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**ECOWAS PROTOCOL ON FREE MOVEMENT OF
PERSONS: A CASE STUDY OF THE EXPULSION
OF ILLEGAL ALIENS IN 1983 AND 1985 NIGERIAN
EXPERIENCE**

FEBRUARY 2001

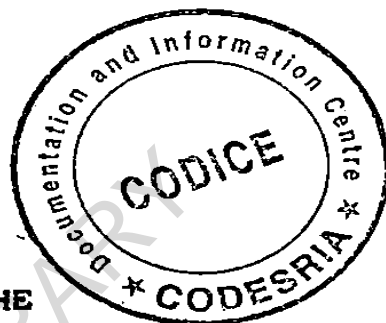
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ECOWAS PROTOCOL ON FREE MOVEMENT OF
PERSONS: A CASE STUDY OF THE EXPULSION
OF ILLEGAL ALIENS IN 1983 AND 1985 NIGERIAN
EXPERIENCE.

BY

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Ndubisi Marx Kenechukwu
February 2001.

PREFACE

Nation states the world over do regulate the admission of illegal aliens by immigration laws, which specify the conditions under which an alien may be admitted.

Since the attainment of independence in 1960, various ECOWAS countries have enacted immigration laws governing the entry and exit of aliens into their countries.

In Nigeria the applicable legislation is the Nigeria immigration Act of 1963¹

However the scope and application of the Nigeria immigration Act of 1963 has been limited, since the coming into effect of the ECOWAS protocol on free movement of persons of 1979?

The protocol on free movement of persons, was ratified on 29th May 1979, in Dakar Senegal. The protocol is:

.....a programme of action for the achievement
of one of the community aims free movement
of persons goods and services which is to be
carried out in three phases within fifteen year.³

The general principle on movement of persons of the protocol has it that

- (a) any citizen of the community (ECOWAS) who wishes to enter the territory of any other member state shall be required to possess valid travel documents and international health certificate
- (b) a citizen of the community visiting any member state for a period not exceeding ninety (90) days shall enter the territory of that member state through the official entry point, free of visa requirement; such a citizen shall however be required to obtain permission for an extension of stay from appropriate authorities if after such entry the citizen has caused to stay for more than ninety (90) days.⁵

There was a total mis-conception of the ECOWAS Treaty and the protocol on free movement of persons, by community citizens, resulting in unprecedented influx of aliens into Nigeria between 1980 – 1985.⁶

Many community citizens thought that, they were free to stay in Nigeria without any hindrance as such many of them abused their right of entry and movement, in contravention of the immigration laws of Nigeria.

Nigeria at the same time attributed its socio-political and economic problems to the presence of illegal aliens. Illegal aliens were accused of armed robbery, religious incitements smuggling?

The ECOWAS protocol on free movement of persons states that;

Member states shall reserve the right to refuse admission into their territory any community citizen who comes within the category of inadmissible immigrant under its laws.⁸

Also the Nigerian immigration Act of 1983, classified inadmissible immigrants as:

- (i) Any person who has not in his possession a valid passport.
- (ii) Any person who is without visible means of support or livelihood.
- (iii) Any idiot, insane person or person suffering from any other mental disorder.
- (iv) Any person convicted in any country of any crime whoever committed, which is an extradition crime, within the provision of the extradition Act.
- (v) Any person against whom an order of deportation from Nigeria is enforce.
- (vi) Any person whose admission would in the opinion of a minister of state be contrary to the interest of national security....⁹

In 1983 and 1985, the federal government, issued the quit orders, on all illegal aliens to leave the country.¹⁰

The Expulsion order aroused so much passion and earned wide-spread international opprobrium.¹¹

Those of the helm of power in Nigeria at the time, were

seen as heartless people, only ready to make use of the services of aliens when the economy was buoyant and ready to expel them when the economy was bad. The expulsion order, had a negative effect on the treatment of Nigerians resident in other countries of west Africa.¹² Nigeria's action did not contravene the letters of ECOWAS protocol on free movement of persons, it only contravened the spirit of ECOWAS.

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TABLE OF CONTENTS

TITLE PAGE	I
APPROVAL PAGE	II
DEDICATION	III
PREFACE	IV
ACKNOWLEDGEMENT	VIII
TABLE OF CONTENTS	X
CHAPTER ONE: INTRODUCTION	1
1.1 Statement of Problem	1
1.2 Objective of Study	3
1.3 Significance of Study	5
1.4 Theoretical Framework	6
1.5 Hypothesis	8
1.6 Methodology	9
1.7 Literature Review	10
REFERENCES	
CHAPTER TWO: CRITICAL EXAMINATION OF ECOWAS TREATY	39
2.1 Provisions of the Treaty	39
2.2 Provision of the Protocol on Free Movement of Person	49

References:

CHAPTER THREE: ECOWAS AND CITIZENSHIP	54
3.1 Concept of Community Citizen	54
3.2 Status of Community Citizen	54
3.3 Who is an Illegal Alien	56

References

CHAPTER FOUR: ECOWAS AND ILLEGAL MIGRATIONS.

THE NIGERIAN EXPERIENCE **59**

4.1 Nature of Nigerian Boundaries	59
4.2 Boarder Security	60
4.3 The Quit orders in Nigeria 1983 and 1985	61
4.4 Effects of the Quit orders on ECOWAS and Nigerian	

Experience. **63**

References

CHAPTER FIVE **74**

5.1 Conclusion	74
5.2 Recommendations	77

Bibliography **78**

CHAPTER ONE: INTRODUCTION

STATEMENT OF PROBLEM:

The research, will attempt to identify and examine the problems Nigerian is facing in controlling the influx of illegal aliens into the country and the reasons adduced for the expulsion of illegal immigrants and its impact on regional integration in west Africa sub – region.

Nigeria played a very crucial role in the establishment of the economic community of West African states (ECOWAS). Nigeria also bears a very great burden of sustaining the organization.

ECOWAS was set up to act as a collective forum for addressing the socio-economic problems and developmental priorities of the sub-region.¹³

In an effort to achieve some of the objectives for which ECOWAS was set up the ECOWAS protocol on free movement was formulated.

The protocol on free movement was for movement of persons, was designed to enhance greater interaction among members stated.¹⁴ But it seemingly brought attendant economic and social problems for the country. It made it difficult for members states to mobilize their resources for nation development. citizens of member states can flood any member country, during economic prosperity and leave during periods of economic adversity.

The protocol provides for employment of citizens of members states; but those eligible should be skilled workers. Community citizens namely, drivers, stewards, gardeners and women of easy virtue are not covered by the provision of the protocol and the above constituted a majority of the illegal aliens¹⁵

Majority of the illegal aliens came into the country through - unapproved immigration posts without valid documents. Still others that came with valid documents overstayed the ninety (90) days without approval from the appropriate authorities. Many of these illegal aliens had no visible means of livelihood¹⁵

The pressure for aliens expulsion in 1983 and 1985, originated from the involvement of some community nations from neighbouring countries in religious disturbances, criminal activities including armed robbery and the poor political relationship between Accra and Lagos following the Jerry Rawlings Coup de ta of 1981.¹⁷

The 1983 and 1985 quilt orders generated a lot of public out crying some ECOWAS countries because of the hardship and the limited time given to the aliens to leave the country¹⁸

To adequately carryout the study, the following research questions are intended to guide us:

- (i) What are the root causes of ECOWAS community citizen migration into Nigeria?
- (ii) What are the common causes of the illegal alien influx and phenomenon in Nigeria?
- (iii) What were some of the problems created by the presence of illegal aliens in Nigeria?
- (iv) What efforts has Nigeria made to curtail the influx of aliens across her international boundaries?
- (v) The ECOWAS protocol on free movement of person is it a burden to some member state of ECOWAS ?
- (vi) Did Nigeria violate the ECOWAS protocol on free movement of persons in the expression of illegal aliens in 1983 and 1985?
- (vii) Was the international labour organization, United Nations High commissioner for Refugees and some member states of ECOWAS concerned on the plight of aliens in Nigeria during their expulsion.
- (viii) What are the prospects of controlling, managing or solving the problem created by illegal immigrants in Nigeria?

