

BOOK REVIEW

CITIZENSHIP IN AFRICA: THE LAW OF BELONGING BY
BRONWEN MANBY (HART) 383 PAGES. PRICE £82.62
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Nowhere are challenges over the relevance of citizenship and belonging more pertinent than in Africa, where the history and evolution of ‘citizenship’ as it is typically understood is a turbulent one. While much has been written on the subject, this book fills a significant gap. *Citizenship in Africa: The Law of Belonging* by Bronwen Manby contributes an in-depth analysis of nationality laws into the established literature on belonging in Africa,¹ arguing that an understanding of nationality law is vital to help understand the broader crisis of citizenship on the continent. It outlines relevant laws and legal processes in detail, but combines this with an astute understanding of the historical and political context in which the law applies — or fails to apply.

Chapters 2–4 present a detailed description of how, under colonialism, people were forced to live as second-class citizens (as ‘natives’ rather than Europeans) in a bewildering array of colonial territories governed for the benefit of the coloniser rather than the colonised. As Manby argues, colonialism simultaneously increased the number of ‘strangers’ in any society and also unsettled pre-colonial understandings of belonging.² Continuities that were built up over centuries in African societies were decimated by the imposition of colonialism, which included a European conceptualisation of the state and nationality. As a result, the softer lines of belonging that characterised many pre-colonial societies became hardened boundaries, creating a clear demarcation between those who were ‘indigenous’ and those who were newcomers to the land — and, therefore, who had access to rights. Her detailed description of the status of different peoples under empire shows the intertwined layers of legal, political and social complexity that were created during this time.

These legacies were inherited by the postcolonial state, which failed to reform this tiered understanding of citizenship. As Manby argues, instead of rediscovering pre-colonial modes of belonging, the postcolonial state adopted laws based on the templates provided by their former colonial masters.³ *Citizenship*, therefore, provides a microcosm of the distorted nature of the legacy of colonialism across the continent and the terrible impact it has had. The categories of belonging forged during colonial times became the fault lines along

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¹ Bronwen Manby, *Citizenship in Africa: The Law of Belonging* (Hart Publishing 2018) 4.

² *ibid* 28.

³ *ibid* 60.

which conflict has festered in the post-colonial state, as ‘the lack of clarity and inaccessible procedures in the allocation of nationality at independence to the “non-indigenous” residents of each territory left a dangerous level of confusion and exclusion’.⁴

The following two chapters (5 and 6) present a number of trends and patterns in nationality law and its application in the context of these newly fabricated nation-states. It describes in detail the developments in the substantive content of these laws and how this has often differed from their administration, and considers the relationship between formal and informal determinations around belonging. It provides an overview of the balance of the application of *jus soli* and *jus sanguinis* provisions across the continent, gender equality in the law (outlining the many successes in ironing out gender discrimination), dual nationality, the general failures surrounding provisions for naturalisation in practice and the mechanisms that might lead to loss and deprivation of citizenship.⁵

It then links this overview of the law to the practice of these laws by discussing processes of identification and registration.⁶ This speaks to the significant challenges that exist where it is no longer enough to be entitled to nationality but where one also has to have proof of that nationality. As Manby argues:

The regulations and *décrets* that provide detailed rules for application of the laws, as well as the internal directives of government departments and the level of training of the officials who implement them, may in practice be at least as important as the constitution or legislation in shaping the understanding of the government officials responsible for issue of identity and other documentation, and thus access to proof of nationality in practice.⁷

This, therefore, earths the discussion in the messy context in which laws are applied, driven by both national and local political interest.

Manby discusses in detail the impact of changes in national identity card systems that are increasingly being introduced, but which are revealing problems with previous systems of identification and introducing new challenges⁸ — including contentions over identity and belonging that had previously been masked by the informality of arrangements. Often left to the discretion of low-ranking civil servants who have limited understanding of nationality law, Manby describes how the process of access to documentation — and, therefore, access to proof of nationality and the rights attached to that nationality — is vulnerable to discrimination, including on the grounds of ethnicity.⁹ As more people access documentation, access to services is becoming more dependent on ID and services that had been previously accessed are now being denied to those who have not managed to access an ID card.¹⁰ Conflict, displacement and corruption create additional challenges in the administration of access to identity, which is not only determined by law but by practice. This has created increased vulnerability to statelessness for those who are seen to have no legitimate claim to belong.

In both chapters, the description of laws is interspersed with specific cases, which grounds the discussion and personalises the impact of these laws. This

⁴ *ibid* 70.

⁵ *ibid* 73–122.

⁶ *ibid* 126–38.

⁷ *ibid* 126.

⁸ *ibid* 135.

⁹ *ibid* 139.

