TRUSTAFRICA

Report of Workshop on
Citizenship and Identity in Africa

Addis Ababa, Ethiopia
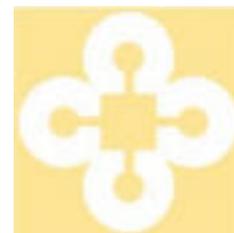June 9–12, 2003

TRUSTAFRICA

Report of Workshop on
Citizenship and Identity in Africa

Addis Ababa, Ethiopia

June 9–12, 2003

Table of Contents

I. Workshop Overview

The Special Initiative for Africa (SIA) held its third and final agenda-setting workshop on the theme of citizenship and identity from June 9 - 12, 2003 in Addis Ababa, Ethiopia. At this unique gathering, participants held lively, passionate debates about what citizenship and identity mean to them and how, together, they can help resolve some of the continent's most pressing problems. Those who attended the workshop found the discussions immensely rewarding. Many said that they began to view issues of identity in a new light as a result of the exchange of ideas and experiences between participants of different backgrounds. Participants expressed that the workshop energized them to take on the challenges of citizenship and identity that have been plaguing the continent, and to do so in a concerted, collaborative fashion.

The meeting was attended by a dynamic group of human rights activists, journalists, writers, academics, grass roots activists, pan-Africanists, and representatives of funding agencies. Among the participants were men and women from all five sub-regions of Africa. The diversity of the group combined with the intellect and passion of each individual ensured extremely fruitful exchanges.[1]

The workshop format, consisting of extensive small group discussions with daily plenary meetings, enabled participants to look beyond their individual organizations to address critical issues, opportunities, and challenges from a regional and continental perspective. In addition, three lunch-time presentations were made to the plenary on the politics of citizenship and identity in Africa, a human rights approach to citizenship and identity, and organizations and institutions dedicated to citizenship and identity issues in North Africa.

Small group discussions centered on the following three themes:

1. Human rights and the politics of inclusion,
2. The promotion of cultural pluralism, and
3. Strengthening institutions that have trans-boundary links.

Groups discussed each of these themes with a view to elaborating innovative approaches to address the issues as well as strategies for African organizations to work better in concert.

Key recommendations made by the participants included:

- Mobilize civil society organizations to pressure states and regional organizations to fulfill their responsibilities to protect citizenship and identity rights. Specific proposals included promoting more inclusive national citizenship laws and advocating for implementation of protocols on freedom of movement in West and Southern Africa.

---

[1] This conference report details the nature of these exchanges, and highlights the points and considerations that participants thought most significant and urgent. In reviewing this report, we ask that conference participants be mindful of the fact that portions of the report may provide overviews of conversations that took place in some, but not all of the small groups. Thus, it may be the case that not every participant will have taken part in the discussion of certain of the issues detailed in this report.

- Celebrate and support the role of writers and artists as agents of social change and in promoting a culture of tolerance. Ideas to be explored include establishment of an African charter on cultural rights, an African academy of arts and culture, and other innovative ways to revitalize African cultural institutions. The role of community radio and local-language media is crucial in this regard. Participants also underscored the need to protect artists and writers who are persecuted for their work on citizenship and identity.
- Mobilize youth across the continent and in the Diaspora to work to promote the politics of inclusion and culture of tolerance focusing on academic and cultural exchanges, promoting participation of youth in the regional political arena, and support for African educational systems.
- Reinforce African universities and the role they play as intellectual leaders by providing institutional support as well as support for research on issues of citizenship and identity across the continent.

The workshop took place against a backdrop of increasing integration in Africa and advances in regional instruments protecting human rights. The African Union has placed increasing importance on democratic governance, and progress is underway towards creation of an African court of human rights. Yet marginalized groups and those affected by identity-based armed conflicts in Burundi, the Democratic Republic of Congo, Liberia, Somalia, and Sudan continue to be the victims of widespread human rights abuses.

SIA seeks to bridge the gap between these realities. Its overarching goal is to help strengthen key African institutions so that they can more effectively and collaboratively address the major challenges that Africa faces. In particular, SIA seeks to support African conceived and led efforts to address three main interrelated issues: peace and conflict, regional integration, and citizenship and identity. This third and final topic is, according to one participant, both the most sensitive and the foundation without which the other two cannot be accomplished effectively. In his words:

> How can we foster regional integration if we do not accept all peoples of the region as equal stakeholders in regionalism? How can you talk of integration if Tanzania can expel Ugandans, Uganda can deport Kenyans, and Kenya does likewise, and all of them are supposed to be building a common East African Community? How can we talk of an end to conflict if the rights of citizens are not respected in the face of rampant xenophobia in many of our countries? … The issue of citizenship and identity politics across Africa exposes the lack of inclusiveness in our social, economic, and political systems. They are constructed in the negative terms of who does not belong and also identities are used as prison. And unless we free ourselves from this exclusion and allow our diversities to flow and enrich one another, all efforts to create stable democracies, sustainable economy with steady growth that can lead to over all development may be doomed. We cannot remain relative strangers on our own continent and at the same time bemoan what outsiders do to us.

