Issues in Intra-African Migration: Juxtaposing Natural Law Theory with Xenophobia in Africa

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DOI: 10.56201/jlgp.v8.no1.2023.pg12.24

Abstract
Central to the discourses on xenophobia in Africa is inter-state migration of both skilled and unskilled citizens. Within the African continent, this scenario of movements translates to intra-African migration. This has been an age long experience in Africa and is inevitable because no nation is absolutely self-sufficient. Furthermore, it has been a general rule of international law that states reserve the right to admit or not to admit aliens into their territory. This presupposes that international law does not impose any limit on the right to admit or not to admit aliens, subject to obligations expressly undertaken by states. All the same, in contemporary Africa, intra-continental migrants have become very vulnerable to human rights' violations in the trajectories of xenophobic attacks. The omens of such confrontations in intra-African relations are frightening and highlight issues that seem to contradict natural law. Therefore, this article aims at placing the natural law theory side by side with xenophobia on the African soil in order to squarely interrogate the embedded issues and proffer germane solutions.

Keywords: *Xenophobia in Africa, Natural Law, Natural Law Theory, Human Rights in Africa.*

Introduction

The general failure to accept others based on the existing bias or prejudiced perceptions of political, economic or social disadvantage is an issue of concern in Africa. Juxtaposing bias with the efforts being made by African nations to join the league of global communities, achieving success through the proper harnessing of the enormous human, natural, economic, social and political potentials domiciled in Africa create a deep problem. Consequently, the protection of a nation's territorial integrity, as well as the promotion and institutionalization of the inalienable rights of the citizens of that nation in terms of cultural, political and socio-economic benefits cannot be overemphasized if that nation is to accomplish a stable, harmonious and progressive existence.

However, if mutual cohabitation with migrants of other extraction cannot be explored and positively interwoven into the fabric of that nation's society, then the ultimate goal of that nation to sustain a progressive socio-cultural, economic and political evolution lies in doubt. It is therefore, pertinent to consciously promote a justice system that indeed protects the rights of nationality of a people. While simultaneously eliminating such predispositions, ideologies and practices that accommodate, cover up or fuel the threats that unfair practices such as xenophobia

pose to the holistic advancement of such nations that exist within contiguous geographical locations in Africa.

These jurisprudential quests, indeed, form the theoretical base of this article. An erudite interplay of these theories, upon which such a justice system rests, not only clearly enumerates the law, but lends credence to the ability of the law to serve as a worthy tool for the achievement of the much elusive balance between the quest for the protection of nationalism and the promotion of co-existence of non-citizens in Africa.

1. Meaning of Xenophobia

The phenomenon of xenophobia across African countries has its roots in colonialism. This coercively created modern states through border delineation and the artificial merging and dividing of communities.[1] To the colonist, xenophobia continues to be a barrier to postcolonial sustainable peace and security and socio-economic and political development in Africa. Therefore, the concept of xenophobia is defined as an extreme dislike or fear of foreigners, their customs, and their religion etcetera.[2] A joint statement by civil society and South African Human Rights Commission defines xenophobia as the 'deep dislike of non-nationals by nationals of a recipient state'.[3] It is embodied in discriminatory attitudes and behaviours, and often culminates in violence, abuses of all types, and exhibitions of hatred.[4] It occurs as a result of hatred of foreigners to a number of causes hence the fear of loss of social status and identity, a threat perceived or real to citizens' economic success; a way of reassuring the national self and its boundaries in times of national crisis [5]

2. The Theory of Natural Law

The proponents of natural law theory are ancient philosophers including Socrates, Cicero Aristotle, Thomas Acquinas, Immanuel Kant, John Finnis, Roland Diborkin, and Grotius. The Natural law theory seeks to establish a necessary nexus between law and justice.[6] In other words any act that is in consonance with human nature and justice is natural law. It is seen as idealistic, one-dimensioned on the basic assumption that besides the positive or human law, there also exist an ideal or just law to direct the human law.[7] In other words, for human law to be assessed as just, it must be in conformity with the ideal law which exists as superior normative order by the creator.

