ultimate objective* – That war should be undertaken only with a view to restoring peace and avoiding future war (Mattox, 2006; Heinze and Steele, 2009).

The set of principles under *Jus in bello* are: *Proportionality of means* – This holds that only the minimum force needed to achieve the military objective may be used in war. That violence must be brought to an end as quickly as possible and must be based only on military necessity. *Discrimination* – This holds that belligerent parties must differentiate between combatants and non-combatants and direct their violence only against combatants while sparing non-combatants. Non-combatants traditionally include women and children (Mattox, 2006; Heinze and Steele, 2009).

Pre Colonial Eggon Warfare and the Just War Tradition

The area referred to as Eggonland is presently located in Nassarawa Eggon local government area of Nasarawa state, Nigeria. The Eggon in pre-colonial times mostly lived on the group of hills in the area called Eggon Hills. The people were divided into three major clans namely; Eggon Eholo, Eggon Anzo, and Eggon Enro. Each of these clans was further divided into sub-clans, and settlement units. The elders provided leadership in each settlement through a council called *Moa'andakpo Ashim* which was presided over by the *Adan Ashim* who was also serving as the high priest. The *Adan Ubin* was the final authority in each clan and every *Adan Ashim* in the clan was under his authority (Shaw, 1926). The *Ashim* was the religious institution which dictated every aspect of life among the Eggon people. I refer to the *Ashim* as an institution because it dictated almost every aspect of life in Eggon land. The political, social, economic and even military aspects of life depended on the *Ashim* for legitimacy. The political authority of the elders was derived from *Ashim* and so it was the major instrument of social control and sanction. It dictated the customs and traditions and laws that guided

the conduct of the Eggon people. This means that war and other military activities were firmly under the control of the elders through the *Ashim* institution and subjected to the same customs and laws. This arrangement agrees with the assertion that in most cases in pre-colonial Africa the distinction between the military, economic, political, social and religious institutions of government were blurred (Uzoigwe, 1977).

The 19th century was a challenging period for the people in Akwanga area because of the activities of slave raiders who were attacking from Keffi, Jemaa and Lafia sub-emirates. The Eggon people felt the pressure from the slave raids by the 1820s and reacted by moving away from the plains and seeking shelter on the Eggon Hills. The space available on the hills was quite limited and after a while this was filled up forcing a few Eggon groups were forced to remain on the plains. The people of Arugwadu, Bakeno Kasa, Ginda, Alushi and Ubbe took refuge in forests because they had no space to live on the hills. Although these groups suffered more from slave raiding, they were able to survive until the coming of colonialism. The high population density on the hill settlements and the very limited farmland contributed in the escalation of the state of war between the Eggon Eholo, Eggon Anzo, and Eggon Enro clans which resulted in an increase in inter-clan wars from the 1820s. Although the state of war between these Eggon clans had existed since the 18th century and possibly earlier, it was in the early 19th century that the people developed their age-grade warrior system to help in the mobilisation of warriors for the purpose of fighting off slave raiders. Young men between the ages of 18 and 40, called *Moakola* were designated the warrior class saddled with the responsibility of defence or attack for their communities. Teenage boys of about 16 to 17 years of age began training on the use of the bow and arrow using marksmanship contests and mock battles. This was aimed at equipping them with the skills they needed as warriors (Anzaku et al, 1996). Warfare in Eggonland during the period before colonialism was of two kinds; intra-ethnic wars between Eggon clans and inter-ethnic wars with outsiders, such as slave raiders. This is what Dorward (1984) conceptualises as secular warfare and ritual warfare; secular warfare was associated with outsiders and could result in socio-political reorganisation while ritual warfare occurred between Eggon communities and served to reaffirm the existing order. This work is concerned with the war within the Eggon ethnic group which occurred between rival clans, sub-clans, and settlements. This form of warfare conformed to the just war tradition for a number of reasons which will be discussed below.