2 OBJECTIVE OF STUDY:

- (1) To determine whether socio-Economic, religious and political variables are responsible for migration into Nigeria.

- (II) To show how buoyant Economy and factors such as famine, drought, civil war and political instability led to an influx of illegal aliens and refuges into Nigeria.
- (III) To realistically Examine the different problems associated with illegal migrants in Nigeria.
- (IV) To examine the efforts Embarked upon by Nigeria at curtailing the high incidence of illegal migrant into the Country.
- (V) To examine the content of the ECOWAS protocol on free movement of persons whether it has created more problems to some member states of ECOWAS with buoyant Economies.
- (VI) To determine whether Nigeria action in issuing the quit orders amounted to violation of ECOWAS protocol on free movement of persons and international law.
- (VII) To determine what assistance support, and advice illegal aliens in Nigeria, receive from international labour organization, United Nations High commissioners for Refugees and some members states of ECOWAS.
- (VIII) To make a proposal on how to manage the proliferation led cases of the Economic migrants and refugees phenomenon in Nigeria.

1.3 SIGNIFICANCE OF STUDY:

Every research paper, has important generalization in the form of typical observation or highlights.

This ECOWAS protocol on free movement of persons, accords community citizens of ECOWAS visiting any member state to stay for ninety (90) days provided the visitor is in possession of valid travelling documents and international Health certificate.¹⁹ failure of member state of ECOWAS to educate their Nationals on free movement of persons, led to a mass influx of aliens into Nigeria.

The federal Government kept within the rules of Article II of the ECOWAS protocol on free movement of persons, in the expulsion of illegal aliens, but the truth was that, there was a lot of human suffering arising from the expulsion. The quit of regional integration and the pan – African feeling among member states of ECOWAS..

Nigeria business, students and those resident in other western African countries were under the threat of retaliation and subjected to harsh and arbitrary restrictions and denial inspired by xenophobia.²⁰

The hardship experience by the home bound rusting strangers was in the eyes of the federal government, the penalty of illegal aliens paid for

violating Nigeria immigration laws and ECOWAS protocol on free movement of persons. The return of some illegal aliens after the quilt orders is attributed to the vastness and porosity of Nigerian boundaries.

1.4 THEORETICAL FRAMEWORK

Having considered the nature and content of this work, the researcher intends to use the theory, that will vividly attempt to explain the phenomenon of migration in Africa.

Many theories of migration have been propounded to explain why people move. They include, social, political, economic, demographic cultural and communication theories of migration.

This work, will adapt the economic theory of migration, because it best explain why there was unprecedented influx of illegal which by early 1980's had a buoyant economy.

Ravenstein's law of migration, modified by Todaro hold interalia that:

- (a) Migrants who travel long distance will tend to go by preference to one of the greatest centres of commerce and industries.
- (b) There will normally be currents of migration move in which the country's inhabitants move first towards nearby towns and eventually gravitate towards the most rapidly growing cities.

- (c) Economic motive is always predominant in the matrix of factors influencing the decision to migrate.²¹

Also simply stated, as the migration theory of Todaro, holds that:

People generally move from an economy of disincentives to a more favorable economy in terms of job opportunities, high wages, healthier and secured work environment.....²²

Most often such movements are not only internal but they could be intra – sub regional.

William Hence, writing on migration, he declared that,

An excessively high migration rate may result in high unemployment in the destination areas. This high rate of unemployment may have political repercussions inimical to the stability of the country and the adequate use of scarce funds.²³

This clearly implies that, immigration has a negative impact on the destination areas. In the case of Nigeria, aliens workers who came into the country had no qualms about taking on any kind of job. All these aliens were only concerned with making money through all possible means.

Nigeria being essentially a capitalist country, many business owners, felt better dispossess towards employing these aliens, to the detriment of the

local labour force. Lay offs became rampant since employers saw that they could get cheap labour and thus reduce cost.

The influx of aliens caused an economic burden to the country.²⁴ According to encyclopedia Britannica; the influx of millions of persons of different nationalities often of a foreign language and generally of the lower classes would seem to be a danger to the homogeneity of a community.

This supports the point that, immigration is in most cases, of negative effect to the host country.

Thus Nigeria action, by issuing the quit orders or all illegal aliens to leave toward protecting its national interest at home. A mass influx of impoverished outsiders, is almost the last thing any country would want.

1.5 HYPOTHESIS:

This research work is premised on the following hypothetical assumptions:

- (1) Illegal migration in Nigeria is exacerbated by the vastness and porosity of Nigeria boundaries.
- (2) The quit orders notices were issued to Nigeria, for the issues country benefit rather than to other member state of ECOWAS.
- (3) Although the quit orders issued by Nigeria were frowned at by the international community and some member states of ECOWAS,

Nigeria did not contravene ECOWAS protocol on free movement of persons.

- (4) Public opinion on the expulsion of the illegal aliens, was sharply divided amongst Nigerians.

1.6 METHODOLOGY:

The research methodology for this work, is the historical descriptive method which Anikpo called analysis of evidence.²⁶ This approach seeks to critically analyze the factors responsible for migration in West Africa and the impact of immigrants to the host nations. This is because the background knowledge to migration will enable us to assess the causes of migration, which led to an influx of illegal aliens in Nigeria.

(1) PRIMARY SOURCES:

The data for this research, was obtained from two main sources, primary sources. Our primary and secondary sources were oral interviews, carried out with immigration officers, policemen, and custom officers who were involved in the guilt orders. Also, the general public who were employers of illegal aliens and the general public who witnessed the quit orders in 1983 and 1985.

SECONDARY SOURCES:

Our secondary sources data was obtained from government official documents, records, and published work e.g.

- (a) Text books,
- (b) Journals,
- (c) Magazine,
- (d) New papers,
- (e) The Nigerian immigration Act, 1963
- (f) The ECOWAS protocol on free movement of persons, 1979,
- (g) The Nigeria constitution.

Secondary sources of data, are very good, in the sense that, they facilitates independent research. Another advantage of this research method is that, there is no fear of respondents responding without research justification.

1.7 LITERATURE REVIEW:

The study on ECOWAS protocol on free movement of persons and the expulsion of illegal aliens takes economic approach. The literature review of this research will take a socio-economic perspective. The literature review will focus on the following

- (i) Migration

- (ii) Negative effects of migration
- (iii) Economic integration
- (iv) ECOWAS Treaty
- (v) Nigeria immigration Act.
- (i) **MIGRATION:**

Population movement have often been a major feature in African history. The West African sub-region has never been spared of regular migration right from biblical times. The Lebanese migrated to various towns in West Africa from Lebanon and the Arabs also migrated from North Africa, and brought the Islamic religion with them²⁷ Migration in the West African sub – region, is hindered by various sociological and economic obstacles which are operative on the side of the migrants and on the side of the local population. According to Balassa, he pointed out the sociological and psychological factors which restrict immigration he mentioned:

Difference in language, customs, religion, climate, educational, medical, shopping facilities, cooking habits and in general the loss of accustomed environment²⁸

He went further to mention economic factors to include:

Job and wage insecurity, loss of seniority, and inadequate housing facilities of the place of immigration.²⁹

The question often asked by many people, is "why do people migrate to other countries?" The answer often given to such question is "to seek for jobs and make fortunes." The economic factor played a very crucial role towards the influx of illegal aliens into Nigeria from member states of ECOWAS.