Put differently, when examining from the perspective of the natural law, it is safe to posit that xenophobia which is the attitude of exclusion, disenfranchisement and in many cases involves bodily harm meted out to people perceived as aliens cannot be said to conform with the natural order since it contradicts the maxim: 'quod ad jus natural attinet, omnes hominrttess aegalesgut', Meaning all men are equal as far as natural law is concerned. This is predicated on the assertion that there are objective moral principles which depend on the nature of the universe which can be discovered by reason.[8]

Therefore, Natural law recognizes the fact that law must serve the end of justice and humanity and not the arbitrary whim of the ruler.[9] This theory maintains that certain moral laws transcend time, culture and government. It believes that certain rights or values are inherent by virtue of human nature and are universally cognizable through human reasoning.[10]

In another perspective, it is believed that human beings are not naturally violent, selfish, competitive, greedy or xenophobic; yet it is not natural for human societies to be organized hierarchically, without any form of conflict or friction whatsoever.[11] The idea that xenophobia is part of human nature has been defended by some biologists and psychologists. For instance, in the 1970s, the Harvard entomologist Edward O. Wilson, one of the world's leading experts on ants, claimed in his book *Sociobiology* that characteristics such as competition, aggression, territoriality, xenophobia and warfare are universal and have a genetic basis.[12] Upon critical examination, another school does not believe that xenophobia, being the fear or hatred of strangers is a universal feature of human psychology. This school posits that the attitude of exclusion, disenfranchisement, and in many cases bodily harm meted out to people perceived as foreign or strangers cannot be said to conform with natural order since it contradicts the maxim "quod ad jus natural attinet, omnes hominess aegalesgut."

Buttressing the above position, the Harvard biologist Richard Lewontin notes that in the Nineteenth-century, European aristocrats were not the only ones to show no fear of people from other cultures. The historian Howard Zinn reports that when Christopher Columbus and his crew came ashore in the Bahamas in October 1492, Arawak Indians "ran to greet them, brought them food, water, and gifts." According to Zinn; These Arawaks of the Bahamas Islands were much like Indians on the mainland, who were remarkable for their hospitality and their belief in sharing.[13] Although, their hospitality was used against them to the extent that Columbus wrote in his log: "They would make fine servants...With fifty men we could subjugate them all and make them do whatever we want." Within a few years, Columbus and his men had slaughtered tens of thousands of the Indians in a frenzied search for gold. Nevertheless, the Arawaks' initial response to the Europeans is enough to show that xenophobia is not a universal trait and that people from different backgrounds have lived together harmoniously, or have united across national and ethnic lines to fight for social justice despite predominant odds.

In fact, there are universal standards that apply to all mankind through time. These universal moral standards are inherent in and discoverable by people and form the basis of a just [14] society. Naturalists believe that natural law principles are an inherent part of nature and exist regardless of whether government recognizes or enforces them. They further believe that governments must incorporate natural law principles into their legal system before justice can be done, hence the assertion that unless natural law is promulgated as a law, it does not carry the force of law and would not be enforceable, but rather considered as a moral rule. A very good example is the fact that the Criminal Code which operates in Southern Nigeria doesn't criminalize adultery whereas in sections 387 and 388 of the Penal Code, which operates in Northern Nigeria, adultery is an offence. It stands to reason, therefore, to suggest that for governments to successfully tackle the scourge of xenophobia in Africa, they will require a deliberate judicial effort aimed at interpreting the dangers of xenophobia to the host nation as well as the consequences both to the victims and to the perpetuators.

Moreover, the dictates of natural law are usually seen subjectively. That is to say that what is fair, equitable and just to one person may not be fair, equitable or just to another person. This issue is the reason why natural law has been referred to as 'a harlot'. For instance, in the clamour for the right to homosexuality; the homosexuals and their supporters are of the view that it is only fair and just for them to be allowed to have sexual intercourse with anyone they choose. Those who oppose it on the other hand are of the opinion that homosexuality is against the order

of nature and should thus be prohibited. Obviously, it would be problematic if everyone in the society is left to choose what is right and wrong on the basis of how one feels.

However, the influence of the natural law theory coupled with international law is the basic tools for discussing xenophobic attacks in Africa. Remarkably, the naturalistic position represented by Lauterpacht's works sees the primary function of all law as concerned with the well-being of individuals, and advocates the supremacy of international law as the best way available of attaining this.[15] It is an approach featured by strong international system based upon the sovereignty and absolute independence of states, and widely accepted by faith in the capacity of the rules of the international law to imbue the international order with a sense of moral purpose and justice founded upon in respect for human rights and welfare of individuals. For instance in the case of *BNWLA v Government of Bangladesh*,[16] the application of international instruments including UDHR in the domestic arena was announced by the Supreme Court. Here it was stated that it has now been settled by several decisions of this sub-continent that when there is a gap in the municipal law in addressing any issue, the courts may take recourse to international conventions and protocols on that issue for the purpose of formulating effective directives and guidelines to be followed by all concerned until the national legislature enacts laws in this regard. That is to say that in some cases the court would refer to the provisions of UDHR for ensuring and complying with international standards.