Among the Eggon people an aggrieved clan declared war on another clan after the *Moa'andakpo Ashim* (council of elders) deliberated on it and arrived at a decision to go to war. As Anzaku et al (1996), put it "the decision to declare war was taken in council by the *Moa'andakpo Ashim* and only the Ada Ubin had the power to declare it publicly.... The Ada Ubin after consultation with the Ada Ashim and *Moa'andakpo Ashim* signalled and declared war over another clan by blowing the Buffalo horn called Eku" (pp. 29, 32). The deliberation of the *Moa'andakpo Ashim* was to arrive at a just cause for the declaration of war on another Eggon clan. This position of the elders in relation to war is perhaps behind the view held by some that the elders were entirely



responsible for combat because young people were simply not brave or skilled enough. However, evidence is ample establishing the fact that active combat was mainly the preoccupation of young people and this had persisted even during the colonial period. For instance, in March 1937 when Eggon Eholo clansmen from Wana village and Eggon Anzo clansmen took up arms against each other over a woman, the combatants (in their hundreds) were entirely made up of young people (Memo to Resident, 1937). The major causes of war among Eggon people during this period were the appropriation of a piece of land belonging to another clan or the seizure of the wife of a member of another clan (Alumbugu, 2019). The *Moa'andakpo Ashim*, *Adan Ashim*, and *Adan Ubin* constituted the highest political and social authority in Eggon land. While *Adan Ashim* and the *Moa'andakpo Ashim* constituted the highest authority in every settlement, the *Adan Ubin* was the highest authority in each clan. Thus together they constituted the right authority to deliberate on and declare war in Eggonland. The *Adan Ashim* also declared the war publicly by blowing the Buffalo horn as a signal to the parties involved. The aim of this war was not to seize territory which was an evidence of right intention. As Dorward (1984) states, “the object [of ritual warfare] was not to seize territory, which, in effect would have constituted a redefinition of the socio-political units....” (p. 87). Thus the war on another clan was neither meant to seize territory nor to change the socio-political configuration because the territories of each Eggon clan was clearly defined and largely fixed during the pre-colonial period. Ende people, Ogba people, Wakama people, Agbon people and the rest of the Eggon people all had their sections on the Eggon Hills and this served as their settlements and their identities (Alumbugu, 2019). This settlement arrangement was never affected by wars among the Eggon people.

During battles between Eggon clans the principle of proportionality of ends took strong effect because the wounding or killing of a few combatants was enough to halt hostilities. In addition, battles were closely supervised and controlled by the leaders of the two belligerent clans;

“The death or wounding of a few individuals appears to have been sufficient for both sides to withdraw to mourn their losses or parade their trophies. This was because ritual warfare was to a greater extent under the control of the Adang Ubben and Adang Ashim of each community, who could intervene to halt hostilities by walking among the warriors with the magical Kujeme (Lophiraalata) leaves, accompanied by the blare of the sacred Ashim horns.” (Dorward, 1984, p. 88)

This was to ensure that only minimum force was used by belligerents to achieve their military objectives and hostilities were ended as quickly as possible without resulting to unnecessary sufferings. This practice of limiting the excesses of war between members of the same ethnic group or kindred was common in pre-colonial Nigeria. In Igbo society, for instance, war ethics prescribed two types of wars to be practiced among the

people; in one type it was permissible to kill while in the other type it was not permissible to kill. The war in which killing was not permitted was more common among kinsmen and in inter-village and intra-village warfare. Their customary laws clearly dictated how this war was to be fought, the kinds of weapons allowed, days of non-hostility, those exempted from hostilities and the cleansing rituals that must be done when lives were taken in the war.¹¹ In addition, combatants were required to seek the consent of their priest prior to any war to ensure they were fighting for a just cause (Anyanwu, 1992; Oriji, 1992). The principle of discrimination and non-combatant immunity was also observed among the Eggon because “very old man, women and small children were exempted and protected in the event of war” (Anzaku *et al*, 1996, p. 32). The killing of women was prohibited during war among the Eggon people except in situations where they were active in combat or were instrumental to causing the war (Alumbugu, 2019). Similarly the sons of women married from the opposing belligerent community were also exempted and given immunity status because they were not supposed to raise arms against the kinsmen of their mother. As a result they served as middlemen and peacemakers between the two warring communities (Dorward, 1984). To further exempt non-combatants from war, actual combat took place outside of settlements in bushes or farms situated between the warring parties. In addition, members of the council of elders were recognised as non-combatants and exempted from hostilities which allowed them to walk among combatants to bring battles to an end when necessary. This was demonstrated in 1942 when the elders went to the battlefield and eventually succeeded in bringing an armed conflict between the people of Ekpon and Walon villages after which they were made to take an oath not to resume hostilities (Affray in Wana, n. d.). The elders walked between the two parties while in combat and were able to assert their authority and halt the combat without being harmed. This authority was derived from the *Ashim* institution which was recognised and respected by the combatants.