As a first step, SIA seeks to answer three main strategic questions:

- How can African institutions and organizations collaborate more effectively, and learn from and support each other?
- How can regional decision-making processes become more inclusive of critical sectors of society, such as the private sector and marginalized groups like women and youth?
- How can a sustainable Africa-led fund be built to support this work? How might such a fund be organized, managed, and utilized?

The goal and strategies of SIA involve a commitment to promote:

- African ownership and leadership in solving African problems,
- New approaches to funding in Africa,
- Gender and age diversity,
- Institutional accountability and the highest of organizational standards, and
- Communication and outreach about exemplary African institutions and solutions.

The extremely productive, animated, intellectual deliberations throughout all three agenda-setting workshops were an inspiration to those who participated, and confirmation that African civil society has a lot to offer to help solve Africa's most difficult challenges.

II. Background: Citizenship and Identity in Africa

Citizenship and identity issues are at the root of some of Africa's most difficult political and cultural challenges. Africans, like people everywhere, draw on myriad identities to give meaning to their lives and to define their interactions with each other. Cultural identities, with their roots in language, faith, and artistic traditions, play a decisive role in shaping individuals' perceptions of themselves and those around them and in defining their rights. These identities – political, cultural, historic, and economic – are ever-present, yet constantly shifting. While many participants at the workshop hold firm yet very different notions of what identity means to them – and though the context in which identity is defined is constantly shifting – there was also a significant measure of common ground.

The policies and politics of African states have tended to suppress ethnic, cultural, social, and religious diversity and identities in the name of nation building and state sovereignty. When such identities are denied free expression, thus preventing the healthy interaction among groups within and across societies, they have often engendered violent conflict. These conflicts are also often triggered and compounded by members of competing political, military, or commercial elite groups who manipulate existing differences for personal benefit. Nearly every civil war in Africa can be linked to restrictive state policies and political manipulation relating to citizenship and identity (e.g. Sudan, Algeria, the Democratic Republic of Congo, Rwanda, Burundi, and Cote d'Ivoire). What the Algerian nationalist, Mohammed Harbi, said about Algeria is true of the continent as a whole: "To understand Algeria today, you have to begin with the massive exclusion of people from power and the rejection of pluralism."

> *When large sectors of society are mere subjects, not citizens – and when citizenship has essentially male, elite, and sectarian attributes – democracy, peace, and development have virtually no anchors.*

In addition, citizenship rights are severely constricted throughout Africa. Women and marginalized groups of different kinds (migrants, refugees, sexual minorities, religious and ethnic minorities – in Sudan, the majority) often suffer systematic discrimination. In order to secure Africa's current democratic transition, there is an urgent need for popular inclusion at all levels of national political economies. When large sectors of society are mere subjects, not citizens (as Mahmood Mamdani has so well analyzed) – and when citizenship has essentially male, elite, and sectarian attributes (as countless African scholars and writers have highlighted in their works) – democracy, peace, and development have virtually no anchors.

There is a need to identify, enhance, and support uniquely African solutions to the challenges of

citizenship and identity. Many African societies have indeed achieved and sustained a significant measure of equilibrium, accommodating people with different social, ethnic, cultural, religious, or political identities. Yet successful strategies remain largely a localized phenomenon, and have yet to be recognized or implemented across the continent. The challenge is how to imagine, create, and enshrine appropriately African conceptions of citizenship that accommodate (and even promote) multiple identities, cross-border affinities, ethnic diversity, cultural pluralism, and pan-African ideals that many Africans share. A related question is: How can a concept of African citizenship constitute an additional source of identity that overlaps with, but does not undermine other identities at the national and sub-national levels?