Furthermore, in the case of *Advocate Md. Salauddin Dolon v Government of Bangladesh*,[17] it was held that the Universal Declaration of Human Rights, in Article 1 states that 'all human beings are born free and equal in dignity and rights. Article 2 provides that 'everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' Article 3 provides that 'everyone has the right to life, liberty and security of person. Article 5 provides that 'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.' The non-discrimination clause in Article 2, taken together with Articles 3 and 5, means that any form of violence against woman which can be construed as a threat to her life, liberty or dignity or security of person or which constitutes torture or cruel, inhuman or degrading treatment is not in keeping with the Universal Declaration and is therefore a violation of the international obligations of Member States.

In Contrast, considering the case of *Bangladesh v Metropolitan Police Commissioner*,[18] it was stated that universal human rights norms contained in international instruments would be enforceable if the provisions are incorporated into the domestic law and the courts should not ignore the international obligations which a country undertakes. If domestic laws are not clear enough on the issue in question, the national courts should draw upon the principles incorporated in the international instruments.

Subsequently, in the case of *Bangladesh v Hasina*,[19]the Court used provisions of UDHR and ICCPR in applying right to life, liberty and other rights mentioned in the Constitution. The Appellate Division was very restrictive in this decision. It missed the opportunity to render judgment in light of the international human rights obligation. Rather it held that the courts would not enforce international human rights treaties, even if ratified by Bangladesh, unless these were incorporated in municipal laws, but they would have looked into the ICCPR while

interpreting the provisions of the Constitution to determine the right to life, liberty, and other rights (paragraph 86).

Additionally, in *Abacha v Fawehinmi*,[20] the Supreme Court held that by section 12(1) of the 1979 Constitution (the ipissim-averbis of section 12(1) of the 1999 Constitution), 'an international treaty entered into by the government of Nigeria does not become ipso facto binding until enacted into law by the National Assembly and before its enactment, an international treaty has no force of law as to make its provisions actionable in Nigerian law courts.' The implication of the provisions of section 12 of the 1999 Constitution is simply that human rights treaties entered into by Nigeria would not become binding until the same have been passed into law by the National Assembly.

Simply put, 'unincorporated treaties cannot change any aspect of Nigerian law even though Nigeria is a party to those treaties' but that they may 'however, indirectly affect the rightful expectation by the citizen that governmental acts affecting them would observe the terms of the unincorporated treaties.'[21] Thus, in the case of *Chaudhury and Kendra v Bangladesh*,[22] The High Court Division of the Supreme Court of Bangladesh held that where there is a gap in the municipal law in addressing any issue, the courts may take recourse to international conventions and protocols on that issue for the purpose of formulating effective directives and guidelines to be followed by all concerned until national legislature enacts laws in this regard.

Worthy of note is that the central role of naturalism is human reason in adapting and applying law to social relations. The goals of law is also in establishing or maintaining security, peace, rule of law, human rights guarantee, justice, social welfare etcetera.[23] Thus in the case of *Tayazuddin v Bangladesh*,[24] the court through the reference to Article 3 of the UDHR, explained that the right to life, liberty and security of a person applies as much to the victim as to the accused, so that the court could weigh the liberty of the accused against the sense of security of the victim. Considering the gravity of the crime alleged, the court held that the right of victims to security and freedom from fear would prevail over that of the accused. It further held that the Government is responsible for ensuring a free and fair trial not only to the accused but also to the victim of a crime. In essence, the fair trial of the accused also implied that the victim must be able to give evidence without fear of insecurity. In support of this judgment, the court had recourse to the universal human rights norm of the right to life, liberty and security of a person.