¹⁰ *ibid* 137.

approach is then expanded in Part IV of the book, which presents a number of in-depth case studies. The first set of studies shows some of the damaging ways in which nationality laws can be manipulated for political purposes.¹¹ It focuses on a number of key challenges, including those faced by migrants (both those who moved to areas during independence and those who have moved post-independence whether by choice or coercion), cross-border communities and the challenges facing internal migrants.¹² While many of these cases have been covered elsewhere, Manby's analysis contributes a detailed understanding of how the application and abuse of the law has played a role in creating conflict or crisis in the lives of individuals and groups. Through recounting how law and politics intersect, she puts forward the argument that '[e]ven in quite dysfunctional States, law matters'.¹³

For instance, Manby traces recent conflict in Côte d'Ivoire back to migration in the 1930s imposed by the French, which left tens of thousands with unclear status at the point of independence.¹⁴ She outlines in meticulous detail the multiple and interconnected layers of legal and political jostling that subsequently failed to resolve the status of these migrants and their descendants. As she argues, the ability for citizenship to be manipulated by political leaders was rooted in the uncertainty about who was Ivorian at independence and the subsequent failure of the nationality code to grant any rights based on birth in Côte d'Ivoire for second or even third generations.¹⁵

Likewise, she outlines the well documented case of Banyarwanda speakers in eastern Democratic Republic of Congo ('DRC'), tracing current tensions and conflict back to processes that were set in motion as early as the 18th century.¹⁶ This case study points to the particularly toxic manipulation of ethnicity through the instrumentalisation of legal mechanisms for political gain. The foundation of citizenship law in ethnicity in the case of DRC, therefore, was both shaped by politics and has subsequently shaped politics in DRC by creating ethnic identity as a legal category.¹⁷

The second set of case studies looks at a number of recent cases of state succession that took place long after the colonial powers had left, and a number of situations where there are tensions in border areas.¹⁸ The secession of Eritrea from Ethiopia and South Sudan from Sudan are described through the lens of nationality law and the politics of belonging,¹⁹ showing, in both cases, how failures to resolve core issues around belonging have a long-reaching impact on people's lives. Manby also outlines the impact of border disputes on the lives of individuals whose circumstances leave them outside of the criteria set for citizenship.

Finally, Manby describes a number of case studies that exemplify the challenges around access to citizenship for refugees. In particular, she emphasises how failures around naturalisation in practice have led to protracted situations of

11 *ibid* 147–258.

12 *ibid.*

13 *ibid* 149.

14 *ibid* 199–200.

15 *ibid* 221.

16 *ibid* 222–42.

17 *ibid* 242.

18 *ibid* 259–87.

19 *ibid* 261–78.

unbelonging for hundreds of thousands of people across the continent.²⁰ The case of former Burundian refugees in Tanzania, however, provides a somewhat more positive example in which naturalisation was offered to a significant number of people who had been living in exile for decades. While in practice the process has continued to encounter challenges, she points to this as an example that shows that naturalisation and local integration are possible where there is sufficient political will.²¹

In her conclusion Manby returns once more to the reality that citizenship is not just a legal concept but is political in nature.²² While this is certainly the case all over the world, the specific historical context and the arbitrary creation of the nation-state in Africa has exacerbated many of these challenges found elsewhere. Yet while she identifies imprecise, suboptimal or discriminatory laws as being part of the problem, she also points to the reform of citizenship law as a potential component in managing and resolving many of the problems inherited by the postcolonial state.²³

As others have argued, therefore, access to citizenship is both the problem and the solution.²⁴ Drawing together many of the themes that have been discussed in the book, she emphasises the fact that despite lack of regulation in many places, and despite the weakness of the state in some places — in fact, often because of it — citizenship really does matter. Lack of nationality impacts even those living in the most liminal of spaces. And with an increased emphasis on documentation, the multiple challenges and issues outlined in the book are only going to increase.

The book, therefore, ends with a call to action for ‘research and reform’²⁵ that returns, once more, to the reality that despite its multiple dysfunctions, the state in Africa is ‘deeply implicated in the lives of even the poorest and most remote Africans’.²⁶ Questions of identity, therefore, are not beyond the reach of the state and have to be dealt with accordingly.²⁷ Again, citizenship matters.

To the extent that the law and its application is part of the solution to the multiple challenges facing many African states, Manby points to widespread failures around naturalisation (due to the emphasis on an overwhelming descent-based framing of nationality) as a core area in need of urgent reform. And this reform reflects the reality that belonging needs to be embedded in national and local legitimacy simultaneously. As she argues, ‘[f]or most people, the broader citizenship rights associated with legal status are exercised at the local level’.²⁸

In sum, therefore, this book presents a detailed description of the legal mechanisms of citizenship and their impact on the continent, but does so in tandem with a strong historical and political understanding of the context in which these mechanisms have evolved and operated. This is its strength: it will appeal to legal scholars who want to understand the detail of legal process, but has relevance to a much wider audience — an audience that will hopefully heed its call to action.

20 *ibid* 288–310.

21 *ibid* 298–302.

22 *ibid* 311.

23 *ibid* 335–49.

24 For a wider review of the literature, see, eg, *ibid* 6.

25 *ibid* 334.

26 *Ibid* 337.

27 *ibid* 334.

28 *ibid* 343.