Despite a general trend towards regional integration in Africa, existing regional mechanisms in many sectors have yet to fully address the challenges of citizenship and identity. The potential of regional mechanisms and sub-regional agencies in East, West, and Southern Africa for enshrining appropriately pan-African normative standards has not been realized. The African Charter on Human and Peoples' Rights, for example, seeks to achieve a delicate balance between individual and group rights. Yet tensions between minority rights and human rights, between group rights and individual rights, and between the recognition of political and cultural pluralism and territorial sovereignty, continue to pose serious challenges. Regional agreements, such as protocols on free movement of people in West Africa, are also often not effectively implemented. One reason for this gap is that civil society organizations and marginalized groups have generally played only a limited role in the process of elaborating regional policies. A major theme of the workshop was therefore to consider ways in which civil society can help make regional mechanisms

> *Regardless of the advances women have made, much remains to be done. Violence against women remains prevalent; women remain among the first to suffer from political, economic, and social changes that occur in their countries; and women are especially vulnerable to sexual harassment, discriminatory inheritance practices, poverty, and HIV/AIDS.*

III. Human Rights and the Politics of Inclusion

Small groups held lively and fruitful discussions focused on human rights and the politics of inclusion. Participants analyzed the failure of states to protect citizenship rights in law and in practice; human rights violations against refugees, migrants, women, minorities, and other marginalized groups; the shortcomings of efforts to promote freedom of movement to date; and the role that regional organizations and civil society organizations can and should play to ensure better respect for human rights in Africa. The gaps they identified were numerous, as were their ideas for ways to address them in a concerted, collaborative fashion.

## A.   The Role of States: Law and Practice

As a starting point, many of the small groups discussed the relevant national legal frameworks for citizenship and identity. Participants identified three main areas requiring attention: the inadequacy or exclusionary nature of some laws on the books, the failure to implement laws that are good in principle, and problems related to customary or religious law.

There was broad agreement that the citizenship laws of many African countries remain wanting. While these laws vary from country to country, too many limit the rights of ethnic or religious minorities and marginalized groups such as women, refugees and internally displaced persons, and migrant workers. In many countries, the laws enacted after independence are biased in favor of elites or so "bureaucratized" that they are disconnected from ordinary people.

> *While citizenship laws vary from country to country, too many impose limitations on the rights of ethnic or religious minorities and marginalized groups such as women, refugees, internally displaced persons, and migrant workers.*

From a regional perspective, participants identified the following additional weaknesses of African citizenship laws:

- The absence of adequate legal frameworks for the protection of the culture and identity and effective representation in political institutions of national minorities;
- The crippling effect of increasingly prohibitive travel and visa requirements on cross-border commerce, migrant workers, and other sectors. It was pointed out that these restrictions have driven many into the informal (undocumented) economy yet have failed to prevent illicit trafficking of arms and persons;
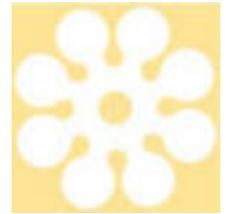
- Discrimination against Africans by national border control mechanisms, for example through visa procedures that privilege 'Westerners' at the expense of persons traveling on African passports (including officials of African inter-governmental organizations). This implies that African governments regard individuals from other continents more highly than they do Africans and, in turn, contributes to a poor self image among Africans themselves;
- The uneven imposition of burdens and constraints of citizenship laws on women; and
- The absence of a specific guarantee of nationality as a human right in the African Charter on Human and Peoples' Rights.

Many participants recommended advocacy for improvement of citizenship laws. One group held extensive discussions about the potential for encouraging African governments to allow dual citizenship. They also recommended encouraging governments to enshrine "minimalist" requirements for citizenship. Another group went so far as to contemplate scrapping existing legal systems and replacing them with new ones. Yet they expressed a concern that, unless governments fully address the issue of identity in the context of citizenship laws, the exercise cannot be successful. They also questioned whether "a single citizenship requires a single legal community?" They noted that, in the wake of colonialism, African societies are in fact governed by multiple legal systems, some of which are defined as traditional, on grounds of religion, language, or custom.

> *We must not be complacent with good laws on the books. At the national and regional levels alike, governments are often more interested in enacting laws and signing treaties than putting their principles into practice.*

There was also broad agreement that participants must not be complacent with good laws on the books. At the national and regional levels alike, there can be a significant gap between the letter of the law and its implementation in practice. One group concluded that governments are often more interested in enacting laws and signing treaties than putting their principles into practice. For example, the OAU Convention on the Specific Problems of the Refugee in Africa does not even have a mechanism for monitoring or enforcement and, thus, is powerless to address the reality that refugee rights are often violated and refugees cannot acquire citizenship in most African countries.
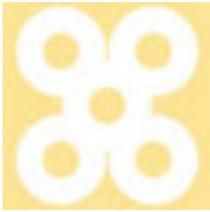
B.   *Strategies for Civil Society*