3. A Survey of Some Schools of thought such as Natural, Positive, Historical and Realist law theories:

At this juncture, it would be noteworthy to consider some schools of thought, thus the proponents of naturalism like St Augustine would insist that a positive law which does not meet the standard of natural law is no law and therefore deserve no obedience.[25] Whereas positive law insists that law is man-made and represents command of a superior to a subordinate in hierarchical political relations with a threat of sanction for non-compliance.[26]

Proponents of legal positivism have been criticized because it is a major setback to the growth of human rights and as such it promotes xenophobic attacks. This is because human rights thrive on the wings of constitutionalism wherein things are done in accordance with the written law and xenophobic attacks cannot thrive in a situation where individuals are strictly encouraged to

conduct themselves according to the written laws. Austin's command theory does not work for international law, because there is no entity that has the power to force all countries to obey international law, coupled with the fact that International Law does not impose any limit either on the right to admit or not to admit alien, subjects or to obligations expressly undertaken by states.

The historical law theory believes that societies should base their legal decisions of today on the examples of the past. Precedent would be more important than moral arguments. It emphasizes that the history, group consciousness, customs and traditions or culture of a people as the main generators of law. In fact, owing to its purity in nature, it is believed that it would greatly enhance social cohesion and obedience to law by the group members because the law is part and parcel of the group habits, consciousness and behaviour. Unfortunately, this school has been critiqued because of its tendency to promote ethnic or sectional consciousness, racism, bigotry and discrimination, especially in multiracial societies.[27] In such societies any attempt by one group to assert and impose a particular cultural identity exclusively would inevitably produce rancour and racial conflicts. Indeed, this school provides the pivot on which xenophobic attacks ride on.

Worthy to consider is the Realist Law Theory which pointed out that because life and society are constantly changing, certain laws and doctrines have to be altered or modernized in order to remain current. The social context of law was more important to legal realists than the formal application of precedent to current or future legal disputes. This school emphasises the critical role of courts and adjudication in appreciation of what the law is in practical social relations and has shown that the common man's popular perception of the position of law have been interpreted differently following judicial contest as was seen in the case of *Awolowo v Minister of Internal Affairs*[28], the plaintiff had hired a foreigner (non-Nigerian Citizen) as a counsel to handle his case, but this counsel was turned back at the airport as *persona-non grata* by government officials. The plaintiff had thought that his constitutionally guaranteed 'right to counsel of his choice' [29] meant any lawyer from anywhere. It was through the court's interpretation that it became clear that just being a lawyer from anywhere was not enough. Rather the lawyer has to be one who is resident or has right of- egress and ingress in Nigeria and this did not constitute a violation or limitation of the plaintiff's right to counsel of his choice.

A similar decision took place in the case of *AG Federation v AG 36 States*,[30]. In other words, if proper judicial interpretation is given to modern human rights in international law as enshrined in the Universal Declaration of Human rights, adopted by the United Nations General Assembly in 1948, xenophobic attacks would seize to be and constitutional rights would indeed be guaranteed.

4. Theorizing Human Rights

Considering the Human Rights provisions which states that Human rights are rights inherent to all human beings, whatever the nationality, race, and place of residence, sex, ethnicity, colour, religion, language or any other status.[31] In other words, human rights include Right to Life, Right to Ownership of Property irrespective of where one resides. .*Article 1* of the 1948 Universal Declaration of Human Rights which proclaimed that "all human beings are born free and equal in dignity and rights; they are endowed with reasoning and consciences and should act towards one another in a spirit of brotherhood".

Additionally, *Article 1* of the United Nations emphasized the need 'to develop friendly relations among nations, built on the respect for the principles of equal rights and self-determination of peoples; xenophobic attacks having compromised these provisions should be frowned at vehemently.

In Africa, cross-cultural hostilities and violence against foreign nationals have contributed to the difficulties associated with building prosperous economic blocs. For instance

i) Right to Life and arbitrary killings: Arbitrary killings with the use of force as is the case in xenophobic attacks contradict the right to life [32] which is the fundamental of all human rights because all other human rights can only be exercised by a person who is alive. Such killings do not reflect the cultural value of any sane society because in any culture, life is valued over and above any other thing.
ii) Right to work and loss of means of livelihood: Xenophobes attack the places of business of foreigners, disrupting their businesses, while stealing and looting from them in the process. Xenophobia has unabatedly caused loss of livelihood to foreigners, who cannot go about their daily business and attend to their means of livelihood because of xenophobic attacks or fear of same.