In search of a general framework influencing the decision to migrate, Todaro placed emphasis on the following influences.

- (a) Social factors, including the desire of migrants to break way from he traditional constraints of inhibiting rural social structure.
- (b) Physical factors, including climatic and meteorological disaster such as floods, drought and famine which force people to seek alternative living environment.
- (c) Demographic factors, including the reduction in morality rates and the concomitant high rate of rural population densities.
- (d) Cultural factors, including the existence of urban extended family relationship provide initial financial security to new migrants and the attraction of the so-called bright city light.
- (e) Communication factors resulting from improved transportation, urban orientated educational systems, and the modernizing impact of the introduction of radio, television and the cinema.³⁰

Lundberg et al; writing on the reasons for migration indicated that:

Migrant change their residence in order to obtain more or less carefully defined objectives such as relief from poverty, from religious oppression or from racial and political discrimination.³¹

Also trying to justify immigration, Thompson argued that, "allowing people to migrate makes for an easing of population pressure and a better distribution of the world resources."³²

Thompson and Lewis maintained that the presence of a large number of unorganized and poorly paid but industrious migrants did somewhat hasten the industrialization and urbanization of our population.³³

In Bergs view, migrants, labour in West Africa has helped in rapid economic growth and is not the cause of West Africa economic ills.³⁴

Elliot and Franklin emphasized that:

Illegal aliens problems is over – rated.

To them aliens do not deprive local citizens of jobs as is maintained in some quarters. Instead, they are found taking up jobs which the indigenes refused to take for example dish washing, garbage collection, mortuary attendants, digging of graves.³⁵

(ii) **NEGATIVE EFFECTS OF MIGRATION:**

In direct contrast with the positive school, there are some writers who believe that immigration has adverse effects on the host country. According to Samir Amin, he posited that:

Although there is the possibility of an export – oriented economy being established as a result of this availability of more migrants labour, an important concomitant of migration has been, the increase in unemployment²⁸

This point is further buttressed by the United States immigration services which stated in its report that:

Immigration produced over-supply of unskilled labour with resultant reduction of wages and lowering of the standard of living³⁹

The report went further to allege that, the natives workers were displaced from occupation that were formerly theirs and that the immigrants lived in unsanitary slums.

Fairchild is of the contention that:

When aliens come in, they take up jobs meant for the indigenes to take less pay, they tend to underbid the natives in the labour market especially when the aliens can do the same job at less cost to the employer.

By so doing the potential advantage according to the natives in terms of getting profitable jobs in new projects is completely neutralized⁴⁰

In view of the above, immigrations is detrimental to the host country and went further to state that:

Immigration has increased crime rate in most of the cities where these aliens reside.⁴¹

This to him, is a result of economic and social maladjustment to the new society. Leiner pointed out that, a vast number of immigrants tend to produce unfavourable balance of payment.

Most often they are responsible for inflation in the country⁴²

Bruce - chwatt in his own analysis notes that, here many of the immigrants are drawn to areas of large scale technological projects such as road construction. To him which diseases may be controlled initially such control cannot be guaranteed after the end of construction work⁴³

(iii) ECONOMIC INTEGRATION;

The term economic integration does not have such clear – cut meaning in the economic literature. Some authors include social integration in the concept and others assumed different forms of international co-operation under this heading.

According to Balassa, he defined economic integration as:

A process and a state of affairs which encompasses measures designed to abolish discrimination between economic units belonging to different national states or the absence of various forms of discrimination between national economic⁴⁴

Balassa made a distinction between integration and cooperation. In expressing this distinction he stated that:

Whereas cooperation includes actions aimed at lessening discrimination the process of economic integration comprises measures that entail the suppression of some forms of discrimination.⁴⁵

Balassa, gave the example that, international agreements on polices belong to the area of international cooperation, while the removal of trade barriers is an act of economic integration.

Economic integration as defined hereby Balassa, can take several forms that represents varying degrees of integration which are:

- (i) Free trade Area
- (ii) A custom union
- (iii) A common market
- (iv) An economic union
- (v) A complete economic integration

Edozien, and Osagie in their book "Economic integration of West Africa" explained economic integration as follows:

- (a) Free trade area: This aims at the abolition of tariff and quantitative trade restrictions in the area, but leaves each nation still in control of its tariffs against countries outside the free – trade area.
- (b) Custom union: In addition to all the aims of free – trade area, the custom union further agrees to equalize tariffs against outsiders.
- (c) Common market: The aim of the common market include those of the customs union as well as further agreement to remove most factor movement restrictions among member states.
- (d) Economic union: This frees factors and commodity movement while further envisaging some harmonization of national economic policies.

- (e) Total economic unification: This aims at the unification of monetary, fiscal, social and counter – cyclical policies under the supervision of a supranational organization⁴⁶

Edozie and Osagie, commenting on the above varying degrees of integration asserted that viewed in the light of this ranking system, it becomes clear that each type of economic integrative of a differential level of political commitment.

(iv) **ECONOMIC TREATY:**

Ebiefie in his work titled, "Central provisions of the treaty of ECOWAS" summarized ECOWAS treaty, that aimed toward regional integration⁴⁷ He started with the fact that the ECOWAS treaty contains sixty – four articles arranged into fourteen (14) chapters and has its central aim:

The creation of economic community of West Africa states in which free trade and free mobility of labour and skill would enhance development enhancing agriculture industries, transport and communication and training of skills⁴⁸

Going serially from chapter to chapter, Ebiefie noted that, chapter one of the treaty spells out its aim and objectives, the second chapter embracing

Articles 5 to 12, contains details of the establishment, composition and functions of the four institutions of the community and such institution are:

- (a) The authority of Heads of states and Governments
- (b) The council of ministers
- (c) The executive secretariat with an executive secretary, two deputy secretaries, financial controller and other officers of the secretariat;
- (d) The Tribunal of the community.

Ebiefie went further to mention that, chapter Eight (8) covers customs and trade matters and various issues relating to trade are covered. Article 12 covers Liberalization of trade, while customs duties, common customs tariff, community tariff agreement and direction of trade are covered in Article 13 to 16. In Article 17 to 26, the following issues are treated, revenue duties and internal taxation quantitative restriction on community goods, dumping other trade matters.

Ebiefie reminds us that, the treaty also covers movement of people, service, and capital.

The members state are to undertake to abolish obstacles to free movement.

(v) **NIGERIA IMMIGRATION ACT:**

In Nigeria the control of migration started during the colonial Era. The control of immigrants fell into the hands of Nigerian immigration services in 1963⁴⁹

The Nigeria immigration Act of 1963, is divided into four (4) broad parts, with fifty two(52) sections. Part 1 has 16 sections section, 1 – 4 deal with person liable to examination, stating among other things that:

Nothing in these sections shall be construed to prohibit entry of any person who satisfies an immigration officer as to his identity as a citizen of Nigeria or as the holder of a valid travel document..

In addition to it, it was stated that:

It shall be the duty of every person entering Nigeria or leaving Nigeria to report to an immigration officer for examination, and to furnish such information in his possession as that officer may reasonably require for the purpose of this act.

Section 4 – 6 deal with production on travel documents, appointment of immigration officer and appointment of medical inspectors and others.

Inter alia, it states that, no person whether in possession of a travel document or not who is a prohibited immigrant shall enter Nigeria without the consent of the minister. Section 7 – 10 of the Act focus on the power of immigration officer to refuse entry, entry for business purpose, residence permit control of visitors and transit passengers.