In light of the above-mentioned shortcomings in the ways that states define and implement citizenship, there was overwhelming agreement that civil society organizations must play a greater role in promoting the politics of inclusion. Although it was agreed that the primary responsibility lies with states, there was broad recognition that many African states are too weak and / or unwilling to fulfill their responsibilities in this regard. Participants made numerous concrete recommendations for ways in which they can help bridge this gap through research, concerted action, and advocacy. Key recommendations included:

- Reinforce the capacity of civil society organizations to play a role of social mediation or contre-pouvoir to resolve conflicts at the national, sub-regional, and continental levels.
- Join forces to advocate for respect for freedom of movement and the rights of refugees and displaced persons.
- Widely disseminate the contents of regional instruments on human rights, freedom of movement, and refugee rights to wider African audiences using community radio and other information technology.

Research:
- Research and document comparative information on the origin and evolution of citizenship laws of African countries, building on experiences of the Council for the Development of Social Science in Africa (CODESRIA) and other African organizations that have engaged in similar research.
- Conduct analysis and publicize information on decisions of the African Commission on Human and Peoples' Rights regarding nationality and the rights of migrants and refugees, with a view to promoting respect of the principles therein.
- Conduct action-oriented research on statelessness and increasing patterns of denationalization and mass expulsion in Africa, with a view to ensuring that all Africans have access to nationality.
- Document the positive and negative roles customary law and Sharia can play in protecting identity and citizenship, looking at legal pluralism within customary and Sharia laws, as well as coexistence of customary laws with statutory civic laws.
- Support research that seeks to advance African intellectual contributions to international law and its development.

Advocacy:
- Promote reform of citizenship laws and standards for the protection of refugees and internally displaced persons to conform to the African Charter and to be as inclusive as possible.
- Protect the rights of those being marginalized by the citizenship laws or the way they are being implemented (including refugees, migrants, and victims of mass expulsion), for example by raising awareness of regional standards and bringing cases to the African Commission.
- Prioritize support for the use and development of Africa's regional and sub-regional judicial and human rights mechanisms (but not at the expense of transforming national systems).
- Work with states and sub-regional organizations to develop mechanisms such as regional citizenship and travel documentation to promote implementation of freedom of movement in practice in West and Southern Africa, where protocols on free movement already exist.

Citizenship Rights and the African Commission on Human and Peoples' Rights

Participants recognized the African Commission on Human and Peoples' Rights, which oversees compliance with the African Charter on Human and Peoples' Rights, as an under-utilized mechanism for the promotion and protection of citizen (and non-citizen) rights. Recourse to the Commission presents individuals and civil society groups throughout Africa with an opportunity to directly challenge states for violations of the Charter.

A number of participants cited the case of Legal Resources Foundation v. Zambia[1] as an example. At issue in this case was a Zambian constitutional amendment prohibiting individuals from standing for election for president unless they could prove their parents had been Zambian citizens by birth or descent. Legal Resources Foundation argued that this law was discriminatory, divisive, and violated the rights of 35 percent of the country's population. The Commission found Zambia in violation of the Charter because its laws discriminated against individuals based on their place of origin.

Yet participants agreed that this and other Commission decisions regarding citizenship rights were only a first step. Much remains to be done in terms of pressuring states to comply with the decisions, as the Commission lacks any binding enforcement mechanism. In addition, civil society organizations could play an important role in promoting the principles enshrined in those decisions in other countries. The discriminatory conditions documented in the Zambia case, for example, are also present in numerous countries across the continent, including Cote d'Ivoire.

Practical Recommendations:

- *Promote public education regarding the rights enshrined in the African Charter;*
- *Improve analysis and dissemination of information regarding the African Commission's decisions;*
- *Broaden civil society and individual understanding of how to file a complaint with the Commission;*
- *Bring more cases to the Commission;*
- *Pressure states to implement Commission judgments;*
- *Conduct advocacy for states to enact laws consistent with Commission jurisprudence;*
- *Increase effective advocacy to speed up the establishment of an African court of human and people's rights.*

[1] Legal Resources Foundation v. Zambia, Communication 211/98, Decision of the AfCmHPR, 29th Ordinary Session, April/May 2001 [2001] IIHRL 1 (1 May 2001).