After hostilities ended among the Eggon people even the less popular principles of *jus post bellum* (justice after war) were applied in the effort of restoring peace among the people. The *Adan Ubin* presided over the settlement of disputes where reparations were paid and the socio-political boundaries between the two belligerent communities were reaffirmed (Affray in Wana, n. d.). In addition, both communities swore an oath to maintain the peace. This is consistent with the *jus post bellum* principle of preventing unjust gains in war:

“If the aggression involved invading and taking over territory or property that did not previously or rightfully belong to the aggressor state, then the secure borders should be reestablished, property rightfully returned, and the victim of aggression reestablished as an independent political community.” (Heinze and Steele, 2009, p. 7)

This is part of the reason why Dorward (1984) asserts that the ritual warfare of Eggonland served to reaffirm the existing order. Since settlements were organised according to clans, it was difficult to claim any new territory as a result of war. The main object of intra-ethnic wars among Eggon people was ultimately to restore the state of things before hostilities began. Thus, although hostilities were prevalent among them every clan retained its independence and territories throughout the pre-colonial period. This was made possible mainly because of the existence of, and observance of, customary humanitarian principles of war among the Eggon people.

Relevance of Pre-Colonial African Just War Tradition to Contemporary IHL in Africa

The existence of a just war tradition among the Eggon people of central Nigeria supports the opinion that the just war tradition is universal. Consequently, it means that there are some humanitarian war principles that are being shared in common by many people of the world. These common principles ought to be universally observed by states, actors and other agents involved with activities related to warfare (Lango, 2014). Evidence points to the existence of humanitarian principles of war among many of the autonomous ethnic groups in the Jos Plateau area of central Nigeria. As Mangwat (1992) states, intra-ethnic warfare was not viewed as true war because the concept of enemy did not apply and only minimum force was used. In contrast, inter-ethnic wars did involve the use of maximum force and the taking of war captives. This suggests that although just war traditions and humanitarian principles existed widely, these were mostly observed within ethnic polities, rather than across ethnic polities, apparently because of the difficulties associated with applying laws across different languages, customs, religions, and socio-political organisations. This is aptly put by Bugnion (2002) as follows:

“History nevertheless also teaches us that every civilization has tried to impose limits on violence, including the institutionalized form of violence that we call war. After all, the limitation of violence is the very essence of civilization. For a long time, this limitation took the form of customary rules, generally inspired by religion, which were respected between peoples sharing the same cultural background and worshipping the same gods. All too often, however, those rules were cast aside when it came to doing battle with enemies who spoke a different language or worshipped other gods.” (p. 5)

Since the contemporary world is still divided by religions, languages, cultures and other social demarcations, it is not surprising that there were many global instances of non-compliance to IHL in recent wars. The problem, therefore, was not the lack of humanitarian principles among the different peoples of the world but that of universal recognition of these principles which was obviously made impossible by socio-political differences.

Nonetheless, the contemporary world has mostly been united as one international community through increased interactions and also through the efforts of multilateral organisations such as the United Nations. Thus, many people who once spoke different languages now understand and communicate with each other through one or more of the common languages spoken in the world. In addition, many of the people that once had different religious beliefs now share common religious philosophies. In Nigeria, for instance, majority of the people speak Igbo, Hausa, Yoruba or English languages – in addition to their own native languages, and the dominant religions in the country are Christianity and Islam. Therefore, even though socio-political divergence still exists in the world, International Humanitarian Law ought to be generally recognised if not generally adhered to.