On condition that one is a prohibited or illegal immigrant, immigration officer has the power to refuse him or her entry into Nigeria, unless the minister in any case other wise directs.

Section 11 – 13 deals with the power of the minister to exempt any person or class of persons from certain entry and departure requirements it also empower immigration officers or medical inspectors to boardship etc. for the purpose of inspection. Section 14 – 15 particularly state that, where any ship of air craft land by sea or air in Nigeria elsewhere than recognized port, the master of the ship or air craft shall report to the nearest immigration officer, and no person on board shall leave the ship or air craft without the authority of an immigrant officer.

Part 11 of the Act has 8 sections with its central theme as deportation. This part starts section 17 which broadly describes and categories who prohibited immigrants are:

Any person within any of the following classes shall be deemed to be prohibited immigrants and liable to be refused admission into Nigeria or to be deported as the case maybe, that is to say:

- (a) Any person who is without visible means of support or is likely to become a public charge.
- (b) Any idiot, insane person, or person suffering from any other mental disorder.
- (c) Any person whose admission would be in the opinion of a minister of state be contrary to the interest of national security, any person against whom an order of deportation from Nigeria is inforce.
- (d) Any person convicted in any country of any crime wherever committed, which is an extradition crime within the provision of the extradition Act.
- (e) Any person who:
 - (i) Has not in his possession a valid passport.
 - (ii) being a person under the age of sixteen years has not in his possession a valid passport or is unaccompanied by an adult or whose valid passport particulars of such person appears

- (f) any prostitute;
- (g) any person who is or has been:
- (i) a brothel keeper;
- (ii) a householder permitting the defilement of young girl on his premises
- (iii) a person allowing a person under thirteen years of age to be in a brothel;
- (iv) a person causing or encouraging the reduction or prostitution of a girl under thirteen years of age;
- (v) a person trading in prostitution or
- (vi) a procurer.

Section 18 – 24 deals with deportation order recommended by court removal of person subjected to deportation order. Part III of the Act which has four sections centres on control of membership and stowaways. Part IV of the Act contains 23 sections that deal with determination of nationality of persons in special cases, general provisions as to detained persons and power of the minister to abolish permits in certain cases.

Here the minister has the power to abolish visa requirement for certain countries.

On employment of immigrants, section 33 (1) has it that:

Where any person in Nigeria is desirous of employing a person who is national of any other country he shall unless exempted under this section, make application to the chief federal immigration officer in such a manner as may be prescribed...

In addition, it is stated that the Director of immigration has right to revoke or change residence or any other permit given to an immigrant and that, immigration officers may refuse departure of all persons except those with lawful immunity. The Nigerian immigration Acts, concludes by stating that, "nothing in this Act shall be construed to prohibit an immigration officer from refusing entry into Nigeria of any person not a citizen of Nigeria it appears to the immigration officer:

- (a) that person concerned is a prohibited immigrant, or
- (b) that where a visa is required, such a person has no current visa, or
- (c) That where a residence permit is required as a condition of entry it has not been obtained or
- (d) On the advice of a medical inspector it is undesirable for medical reasons to admit such a person.

The signing into effect of the ECOWAS protocol on free movement of persons in 1979, brought about the violation of Nigeria immigration law, despite the provision in the protocol that members countries immigration laws should be respected. Nigeria being relatively better economically in the 70's and early 80's than any other member state of ECOWAS witnessed great human movement of aliens from neighboring states who contravened the Nigeria immigration Act of 1963, which clearly spells out the process and procedures for foreign entry into Nigeria⁵⁰

The second category of our literature will provide the theoretical foundations for our analysis as a way of moving official posturing on the subject of study. In their book "Attempts at economic integration in Developing countries,"⁵¹ Johann and Johann asserted that underdeveloped countries should look less toward the advance countries of the West to automatically wipe away their underdevelopment. Rather, the salvation of developing countries lay in their own hands. They have to put in more effective efforts to achieve meaningful development.

Johann and Johann proposed "joint Action" as the only solution to the serious economic and political problems facing the underdeveloped countries of the world. The more they rely on the industrialized west for

solutions, the wider the gap between the West and less developed countries. This is a good proposal though it lacks specificity to west Africa problems.

Kwameh Nkrumah traced the problems of development in Africa to the colonial partitioning of the continent into virtual fragments leaving them with minimal resources and manpower to sustain their development. For this reason, African countries even after independence continued to identify with and depend excessively on their former colonial lords for development, thus culminating in neo – colonialism. As a way out, he suggested that African countries stand together politically and form an integrated economic programme. All these Nkrumah put forward in his book, "Neo – colonialism: the last stage of imperialism"⁵². This undue attachment to former colonial rulers appear more noticeable with former French colonies of west Africa. It obviously delayed the birth of ECOWAS and still impedes its progress.

Writing in his book "African integration and disintegration: A study in Regional integration"⁵³ Arthur Hazlewood examines the East African common market which he said is greater than any of the countries alone and so much more attractive to manufacturing companies than individual national markets. Collective bargaining will therefore be useful and appropriate.

Claude Ake follows same line of thought in his book "A political economy of Africa"⁵⁴ He posited that regional integration in Africa is needed to give African countries the strength to negotiate with powerful multinational cooperation (MNCs) and other regional bodies (like EEC) and to exact better and favorable terms from their economic and markets are generally too small and require co - operation and integration to expand them and create room for industrialization.

This can apply to West Africa with a combined population of over 150 million and adequate human and natural resources. Furthermore, Nicholas Plessz in "problem and prospects of economic integration in West Africa" acknowledged the several economic, political and socio-cultural difficulties encountered in integrating the west African sub - region.⁵⁵ He pointed two conditions necessary for true economic integration to take place. These are ways and means of enabling more handicapped countries derived some benefits from integrated industrial development, and secondly that integration in agricultural development and industrial field must proceed hand - in - hand.

However, the issue of over dependence of West Africa on western capital is not seriously considered.

"Readings and Documents on ECOWAS" was edited by Akinyemi, Falegan and Aluko.⁵⁶ They examined the history problems and prospects of various aspects of the ECOWAS Treaty. The book comprised selected discussion papers from the 1976 ECOWAS conference. Coming just a year after the ECOWAS Treaty, the papers were full of projections. Moreover, much time has lapsed, since then no new data and events render the book somehow obsolete.

Edited by Edozien and Osagie, "Economic integration of West Africa before and after integration.

An interesting section deals with the relation between ECOWAS and the EEC. They advocate the implementation of ECOWAS Treaty to be compatible with the implementation of lome convention, provision for the creation of satellite preference area in relation to the EEC. It may sound a liberal approach but links with the European union must be de-emphasized if purposeful integration is to be achieved and to lesson the imperialistic double of the EU.

Ralph Onwuka look up the case of ECOWAS in his book "Development and integration in West Africa, the case of ECOWAS" after analyzing other international institutions and groupings that proceeded ECOWAS as being bleak and unpredic table.⁵⁸

In his work "Nigeria and Regionalism in Africa"⁵⁹ Omotayo Olaiyan analyzed the setting to regionalism in Africa; the post colonial legacy of artificial national borders between peoples of similar culture which left the newly independent states embodied in intra – national and international ethnic conflicts, if regional integration is encouraged and sustained. Besides, most African economics were underdeveloped and basic infrastructure was lacking in some areas.

Global recession which hit Africa below the belt provided the need for regionalism.

Olaniyan also examined the theoretical under pinning for regionalism. He critically examined the functionalist theory, Neo-functionalism and the communication theory.

On ECOWAS, he underlined the paucity of political will and support as thee most potent of factors impeding the progress of ECOWAS.

He said ".....regional integration without political support stagnates".