IV. Cultural Pluralism

Participants recognized the need to foster a "culture of tolerance" incorporating not only political pluralism, but also cultural, social, and economic pluralism. They lamented that priority is rarely given to arts, culture, education, or information in Africa despite the fact that these aspects are key to resolving problems of citizenship and identity. They observed, moreover, a disturbing decline in preservation of African culture due to what many perceive as a trend among post-colonial elite to actively discourage diversity and African culture, coupled with a tendency to allow outsiders to "define" images of African culture.

In order to address these gaps, participants elaborated strategies for collective action. Notably, they agreed that artists and writers have an important role to play in promoting socialization and respect for human rights around the continent and that this needs further support. They also urged intellectuals, researchers, and academics to do more to document cultural pluralism in Africa, and to help bridge the information gap between North and sub-Saharan Africa. In addition, they emphasized the importance of working with youth to ensure the revival and preservation of African cultural identities.

Participants proposed a number of overarching recommendations including:

- Conduct advocacy with governments to establish (and later ratify and implement) an African charter of cultural rights, incorporating rights of minorities, refugees, displaced persons, and respect for national languages.
- Establish an African academy of arts.
- Prioritize support for community radio stations to broadcast information on pluralism and human rights in local languages.

> *Participants urged intellectuals, researchers, and academics to do more to foster and protect cultural pluralism in Africa, and to help bridge the information gap between North and sub-Saharan Africa.*

A. Arts and Culture

Art has the potential to play a central role in the shaping of pluralism and identities in Africa. As such, there is need for art and artists to be supported as agents of change, for the recognition of artistic space as civic space, and for a commitment to the marriage of activism and art. In this connection, artistic expression and integrity intersect with more general issues of protection and free expression in Africa. In elaborating recommendations for how to enhance the role of arts and culture in Africa, participants of one small group noted three trends that shape the environment:

1. There is a lack of African markets for African artistic products. In many cases, African artistic creation is primarily marketed and exported to the West, often depriving the art of context and enabling Western art traders to profit without acknowledging its African provenance.
2. Art and media are powerful tools for conveying political and social messages, and this is a legitimate and important function. But it is necessary to avoid the instrumentalization of artistic creation to serve political objectives. It is also crucial to curb the use of art to propagate messages of hatred or to incite violence.
3. Creation and dissemination of art with a social message can often cause great risk for the artists, many of whom are persecuted because of their art and on occasion for publishing it in African languages.

With this in mind, participants went on to make the following recommendations of ways to empower artists as agents of social change, ensure proper exhibition and preservation of African works of art, and reposition African art in the global arena.

- Support inter-African artistic and cultural exchanges to stimulate creativity and enrich the participants;
- Set up structures to ensure protection of writers and artists at risk, such as creation of a refuge or sanctuary;
- Develop a code of conduct or other measures to prevent the use of art to incite violence;
- Review national laws regulating artistic expression in Africa and conduct advocacy to fill gaps in existing laws and ensure that rights are upheld in practice;
- Facilitate dialogue to promote national and regional policy reform to celebrate the civic role of artists rather than persecute them;
- Explore ways to mobilize partnerships among donors and African art patrons to support community and domestic artistic production. One method would be to provide micro-financing;
- Create and maintain databases to catalogue and archive African works of art and information on artists;
- Organize an all Africa festival of arts and culture on a periodic basis (perhaps every 10 years); and
- Institutionalize awards in African arts.

Writers

A number of prominent African writers whose work has addressed issues of citizenship and identity attended the workshop, including Ama Ata Aidoo, Kofi Anyidoho, Breyten Breytenbach, Abena Busia, and Nuruddin Farah. Many of them read from their work, energizing the other participants. The writers, in turn, were grateful to the participants for acknowledging the special role that literature plays in social transformation.

They made recommendations of ways to shore up the contribution that writers make to this important field.

Practical Recommendations:

- *Creation of an African academy of the arts and culture linking distinguished African writers, artists, musicians, etc. from across the continent, promoting and protecting their common interests – including the collection and preservation of all aspects of African cultures including languages;*

- *Support for a forum of African writers to serve as a network to enhance collaboration among writers around the continent; and*

- *Establishment of a sanctuary on the continent for artists at risk, building on work done by Sanctuary Cities in South Africa and the African Humanities Institute Program based at the University of Ghana.*

B.   Empowering Youth

There was broad agreement on the urgent need to do more to mobilize African youth to promote cultural pluralism. Youth, a majority of the population in much of Africa, have enormous energy that could be tapped for this purpose, yet their energy is more often channeled for militarization than creativity. And, to a large extent, African youth have become disillusioned with their parents, their education, and notions of African unity. As a result, many talented youth leave their countries of origin and often even the continent to study and work, exacerbating the problem of "brain drain."   One participant presented the dilemma from a youth's perspective as follows:

> You have lectured us about class struggle and the death of capitalism … and your legacy is unemployment and poverty. You have talked about "equality for all" and "equality in all," … and your legacy is universities that provide worthless degrees, a rubber stamp national assembly, and a corrupt bureaucracy… You have promised African unity … and your legacy is an unstable, unsafe and impoverished region. You have pledged to liberate Africa … and your legacy is the conflicts in Rwanda, Burundi, Sierra Leone, Liberia.