    Any act that destroys the means of livelihood of another as it is in the case of xenophobic attacks is considered as violation of the right to life. The Indian Supreme Court in the case of *Olga Tellis v Bombay Municipal Corporation*,[33] held inter alia that "the sweep of the right to life …does not mean merely that life cannot be extinguished or taken away ….An equally important facet of that is right to livelihood, because no person can live without the means of living …. Deprive a person of his livelihood and you shall have deprived him of his life". The same court stated the nexus between the right to life and means of livelihood in *Frannus v Union Territory of Delhi*,[34] where it was stated that what makes life liveable must be deemed to be an integral component of the right to life. The right to work and earn a living is a universally recognized right, which should not be violated.[35] However, this right has been breached with the enormous destruction of shops, attacks on markets and businesses of foreigners. It is also an affront to the provisions of Article 6 of the ICSER, which guarantees the right to work for nationals of a State and non-nationals.

iii) Right to the dignity of person and prohibition of torture, cruel, inhuman or degrading treatment: Xenophobic attacks violate this right in the sense that immigrants are not meant to suffer inhuman and degrading treatment such as torture. According to Human Rights First, Egyptian traffickers kidnapped, detained and tortured, African refugees and migrants, held them hostage for ransom and in some cases harvested their organs.[36] Acts of torture are carried out during xenophobic attacks and such nefarious acts are gross violations of the UDHR[37], ICCPR[38] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

    Furthermore, the Rome Statute of the International Criminal Court criminalizes torture as a war crime.[39] This right is akin and synonymous with the right to life as expounded also by the Indian Supreme Court in *Maneka Ghandi v Union of India*,[40] where it stated that 'the right to life goes beyond the fundamental right to life'. The court subsequently held that 'the

right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate food, nutrition, clothing and shelter over the head'.

iv) Right to own property and prohibition of arbitrary destruction and deprivation of property: During xenophobic attacks, xenophobes damage and burn properties of foreigners; for example, Human Rights First reported that the dwellings of Zimbabwean workers were attacked and demolished by South African xenophobes, who were protesting access to jobs on local wine farms. This is a violation of the intent of the provisions on the right to property as enshrined in most constitutions of the world.[41] Therefore, respect for human rights and fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law.

5. Xenophobic attacks in Africa: The cases of South Africa, Libya and Uganda.

i. South Africa

In South Africa many foreign nationals have been killed or maimed during xenophobic attacks. These attacks which mostly resulted in the death of immigrants first occurred in 1994; the year South Africa had its first multi-racial election which ended apartheid rule.

The South African History Online[42] outlined some incidents of xenophobic attacks that occurred in South Africa. For instance in December 1994 and January 1995, armed youth gangs in Alexandra Township outside of Johannesburg, Gauteng Province, destroyed the homes and property of suspected undocumented migrants and marched the individuals down to the local police station where they demanded that the foreigners be forcibly and immediately removed.

In September 1998, two Senegalese and a Mozambican were thrown from a moving train in Johannesburg by a group of individuals returning from a rally organised by a group blaming foreigners for the levels of unemployment, crime, and even the spread of AIDS. And this trend has continued till date. It is pertinent to note that virtually all the victims of the attack were found to have been murdered gruesomely by the natives, who wielded cutlasses, bricks and knives during the attacks.

In fact, there had been undocumented cases where homes of immigrants were attacked by the natives. It was noted that cities dominated by black immigrants were mostly the flash points of xenophobic violence in South Africa. Testifying, some Nigerians resident in South Africa said that whenever such attacks start, black immigrants residing in white dominated areas were always safe, as the native residents hardly participate in such attacks. The police have a code of conduct that advises them to treat and protect all persons equally. Yet, there were complaints about the police targeting foreigners for harassment, extortion, and other corrupt activities. Similarly, a report by Citizens for Global Solutions, titled: The Tragedy of Xenophobia in South Africa said Politicians in South Africa have used this xenophobic sentiment to rise to power. Michael Neocosmos says that even during the 1990s in the post-apartheid state, many South African politicians have used politics of fear toward immigrants to attain power, making xenophobic statements during their campaigns. And, sadly, many political figures continue to do so even till today. Reacting to the rate of xenophobic attacks in South Africa, it was observed that until government do something to address poverty and unemployment, South Africa might still face major disastrous attacks which would undermine the notion of a rainbow nation [43].

ii.Libya

Over the years, Gadaffi's rule in Libya had absorbed a variety of Africans. Recently the climate of killing enveloped Libya as a nation wherein less attention is paid to the acts of cruelty and death of black Africans who yesterday were just a part of Libyan society as foreign workers.
On Tuesday 23rd of February, 2017, 171 Nigerians were brought back from Libya by the federal government in addition to 162 Nigerians deported earlier on from Libya.[44] This release was reportedly facilitated by International Office for Migration (IOM) who is responsible for the voluntary return of many Nigerians trapped in the crisis that has immersed Libya for some years now. Some of the deportees were said to include those who have been victims of all sorts of abuses.