In an article by Okon Vdokang titled "Nigeria and ECOWAS: Economic and political implication of Regional integration"⁶⁰ regionalism is seen to be a political device designed specifically to supplement the conventional bilateral treaty relations as an accepted diplomatic framework for international co-operation of a restricted nature. The inclination towards

regionalism is conceded to be one of the features of contemporary international system. Functional and Geographical criteria, including ideological and security needs could be the back bone of regionality. We have as examples the North Atlantic Treaty organization (NATO) and former COMECON in Eastern Europe. Generally, Vdokang saw integration as a framework of strategy to achieve Economic development and self-reliance.

"The Actors in African international politics" is an article authored by Timothy Shawen 1979⁶¹

He cited ECOWAS as one of the Earliest Trans-regional organizations in West Africa created to overcome the problems of post-independence poverty West African countries found themselves with. Regional integration in Africa is a characteristics response to poverty, and the organizations cover political, social and economic issues. The problems of integration accordance to Shaw include inequality among member-states, ethnic irredentism, ideological differences as well as the activities of trans national corporations. The way out, he recommended, was disengagement from global capitalist system and a resort to socialism.

With the fall of socialist countries however, this would be a tall order. Event seem to have overtaken his propositions.

Domenico Mazzeo edited the book "African Regional organizations in 1984"⁶² and asserted that inspite of her generous population, Africa is the most balkanized which has left her economically and militarily weak and dependent on their former colonial masters. Self reliance and development, however could be attained through regionalism.

Harmonization required in regionalism is the major function of politics in general and regional co-operation in particular.

Ray Ofoegbu equally contributed on the issue of regional integration as a course to development. To him, the essence of regional integration is to create a continental African government, to eliminate foreign economic exploitation of Africa and eradicate Africa's technological backwardness especially within the sub-regional organizations, one of which is ECOWAS. African inter-state relations have contributed to the decolonization of the sub-regions and injected a spirit of oneness and unity which has spilled over into the creation of ECOWAS.²⁰

Furthermore, Green and Seidman⁶³ argue that to achieve economic reconstruction and collective development necessary to the needs, aspirations and demands of the people of Africa, a sustained shift to continental and sub regional planning is the only way. This will increasingly unite the resources, markets and capital of the regions in Africa into one

powerful economic unit. The snag here however, is that Green and Seidman gave as prerequisite to effective integration, the equality in economic size of member states such a condition hardly obtains in West Africa.

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CHAPTER TWO

CRITICAL EXAMINATION OF ECOWAS TREATY

2.1 PROVISION OF THE TREATY

The ECOWAS Treaty signed in May, 1975, formally came into effect on June 23, 1975, when the required minimum of seven member states had ratified it.

Given the purposes for which ECOWAS was set up, the treaty that established it contains certain provisions considered adequate to promote those aims and purposes.

The Treaty has fourteen chapters, comprising sixty five articles.

Chapter I is entitled principles and contains Articles 1-3. It Enunciate the aims and objectives of ECOWAS, including the need to promote co-operation and development in all fields of Economic activity for the purpose of raising the standard of living of the people, fostering closer relation among members and contribute to the development of Africa.

The aims stated therein, show that West African countries do not wish to jeopardise their political independence, at least in immediate future, hence, the focus on Economic Co-operation and development. However, movement towards Economic integration requires certain decision to be taken by authorities which transcend national boundaries. Increasing

commitment to such decision will in the course of time generate closer political socio-cultural ties that will in turn reinforce the integration scheme itself and probably end in an Eventual political union.

Chapter II comprises Articles 4-11 which outline the institutions that will run the Affairs of the community, including their specific functions and scope of operation the institution or organs are the Authority of Heads of states and Government the council of ministers, the Executive secretarial and Tribunal of the community. There are also four (now six) commission of the community to cover all stipulated areas of integration. These institutions which form the framework for integration are critically analysed later in this chapter.

Chapter III has Articles 12-26 and deals with customs and trade matters. This chapter together with chapter IV (freedom of movement and Residence); chapter V (Industrial Development and Harmonization); chapter VI (operation in Agriculture and Natural Resources); and chapter VII (infrastructural links in the fields of transport and communications) are discussed in detail in the subsequent chapter of this work

Chapter VIII is Entitled Co-operation in monetary and financial matters, and contains Articles 36-39. The trade, customs, immigration, monetary and payments commission is given the task of harmonising

Economic and fiscal policies, and paying attention to the maintenance of a balance of payment Equilibrium in member states, as well as make recommendations for the progressive establishment of bilateral, then multilateral system of settling accounts in the sub-region. A committee of West African Central banks is provided for, comprising the Governors of Central Banks of members states. It is to harmonise the clearing system of payments and other monetary issues in the community. Article 39 Establishes a capital issues committee charged with achieving mobility of capital and Ensuring Easier purchase and quotation stocks/shares and their prices in member states.

It is also to seek to harmonise the interest rates on loans within the community to facilitate investment of capital across national boundaries.

If integration were to proceed smoothly according to the provision of the this chapter there shall emerge a West African monetary Union, probably leading ultimately to a common ECOWAS currency.

Prior to independence, British West African protectorate had the West Africa currency Board using the sterling Exchange standard-while many of their French counter parts still use the "Colonies franchises d'Afrique" (CFA) as their currencies. The anglophone nations and few of the Francophone nations now have individual currencies. A West African

Monetary Union would harmonise these currencies and reduce the dependence on France in the Francophone countries. The first steps towards a monetary union would include the relaxation of colonial type monetary links with European nations and forging new ones among ECOWAS countries, that is if mutual suspicions bordering on political sovereignty of member states would allow that³.

While an increase in intra-regional trade (trade liberalisation) would facilitate a monetary union⁴, a special clearing arrangement within the community is also suggested⁵. Osagie equally proposes the use of one of the community currencies or the creation of a new West African currency as an alternative route to monetary integration in West Africa⁶. Right now, the date for a common monetary union in West Africa has been set by ECOWAS leaders as the year 2005.

Understandably, currency unification would make easier the overcoming of imperfection in commodity and factor movements, and capital movements as well as problems of balance of payments in intra-union trade. However, currency union is an advanced form of integration requiring a consideration of formidable obstacles which might impede it⁷. The ECOWAS Bank (ECOBANK) is already in place.

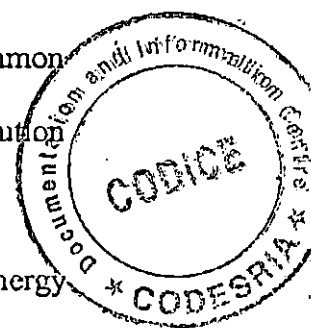
Chapter IX: Energy and Mineral Resources (Article 48)

Cooperation in these area are to be taken care by the Transport, Telecommunication and Energy commission which would co-ordinate the policies and activities of member states and submit recommendations to the council of ministers. To further this task, member state in paragraph 2 of Article 48 pledge to harmonise their energy and mineral resources policies, Exchange information on the results of research being carried out; plan joint programmes for training technicians and personnel; and formulate a common energy and mineral policy especially in the fields of production, distribution of energy, research, production and processing of mineral resources”⁸

West Africa is well endowed with mineral resources and energy potentials, so it is not surprising that attention should be paid to these.

At about the time the ECOWAS Treaty was signed, Africa accounted for over 60% of world production of gold, the bulk (Less South Africa coming from West Africa) 96% of world diamond production also come from Africa with the bulk from West Africa (outside the Congo).

Almost the same trend is seen in the production of manganese, Iron ore and petroleum among others⁹. Nigerian economy revolved on petroleum then, and still does. Energy potentials are these were being wasted due to insufficient technology know-how. Ghana's Akosombo dam project and Tema refinery were operating below capacity. Illegal trade and smuggling



are also hindering full utilisation of mineral resources. It is hope all these could be tackled through joint action of member of ECOWAS¹⁰.