There was also concern that youth can be fertile ground for those wishing to sow ethnic divisions, for example propagating anti-Christian sentiments in Egypt. However, participants also cited many positive examples of programs their organizations have undertaken to help tap the potential of youth as agents of positive change in Africa. In Egypt, for example, educational seminars on identity, rights, history, and Muslim-Christian relations have achieved some measure of success in diffusing religious tensions. An exchange program bringing together high school students in the East African region was also cited as a success.

> *Youth, a majority in much of Africa, have enormous energy that could be tapped to promote cultural pluralism, yet their energy is more often channeled for militarization than creativity.*

Another issue raised was the need to ensure fuller representation of youth in decision-making forums as well as in SIA activities. As a best practice, participants cited a conference on youth and governance in Africa, which brought together young activists from several African countries to make recommendations concerning political and cultural participation, HIV/AIDS, and employment. On the other hand, some participants expressed concern that young actors in countries in transition (such as post-election Kenya) wield substantial influence yet they are often lacking knowledge about their cultural or historical background.

Participants made recommendations on how to strengthen the capacity of young people to advocate for citizenship and identity rights, to believe in their African heritage, and to improve youth participation in policy arenas. Other recommendations made were:

- Conduct an audit of youth organizations at national and regional levels to develop a strategy for strengthening youth movements;
- Prioritize capacity-building for schools and teachers;
- Promote academic and cultural exchange programs among youth across the continent as well as from the African Diaspora;
- Investigate the long-term consequences of arming Africa's youth, including the impact on the spread of HIV/AIDS;
- Develop and institute mechanisms to preserve Africa's historical memory in youth-friendly formats as a basis for fostering inter-generational dialogue on Africa's history (and future);
- Foster development of mechanisms to promote youth representation and participation in regional decision making bodies;
- Advocate for a youth-centered HIV/AIDS policy especially in such areas as institutionalization of HIV/AIDS orphans, the transformation of gender and generational roles by HIV/AIDS, and its impact on family formations.

Participants stressed the need to support the educational system in general, and African universities in particular, to promote citizenship rights and a culture of tolerance. Yet there is also a need to promote citizenship and identity rights beyond formally educated elites, to reach out to ordinary Africans and marginalized groups.

The Gender Dimension

Participants held extensive discussions on the gender dimension of citizenship and identity. They recognized a need to address issues around gender, culture, and law, noting that the dichotomy between traditional notions relegating women to domesticity on one side and labeling women's emergence in the public sphere as modern on the other may be too stark. There was broad agreement that, regardless of the advances women have made, much remains to be done. Violence against women remains prevalent; women remain among the first to suffer from political, economic, and social changes that occur in their countries; and women are especially vulnerable to sexual harassment, discriminatory inheritance practices, poverty, and HIV/AIDS. It was pointed out that the question of gender should not be limited to liberation from patriarchy, but rather connected to the complex phenomena of state-building, anti-colonial nationalism, liberation struggles, changing social orders, and the emergence of new classes.

Participants of one group sought to elaborate strategies not only to improve the status of women, but also to address the way women are perceived on the continent and from outside. To those outside the continent, the image of the African woman remains largely rural, barefoot, with several young children, uneducated, overworked, underappreciated, and uncompensated. Even within Africa, although women have made significant gains in access to education, the workplace, and other sectors of society, they are often judged primarily in relation to their position with respect to men, family, and community. By breaking down the internal and external factors that influence the perception of women's identities, the group hoped to begin to elaborate concrete proposals to address the serious implications of propagated images of women.