It all started as a result of violent reaction by Libyan youths to the surge of more than a million legal and illegal immigrants from Nigeria, Sudan, Ghana, Chad, Niger, Guinea, and Cameroon who have been drawn to oil-rich Libya for work. Assaults on immigrants began after Libya's top legislative and executive body ordered a crackdown on employing foreigners.[45] In fact "Libyans resent the money the immigrants make...and perceive these outsiders as beneficiaries of Gaddafi's support for African union,"[46].

Consequently, in the wake of the violence, the Libyan government deported thousands of immigrants who have had awful experiences of beatings, arson, robbery, and looting of their homes etcetera.[47] "Gangs of Libyan youth were allowed free rein to attack settlements populated by black Africans, both in large cities like Tripoli and Ben-ghazi and outlying villages,"[48] "Libyan police either participated in these attacks or looked the other way." Summarily, the deportation of black Africans, West Africans, Sudanese etcetera from Libya is still ongoing.

iii.**Uganda**

Uganda is one of the most heterogeneous countries in the region. It has many religions living side by side. Nonetheless during its economic meltdown under Idi Amini ordinary Ugandans approved the expulsion of Asians from the country.[49] This led to several Asians being killed following a protest over a planned government give away of a national forest.

Conclusion

Xenophobia in Africa is not a new phenomenon and having tried to juxtapose natural law theory with xenophobia coupled with the fundamental human rights provisions, one then discovers that xenophobic attacks in Africa can be grossly minimized if not completely put to an end; thereby promoting brotherliness among the African nations. Furthermore, xenophobic attacks should be frowned at vehemently by every State. States should always aim at ridding on the wheels of natural law in order to balance the rights of both its citizens and non-citizens. Generally, this would aid in having respect for lives since natural law reflects essentially on moral and unchangeable laws of nature. Worthy of note is that migration is inevitable because no nation is absolutely self-sufficient. Therefore, migrants, foreigners and strangers are resident in every nation. In other words, people do leave their home nations and communities for greener pasture elsewhere in Africa.

Recommendation

It is therefore suggested that prompt and systematic reporting of the incidents of xenophobic acts and other bias-motivated violence against migrants, refugees, asylum seekers, and other persons of concern to the government, press for criminal justice and other appropriate responses be established. Hence underreporting of such crime would remain the principal impediments to improved peaceful co-existence of nationals and non –nationals of a host nation.

Additionally, it becomes imperative that there should be an intensive education system by civil society groups to help educate citizens of the host nations on how to treat and live with foreigners, because xenophobes are ignorant and act based on the perceived hatred against foreigners.

Furthermore, efforts should be made to hold governments of every nation accountable for failure to protect its people's rights whether citizens and non-citizens considering the provisions of articles 3 and 13 of the Universal Declaration of Human Right (UDHR) and United Nations High Commissioner for Refugees (UNHCR). Wherein nations are among other things expected to ensure that everyone has the right to life, liberty and security of persons and freedom to move from one country to another, even as a refugee.
Finally, I recommend that for further research, this same study can be replicated with a focus on other African countries.

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21. The re-enactment of international treaties into domestic law is what is referred to as the concept of domestication or transformation of treaties.

22. (2008), 29 BLD, (2009) 7977 (HCD) ; (BD 2009) ILDC 1515, 27-28.

23. Its advocates are many and varied in their submissions though ultimately, they find some agreements in any or a combination of these elements of the school. Popular theorists associated with naturalism include Aristotle, Zeno, Cicero, St Augustine, St Acquinas, Thomas Hobbes, John Locke,

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32. Article 4 of the African Charter provides that "Human beings are inviolable. Every human being Shall be entitled to respect for his life and integrity of his person. No one may be arbitrarily deprived of this right" The Constitution of the Federal Republic of Nigeria 1999 s.33 (1) provides that "every person has a right to life and no one shall be deprived intentionally of his life, save in execution of a sentence of a court in respect of a criminal offence of which he has been found guilty."

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36. Human Rights First, 18

37. Article 5 provides that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

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