Chapter X; social and cultural matters, (Article 49). This provision of the ECOWAS Treaty simply states that "subject to any directions that may be given by the council of ministers, the social and cultural Affairs commission shall examine the ways of increasing social and of cultural among member states and of developing them, provide a forum for consultation generally on social and cultural matters affecting the member states and make recommendation to the council of ministers"¹¹.

A tribal map of Africa would show that West Africa is apparently the most heterogeneous¹²

Local feelings based on language and culture are great. A lingua franca which might have served as a sort of unifying factor has left the region polarised along Franco phone and anglophone lines.

ECOWAS leaders realise that economic co-operation and integration should go hand in hand with social interaction. Interactions in terms of sporting activities, educational programmes and tours, cultural and performing arts festivals and tourism do go on both under the auspices of ECOWAS and private initiatives. It is hoped that the treaty provisions on

free movement of community citizens and subsequent protocol to that effect would further promote social and cultural co-operation.

Chapter XI provides for the establishment of a fund for co-operation; compensation and Development (Articles 50-52)¹³ The fund shall derive resources from contribution of member states, income from community enterprises, receipts from bilateral, multilateral and other foreign sources, and subsidies and contribution of all kinds from all sources.

These are to be used to finance projects in member states, provide compensation to members states for losses resulting in location of community enterprises, guarantee foreign investment made in member states and help develop the less developed member states.¹⁴

Uka Ezenwa suggests that the fund could serve as a functional institution in redistributing the benefits of customs union evenly, and offsetting the "losses" of poorer member states through a form of compensatory tax he calls "offsetting tax" (OT)¹⁵

There is need to strengthen the financial base of this fund. Its authorized capital is \$ 500m with about \$ 70m paid up (as at October, 1994). Its decision to enter into co-financing agreement with African Development bank and Islamic investment Bank is welcome.

Financial resources can also be increased by opening up its capital to participants and operators outside the region.

The need for more financial resources is felt more now given the participation of the fund in the ECOWAS economic recovery programmes,(ERP). However, problem arises from uncollected arrears of capital contributions from member states.

Moreover, few if any of the new projects proposed for funding under the ERP have any close connection with integration. Some are infact projects which due to inadequate justification cannot be financed through other established channels open to member states¹⁶ It is therefore essential that the funds participation in national projects not jeopardised the purpose of ECOWAS – regional integration.

Chapter XII: Financial provisions (Article53-55); deals with the budget of ECOWAS. It provides that all expenditure except those of he fund for co-operation, compensation and Development shall be chargeable to the budget, the annual budget shall derive funds from annual contribution of member states and such other resources as may be determined by the council of ministers¹⁷

As not unexpected, however, the non fulfillment of these monetary obligation by member states has been observed and has become a major

problem of the community. Under the revised treaty of 1993, the community is expected to receive revenue from a community tax based on the total value of imports from member countries. Nigeria alone contributes over a third of the budget. The ECOWAS budget for 1996 amount to.

Chapter XIII: Settlement of Disputes. This takes care of settlement of disputes between member states on issues regarding the interpretation and application of the ECOWAS Treaty. This is to be done by a Tribunal of the community, to which such disputes should be referred. The decision of the Tribunal shall be final! The implication of the above is that member states are free not go to the tribunal on issues not covered by the treaty, even if economic²⁰ This leaves open the issue to general conflict resolution in the sub-region. How can inter-state conflicts which fall outside the jurisdiction of the tribunal be resolved? Should the jurisdiction of the tribunal be widened and its powers strengthened? Anyway, the revised Treaty (1993) envisages the establishment of an ECOWAS court of appeal to replace the tribunal.

Chapter XIV: General and final provisions (Article 57-65) included here is the provision for official language of the community which shall be French and English and any such African language declared official by the authority of Heads of state and government²¹. Presently no African language

has been added and it is doubtful if any would be in the near future given the ethnic or tribal rivalries in the region.

Article 59 grants member countries the leeway to retain or enter into other bilateral and or/multilateral associations and agreement within or outside the community provided their membership thence do not derogate from the terms of ECOWAS treaty²² Some of these associations like the CEAD are however detracting from the smooth progress of ECOWAS.

Article 60 grants diplomatic privileges and immunities to ECOWAS officials in member states. This is quite appropriate. Article 61 provides for the appointment of the executive secretary by the Authority. The Authority will give him directions as well as to their subordinate institutions as may be necessary for expeditions and effective implementations of the treaty. Ratification of the treaty is by a minimum of seven member states and it enters into force. Even within this low number, protocols of the community still take too long to be ratified and enforced.

Proposal for amendments or revisions o the treaty are to be considered by the Authority, while withdrawal requires one year's notice²³

Generally, the provisions of the treaty are laudable. According to Ezenwa, the ECOWAS Treaty is an "ambitious documents but also a determine alone"²⁴

2.2 PROVISION OF THE PROTOCOL ON FREE MOVEMENT OF PERSONS.

The treaty of Lagos, established the ECOWAS on May, 29, 1975. This was preceded by the signing of the ECOWAS protocol on free movement of persons on May 27th 1999 in Dakar, Senegal. The protocol is:

.... a programme of action for the achievement of on of the community aims (free movement of persons, goods and services) which is to be carried out in three phases within fifteen (15) years²⁵

the legal basis for the freedom of movement is provided by article 27 of the treaty of ECOWAS, which calls for the provision of free mobility of citizens of the community. It also enjoins that, all obstacles to their free movement and residence be swept away. The general principle on movement of persons of the protocol have it that:

any citizen of the community (ECOWAS) who wishes to enter the territory of any other member state shall be required to posses valid travel document and an international health certificate.

The protocol goes further to state that:

a citizen of the community visiting any member state for a period not exceeding ninety (90) days shall enter the territory of the member state through the official entry points free of visa requirements. Such a citizen shall however be required to obtain permission for an extension of stay from the appropriate authority if after such entry that citizens has cause to stay for more than ninety (90) days.

On the other hand all community citizens are supposed to enter any member states through official boarder points, in order to help the host nation to supervise their entry and exit by immigration personnel. Failure by any community citizen to adhere to the above conditions automatically disqualifies him from benefiting the protocol provisions.

Following from what has been said above, compliance of the protocol by community citizens does imply an automatic right of e entry into any member state. Article four (4) of the protocol clearly state that:

Members shall reserve the right to refuse admission into their territory any community citizen who comes within the

category of in admissible immigrants
under its laws.

The determination of who fails under the category of "inadmissible immigrants" is a matter of discretion of the members state. The protocol treaty, still reserves a measure of this sovereign right to expel aliens at will.

The prohibition of discrimination on the grounds of nationality between the community citizens, is the central feature of the protocol on free movement of persons.

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CHAPTER 3

ECOWAS AND CITIZENSHIP

3.1 CONCEPT OF COMMUNITY CITIZENS:-

Article 27(1) of the ECOWAS Treaty, to which Nigeria is a founding member, defines ECOWAS citizens as, any person who is a citizen of any member state of the Community.

Similarly, the protocol relating to free movement of persons, states that,

Any person who is a citizen of any member state of the Community will automatically become a Community citizen.

It is therefore, refreshing to note that each member state of the ECOWAS, has its criteria of confirmation of citizenship on its citizen.

In Nigeria, citizenship may be acquired by:

- (1) Birth
- (2) Registration
- (3) Naturalisation

Nonetheless, most of the ECOWAS Community Citizen acquire their citizenship by birth.