Participants highlighted a need for research to deconstruct then reconstruct many preconceived notions about African women. Practical recommendations included:

- *Research on implementation of citizenship rights in practice (including freedom of movement, personal status, the right of women to pass their citizenship to their children, marriage and family law and practice, and inheritance);*
- *Support for formation of women's associations, and strengthening of their capacity to advance gender issues in different sectors of society ranging from farming to education to constitutional reform;*
- *Creating space for participation in public spheres – to enhance the impact women can make in government, civil society, peace negotiations, and regional and sub-regional organizations;*
- *Research into problems and coping mechanisms specific to women as victims of war and displacement, with a focus on gender-based violence, sexual exploitation, and the nexus with the spread of HIV/AIDS;*
- *Examination of the operations and nature of Sharia and customary law. It is important to focus on both the negative and positive effects these have on the rights of women.*
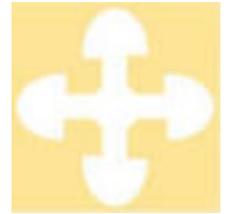
V. Strengthening Institutions

Participants identified numerous important gaps in the ability of states, regional economic communities, and pan-African organizations to protect the rights of citizenship and identity, in spite of the fact that primary responsibility lies with these institutions. There was broad consensus among participants that they, as members of civil society, can and should do more to help these institutions fulfill their obligations in this regard.

Civil society organizations have worked hard to influence governments and regional organizations in addressing Africa's citizenship and identity challenges. Their efforts have included highlighting issues to be addressed, and developing innovative programs to address those issues at times when state structures have been unable to respond. Through collaboration and partnership, civil society groups have sought to maximize the social impact of their interventions.

However, it was noted that even approaches of civil society to citizenship and identity have been insufficient. Some participants felt that NGOs and other civil society actors in Africa have not adequately addressed citizenship holistically in its relationship to human rights. It was noted that some organizations have demonstrated a tendency to take a narrow view of citizenship. Participants also considered that civil society organizations themselves could be more inclusive, and should do more to reach out to community-based organizations, traditional institutions, religious groups, academia, professional associations, and the private sector. (However, some cautioned about getting too close to the private sector.) Others cited "brain drain" as a major obstacle to the effectiveness of African civil society.

Participants also expressed concerns about African civil society's material and intellectual dependence on international donors. One participant, while recognizing the obvious need for civil society organizations to be accountable to their donors, cautioned that excessive emphasis on accountability may make freedom and autonomy of civil society meaningless. He cited the Ford Foundation's continued support of CODESRIA throughout the organization's troubled period as a best practice in this regard.

Recommendations included:

- Support civil society efforts to engage regional economic communities and to ensure they address the issues of youth, women, displaced people, identity, and citizenship not only in making policies but also in developing the tools and mechanisms to implement them.
- Allow civil society organizations the autonomy to develop and implement their own agenda, rather than excessively imposing donor-driven projects.
- Develop innovative ways to involve Africans in the Diaspora in civil society efforts on citizenship and identity.

Focus on education

There was broad agreement on the need to support the educational system in general, and African universities in particular, as part of a sustainable approach to strengthening institutions to promote citizenship rights and a culture of tolerance. One participant made a passionate plea to ensure that civil society does not become a substitute for academia. And all agreed on the need to do more to promote identity and citizenship rights beyond formally educated elites, to reach out to ordinary Africans and marginalized groups.

Practical Recommendations:

- *Provide institutional support for African universities, recognizing the essential role they play in research, documentation and archivage, and teaching about citizenship and identity issues;*
- *Promote collaboration among activists as well as academics and the media to disseminate information on innovative approaches, seminal ideas, and preserving historical memory;*
- *Create an observatory to collect and diffuse information on citizenship and identity that can be used in education and for advocacy, building on the experiences of organizations like CODESRIA;*
- *Organize exchanges between researchers and universities to share knowledge and inspire action;*
- *Establish an exchange program, perhaps titled "Prepare the Future," to group some 30 young activists from different countries in a year-long mobile university with three months in each of four countries to interact with experts in a variety of fields;*
- *Support creation of a formal or informal curriculum on pluralism, identity, and African history, with special emphasis on maximizing access through dissemination in local languages.*

VI. Plenary Presentations

A.   *The Politics of Identity and Citizenship in Africa*

Mahmood Mamdani addressed the plenary on the subject of the politics of identity and citizenship in Africa after lunch on June 9, 2003. In his thought-provoking presentation, he analyzed the question of citizenship from a historical perspective to demonstrate the danger of conditioning rights on "indigeneity."

In framing the issue of citizenship, the speaker underscored the importance of the colonial legacy and the way Africans interpret it. He noted that colonialism has most often been analyzed from an economic perspective, focusing on how Europe underdeveloped Africa. The importance of the political legacy of colonialism, however, has come to light in the wake of political violence that did not depend on market-based identities.