Africa has a history of grievous violations of humanitarian principles of armed conflicts mainly of non-international nature which challenges contemporary IHL. The Rwanda case where around 800,000 people, mostly non-combatants, were killed within 100 days in 1994 is an example this violation (Iyi, 2016). That contemporary IHL was mainly developed by European states with the exclusion of Africa is undisputable. However, the principles that formed the core of this body of laws existed in Africa in pre-colonial times as demonstrated by the just war tradition among the Eggon people. As Wodie (1986) points out, pre-colonial Africa was aware of humanitarian law until colonial subjugation caused it to lose the autonomy of its law. Therefore, ignoring IHL in internal conflicts of African states on the basis of its Eurocentric origin is not consistent with the humanitarian principles of pre-colonial Africa. The armed conflicts in Africa seem to suggest that African states were more likely to observe IHL in international conflicts than in their internal conflicts. This sentiment is demonstrated in the argument of the delegate of Zaire against the Additional Protocol II of the Geneva Convention, that; “the mistake was to place on an equal footing a sovereign state and a group of its insurgent nationals, a legal government and a group of outlaws, a subject of international law and a subject of domestic law” (Wodie, 1986, p. 251). This view suggests that IHL is not applicable to African countries unless in the case international conflicts. However, in pre-colonial Africa many of the humanitarian principles codified in the IHL were applicable in wars. The only difference is that these humanitarian principles were more applicable in wars within ethnic groups than in wars with other ethnic groups. In the case of Eggon people, these principles applied only in inter-clan wars and did not apply in wars with outsiders such as slave raiders. If this is anything to go by, then humanitarian law ought to be more applicable in the internal conflicts of African states than in international conflicts. This is because the spirit of nationhood that unites a country ought to inspire restraint during armed conflicts so that reconciliation could be easily achieved. As Socrates is reported to have said in his just war treatise: “Greeks ... are still by nature the friends of Greeks when they act in this way, but that Greece is sick in that case and divided by faction” (Whetham, 2009, p. 34). Therefore, rather than ignore IHL in internal conflicts of African states, as the evidence suggests, it should be applied more thoroughly because these armed conflicts are between one

group of people temporarily divided by faction. Thus, the ultimate aim should not be total destruction but speedy reconciliation.

Africa and the International Humanitarian Law

Although humanitarian principles of war did exist in pre-colonial Africa, these were given lesser place in the discourse of the IHL. For instance, in citing examples of ancient rules which restricted wars, Greenwood (2008) mentioned Sumeria, Babylon, Greece, and India, but nothing from Africa. This is not strange because there was no African participation and input in the preparation and development of IHL from its inception in the 1860s until the 1970s. Although Egypt and Ethiopia represented Africa in the negotiations of the Geneva Convention of 1949, it was only in the Convention for the Additional Protocols of 1977 that the representation of Africa was significant with the participation of 39 states (Waschefort, 2016). The result is that African states tend to view IHL as a purely Eurocentric body of laws and so regard them with some measure of distrust. This distrust is not unfounded as Africans were denied the benefits of IHL during the wars of decolonization and yet were expected to apply IHL in their internal conflicts just after gaining independence (Wodie, 1986). The result is that compliance to IHL in Africa leaves a lot of room for improvement. Therefore, while Africa had experienced disproportionately higher conflict fatalities than other continents of the world, the violations of IHL was also relatively high as exemplified by the indiscriminate killings of civilians by the Revolutionary United front in Sierra Leone and the Lord's Resistance Army in Democratic Republic of Congo (Waschefort, 2016). There are many instances of deliberate targeting of civilians in African conflicts. For instance, Boko Haram insurgency, which has been going on in Nigeria for over a decade, is characterised by attacks on civilians including women and children. A major factor contributing to this low compliance to IHL in Africa, as argued by Waschefort (2016) is that Africa maintains a low profile in the global IHL debate both in the interstate and academic levels. This work is contributing to this debate and also demonstrating that although IHL was not developed with African participation, many of the humanitarian principles therein are similar to some humanitarian principles and customs of war in pre-colonial Africa. This also contributes to the understanding of African traditions and customs of war which would help in adapting and making IHL to be more acceptable to Africans, as advocated by Mubiala (1989). The same sentiment is held by Diallo (1976) concerning the IHL, who states that, "the misunderstanding or lack of knowledge of the African traditional background, by making it necessary to resort to entirely foreign ideas, will then make it more difficult to obtain African acceptance of certain principles" (p. 63). Indeed, IHL will appear foreign in the African context on where there is ignorance of the traditional customary laws and principles relating to war in the continent prior to colonial conquest.

Conclusion

This work discussed the humanisation of war in pre-colonial Eggonland from the perspective of the just war tradition. It began by briefly discussing pre-colonial Eggonland and its people. This was followed by a discussion of the just war tradition after which the humanitarian principles of Eggon warfare was discussed within the just war tradition to establish their conformity to this. This showed that the just war tradition was universal and that the humanitarian principles therein were similar to those that formed the core of contemporary IHL. In conclusion, the pre-colonial humanitarian practices of warfare among the Eggon people indicate the existence of a just war tradition which suggests contemporary IHL is not entirely as ‘foreign’ as some may suggest. Therefore, African states should improve on their adherence to IHL in their internal conflicts because it conforms to many of the humanitarian principles of war in pre-colonial Africa.

Competing interests

The authors have no competing interests to declare.

Notes on Contributors

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