3.2 STATUS OF A COMMUNITY CITIZENS: ..

Community citizens, have preferential right of entry into any member state of ECOWAS,

They are exempted from visa requirements but they must be in possession of a valid travel document establishing his identity as a community citizens. All community citizens should not face within the category of inadmissible and prohibited as approved by the immigration Act of 1963. If any community citizen falls within the category of inadmissible and prohibited immigrant, he would be liable to refusal of entry or deportation.

For example, a community citizen deported from Guinea Bissau, Ghana, Niger, Senegal, Mali for being undesirable person, may be refused entry into Nigeria.

The lawfully admitted community citizen, has a higher status with regards to rights of entry, residence and establishment, in comparison to other aliens coming from non ECOWAS countries. But their status is obviously not the same as the citizens of the state of residence. The difference is that, they have no political right nor can they be voted into any political position. To sum up, the current federal Government policy, allows community citizens to visit Nigeria without visa requirements provided such person meet up with the following requirement.

- (1) Shall enter the country through recognized port of entry
- (2) Shall tender valid travel documents
- (3) Shall not reside in the country for more than ninety (90) days, unless his or her stay has been extended by competent immigration authorities.
- (4) Shall submit to the local authorities, including the immigration laws of the host country.

The above stated requirements is to prevent the entry of morally and socially undesirable elements into Nigeria.

3.3 WHO IS AN ILLEGAL ALIEN:

An alien can be defined as a non-citizen who seeks to reside in another country in breach of that country immigration laws¹. In Nigeria immigrants can be classified as illegal aliens when they:

- (1) Enter the country through unauthorized points of entry, while avoiding immigration formalities
- (2) When they accept employment without formal approval from higher authorities, contrary to section 8 (1) of the Nigeria immigration Act of, 1963.

A community citizen, becomes an illegal alien when the citizen fails to conform to the provision of the protocol relating to entry namely:

- (1) When he enters member state of ECOWAS without travel documents, through an entry points or stays beyond ninety (90) days without authorization from the immigration officials.

Article four(4) of the protocol empowers member state to refuse entry of an inadmissible community citizen as determined by the laws of the entering state. Any alien who falls under the above category is liable to be expelled, thus the 1983 and 1985 quit orders were directed towards such illegal aliens.

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CHAPTER FOUR

ECOWAS AND ILLEGAL MIGRATION.

THE NIGERIA EXPERIENCE

4:1

NATURE OF NIGERIAN BOUNDARIES

Nigeria international boundaries are artificial creation of the 1884 -85 Berlin West African Conference. the Nigerian borders cover a distance of approximately 3,900km East, West, and North, Excluding 420 Nautical Miles of Coastal Waters¹. Nigeria shares her international borders to the north each with the Republic of Nigeria, Chad and Cameroon.

To the north - west with the Republic of Benin and Niger Republic, and to the East with the Republic of Cameroon². the Berlin West African Conference, of 1884-85, paid very little attention to the Ethnic and cultural groups living along the Nigerian borders during the demarcation of boundaries between Nigeria and her neighbours³.

For Example, in the Hausa, were divided into two groups one group in Niger Republic and the other in Nigeria. The Kanuri, were also divided into two, one group in the Republic of Chad and the other in Nigeria and the Yoruba are found both in Nigeria and Republic of Benin. These Ethnic groups regard themselves to be of the same

Ethnic affiliations as such pay very little attention to in migration for malities and time they are traveling to visit their relations in Nigeria⁴.

Secondly, it is believed that, there're more than four hundred (400) illegal routes into Nigeria, from the Sub-Sharan region into Sokoto, Kastina, Kaduna, and Borno State.

Majority of the nationals of Niger; chad, Benin and Cameroon, hardly pass through official entry 60 points while entering into Nigeria.

It is therefore, refreshing to note that the vastness, Extensiveness and the porous nature of Nigerian boarder makes it easier for illegal aliens to infiltrate into Nigeria.

4.2 BOARDER SECURITY:

Inefficient boarder personnel namely immigration police and customs, to patrol the Nigeria borders, due to lack of equipment and vehicles, has made it, Easier for illegal aliens to enter freely, without any hindrance⁵.

These problems are further Exacerbated by the fact that, the boarder personnel Eatrusted to keep borders tend to become susceptible to bribery and corruption⁶.

Nonetheless it is a known fact that most of these illegal aliens who , flock into Nigeria, bribed these immigration officers to be allowed entry into Nigeria⁷.

4.3 THE QUIT ORDERS IN NIGERIA, 1983 AND 1985:

The influx of Community citizens into Nigeria, contributed to both social and political problems in the country. A number of aliens were involved in religious incitement, armed robbery, Smuggling Naira, trafficking, prostitution etc.

It is actually wrong at this juncture to conclude that, all the above mentioned crimes were the hand work of aliens, but the truth is that, aliens were some how linked to some of these crimes⁸. To support this assertion, the Black Maria tragedy of March 3, 1980 in Lagos clearly show that, half of the suspected coronals who suffocated and died while being converged to the high court in the Black Maria vehicle were foreigners⁹.

The issuance of the quit orders in 1983 and 1985, can also be seer as a retaliation action by the federal government against previous expulsion of Nigerians in Gabon, Ghana Equatorial Guinea and Cameroon in the past year⁶⁷.

The first quit orders in Nigeria, were issued under the civilian regime of Alhaji Shehu shagari in January 1983. According to former

minister of internal Affairs, Alhaji A Baba he was of the contention that.

Nigeria had recorded a massive influse of aliens especially form ECOWAS countries who had come in without travel documents. Thousands of them were roaming the streets in various towns of the federation, and had also taken up employment illegally in contravention of section 8 (1) of the Nigerians immigration Act of 1963.¹⁰

According to figures from the ministry of international Affairs, there was an estimated of two million aliens resident in Nigerian by 1983¹¹.

The quit orders issued by the federal government, had it that, "all illegal aliens should leave the country by 7th February 1983¹²." On expiration of this date, immigration officers and the police were ordered to flush out all illegal aliens still in the country.

The second quit orders was issued by major general Mohammed Magoro, who was by then Minister internal affairs, under the regime of General Buhari, on April, 15th 1985, this quit order stated that:

the orders concerned only those who were not gainfully employed and those working living without authorization in Nigeria".

Unlike the quit orders of 1983, the quit orders of 1985, gave an option to all aliens either to regularize their stay or go home as an alternative. The mechanism used in the expulsion of illegal aliens in 1983 and 1985, were almost the same. There was constant raids by members of the police and immigration, on brothels, hotels, abandoned and uncompleted buildings, motor park construction sites, rail way terminals markets hair saloons and along major streets, to flush out all illegal aliens.

Any illegal alien arrested was either deported back or sent to the transit camps and Police cells.

The 1983, quit orders was peaceful while that, of 1985 was characterized by violent riots¹³. In 1985, the Nigerian boarders were closed and the aliens had two options either to go by air or by sea¹⁴. complications arose because while Nigeria opened her own boarders, the Republic of Togo, Benin, Niger and Cameroon refused to open their sides of the boarder, for fear of aliens of different nationalities setting in their countries¹⁵

Ghana closed her boarders because she thought that, Nigerian government quit orders, were aimed at infiltrating Ghana with mercenaries to overthrow the government¹⁶ All the transit camps of Murtala Mohammed

Air port Ikeja, were about, 2500 stranded aliens were being camped they went on rampage at the airport¹⁷ The aliens wrecked cars, beat up people, burnt the airport communication center and power house. They damaged. Everything in sight.

This was because the government refuse to open the boarder, in order to allow them to go. Later Nigeria agreed to open her boarders, of which land sea, and air was used to send the aliens back to their respective we countries. Also some private spirited businessmen provided lorries and trailers to transport the aliens free of charge. This supplement government efforts on transportation for he aliens.

According to figures from the Nigeria immigration office, it is estimated that, about 700,000 illegal aliens were present in the country by 1985. The estimated number of aliens that left on their own was 62,673.

Those evacuated by government was 92,086. Thus the total number of illegal aliens that left Nigeria was 154,771¹⁷

The data of aliens expulsion in 1985, by availability were as follows that of 1983 is not available.

NAME OF COUNTRY.....	NO	OF	ALIENS
EXPULLED			
Ghana	50,442		

Niger ..	..	..	37,508
Chad ..	..	..	18,650
Togo ..	..	..	15,383
Benin ..	..	..	12,227
Mali ..	..	..	6,387
Cameroon	..	..	6035
Burkina Faso	..	..	76
Mauritania	..	..	37
Guinea	..	..	30
Senegal	..	..	29
Gambia	..	..	20
Sudan	..	..	19
Central African Republic	..	..	1
Equatorial Guinea	..	..	14
Congo	..	..	1
Cote de I' Voire	..	..	14
Libya	..	..	7,814
Sierra Leone	..	..	48
Liberia	..	..	23
Zaire	..	..	12

Uganda	..	..	1
Lebanon	..	..	3
Zimbabwe	..	..	2
Netherlands	..	..	1
Sri Lanka	..	..	1
Total	..	..	154,771

Source: Report on quit orders situation on illegal aliens from 15th April to 7th June 1985, immigration office, Lagos.

Therefore the total number of illegal aliens who went into hiding or refused to leave the country as at 7th June 1985 was 545,239.

With the above figures, one can say that, the ejection of the aliens, was not successful since not even up to half of the total number of aliens were expected. However, the above number cannot be said to be accurate since there are more than one thousand, five hundred (1,500) illegal pathways through which one can leave the country without being recorded.

4.4 EFFECTS OF THE QUIT ORDERS ON ECOWAS AND NIGERIAN EXPERIENCE

The question at stake is to find out whether the quit orders affected the objectives of ECOWAS. It has clearly been stated in the treaty of ECOWAS, that the aim of the ECOWAS treaty is to:

Promote co-operation and development in all fields of economic activity particularly in the fields of industry, transport, telecommunication, energy, agriculture, natural resources, commerce for the purpose of raising the standard of living of its people...¹⁸

It is always difficult to assess the achievement of any economic organization that has long term objectives like ECOWAS.

It has been argued very strongly that; the problem with ECOWAS has nothing to do with Quit orders. The quit order were never mentioned as one of the factors for ECOWAS failure to achieve its aims and objectives.

Olaniyan writing on ECOWAS, observed that:

The organization has so far acted as a uniting front against any external aggressors. In the main, it has helped to unify the countries within the sub-region. Not much has been achieved by body economically. It is known fact that, most of the members are poor and

seemingly affluent states are battling fervently to bridge the gap.¹⁹

Akintola Ariwe also buttressed the fact that:

ECOWAS like any other young organization is still in the formative stage. It would be a rash conclusion to say that ECOWAS has failed, but the organization has succeeded politically in bringing the member states into a frame work.²⁰

It is therefore unfortunate if the Nigerian expulsion of illegal aliens, was conceived as a set back to its financial and infrastructural input, into the community has acted as a spinal cord of the community. The Nigeria quilt orders, should not be misunderstood as a sign of shirking its leadership and transnational role in ECOWAS²¹

4.4.1 THE NIGERIAN EXPERIENCE

The expulsion of illegal aliens had some good results. According to an article in Nigerian concord, it posited that; the exodus created:

30,000 job vacancies which ran as follows;
construction companies with headquarters in Lagos,
2000 vacancies, five star. Textile company iso, 200

vacancies, Transport industry in Oyo, Ondo Lagos,
Bendel, drivers and conductors 1000 vacancies²²

Numerous vacancies were also in many states of the federation, particularly those that attract low wages. Such vacancies were easily seen in construction sites, hair dressing saloons, and industrial farms. The quit orders were vehemently condemned by the countries whose citizens were expelled.

Such countries were of the contention that, the expelled aliens were not allowed free passage back home due to poor transport arrangement, made by the federal government.

Reacting to publication by the western press over the quit orders, an illegal aliens, the then minister of internal Affairs, Alhaji Ali Baba, described such publication as:

Cheap and irresponsible
falsehood aimed at causing
disaffection and reprisal²³

Referring to three foreign magazines the minister said.

Their publication were an orchestrated campaign
of vilification and colony against this country for
the step it had taken in the interest of national
security. This article of the prophet of doom
syndrome and the carryover of the colonialist

divided and rule mentality of the Western press
is not new to Nigeria²⁴

Most of the criticism on Nigeria, were based on moral and
human consideration since it involved the lives of millions of
people.

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CHAPTER FIVE

5.1 CONCLUSION

The achievement of the protocol on free movement, has not been remarkable inspite of the constant desire for integration by member states in the sub-region. The protocol on free movement of persons has greatly aggravated social and economic problems of some member states with booming economies.

The ECOWAS protocol has been criticized as being naive, needing critical evaluation amongst member states since the ninety (90) days limit does not explicate what happens after an alien decides to stay permanently in the host nation after the ninety (90) days. In this vain, refusal to grant an extension of stay has been suggested, but this would not be effective since, what an alien has to do is to spend a weekend in his country and return legally on Monday for another ninety (90) days. This way the alien would have spent (4) weekends a year in his country.

The implementation of the ECOWAS protocol on free movement of persons, was a move in the right direction, however it is clearly evident that, ECOWAS member states have not yet attained the measure of development and sophistication to cater effectively for the free movement and residence for ninety (90) days of aliens.

With the ratification of the ECOWAS protocol on free movement of persons, Nigeria authorities have been restricted in relation to immigration by the treaty and protocol provisions they can nevertheless exclude a threat to national security. The determination of who is an "inadmissible immigrants" is at the discretion of Nigeria immigrations.

There is thus, a need for the implementation of immigration laws by immigration officers in Nigeria, so that the right of sojourn for ninety (90) days is not abused. Following this, it is suggested that, immigration, police and custom officers, be given better training and be provided with equipment to record the entrance and exit of aliens.

Furthermore, more, immigration should be established along the Nigerian international boundaries with the Republic of Benin, Chad and Cameroon. The mass expulsion of ECOWAS citizens from member states is not a permanent solution to the influx of aliens to member states. Often the expelling state is accused of xenophobia.

It is therefore important that, if any member state is to embark on expulsion of illegal aliens, it should not wait for their numbers to build up. The expulsion order should be carried out on a weekly or monthly bases, like what is obtainable in western European countries.

However, the survival and growth of the ECOWAS will depend on the commitment of member states and their willingness to effectively implement to an extent their obligations under the community laws.

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5.2 RECOMMENDATIONS

Several factors have been mentioned that constituted a hindrance, to the control of aliens or Nigeria, especially the control of Cameroon, Niger, Chad and Benin neighbours who share most things in common with Nigeria.

The following are hereby made:

- (I) Nigeria customs, police and immigration staff should be increased in number and given all necessary modern equipment such as helicopters field glasses, communication radio etc to enhance boarder patrol.
- (II) All lawful immigrants living along Nigeria borders should be issued with identifying cards on local government level, in order to be able to identify Nigerian borders.
- (III) Employers and Land Lords should report the presence of aliens who are their workers and tenants respectively to the nearest immigration office.
- (IV) Member states ECOWAS should organise down to earth education of her citizen on the provisions of ECOWAS protocol, free movement of persons. This is to minimize complications, that may arise by their citizens when they are crossing international borders within the West Africa sub-region.

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