To illustrate this point, the speaker outlined three successive cycles of political violence in Africa. The first cycle of violence, which largely occurred between the Second World War and independence, pitted natives against settlers.   Later, in what he called the second cycle of violence, groups termed "indigenous" fought against "immigrants." In this regard, it is important to note that colonial authorities typically defined non-indigenous groups in the colonies as "races," while using the word "tribe" to refer to indigenous groups. While both terms were imposed as political identities, the two groups enjoyed very different privileges, essentially living in different legal worlds. Races were governed by laws and rights, while tribes by custom. Yet the distinction between races and tribes (now referred to more as ethnicities) was not the same as the distinction between colonizers and colonized. The hierarchy of races also included "subject races," groups of people who were there before the colonizers arrived but who were thought to have migrated earlier - including Indians of East, Central and Southern Africa; the Arabs of Zanzibar; the Batutsi of Rwanda and Burundi; and the "Coloureds" of Southern Africa. The third cycle of violence, Africa's worst internal violence in the postcolonial period (the Rwandan genocide perhaps its most egregious manifestation), has targeted those defined as subject races under colonialism. And it is growing.

The presenter highlighted three postcolonial dilemmas contributing to this deepening cycle of violence. The first arises from the growing tendency for indigeneity to become the litmus test for rights under the postcolonial state, as under the colonial state (only turned on its head). The second dilemma arises from the fact that we have built upon this foundation and turned indigeneity into a test for justice, and thus for entitlement under the postcolonial state. The third dilemma arises from the growing tendency to identify a colonially constructed regime of customary law with Africa's authentic tradition.

While turning indigeneity into the basis for entitlement, conservative African regimes - the bearers of mainstream nationalism - have succeeded in redividing yesterday's natives into postcolonial settlers and postcolonial natives. The speaker cited the example of citizenship law in the Democratic Republic of Congo, defining a Congolese as anyone with an ancestor then living in the territory demarcated

by Belgians as the colony of Congo. The Congo is not an exception. If we look at the definition of citizenship in most African states, it is almost as if colonialism was the start of African history! The ethnic character of Nigerian federalism is another telling example. First, given the way "federal character" is defined and the quota system based on it, every ethnic group in Nigeria is compelled sooner or later to seek its own ethnic home, its own native authority, its own state in the Nigerian federation. Second, with each new state, the number of Nigerians defined as nonindigenous in all its states continues to grow. The cumulative outcome is the intensification of contradictions between economic and political processes.

Ethnic clashes are increasingly about rights, particularly the right to land and to a native authority that can empower those identified with it as ethnically indigenous. For evidence, look at the Kivus in eastern Congo, the Rift Valley in Kenya, or contemporary Nigeria. In order to better understand this cycle of violence, the speaker urged participants to rephrase the question, not "which rights" but, "whose rights?" In conclusion, he stressed that democracy is not just about who governs and how they are chosen. More important, it is about how they govern, the institutions through which they govern, and the institutional identities by and through which they organize different categories of citizens.

B. Towards a Human Rights Approach to Citizenship and Nationality Struggles in Africa: The Regional Quandary

Joseph Oloka-Onyango addressed the plenary after lunch on June 10, 2003, providing a critical analysis of existing regional structures in Africa and their potential for protecting citizenship and identity rights. "In human rights struggles," he said, "the local is key, but the regional is becoming crucial." After the presentation, participants welcomed the speaker to the "club of African optimists."

He began by highlighting three key questions:

1. What has been the response of regional mechanisms, instruments, and institutions?
2. How adequate is that response?
3. What loopholes remain to be filled by civil society actors, states, and regional organizations, and how to go about filling them?

These questions and the wider theme of the presentation were addressed during this presentation, and also in small group discussions throughout the workshop.

> *In human rights struggles, the local is key, but the regional is becoming crucial.*

The speaker began by identifying a number of tensions inherent in post-independence regional institutions including conflicting conceptions of self-determination, the marginal place for citizens in the imposed phenomenon of statehood, the disconnect between the notion of peoples and the states in which they live, and the dilemma of recognizing the positive aspects of ethnicity while ensuring its negative effects (hate speech, discrimination, etc.) are minimized. Further, the tension between "protecting" the rights of women and ensuring that women are able to effectively assert their autonomy and equality has yet to be adequately addressed; notions of citizenship as we know it are decidedly not gender-neutral.

In addition, the sheer proliferation of regional and sub-regional groupings in Africa – fourteen at last count – adds to the complexity of addressing the issues of citizenship in terms of competence, competing jurisdictions, divided loyalties, and inadequate capacities. Among the major shortcomings common to these institutions are state-centeredness with minimal popular involvement in their establishment or operation, predominant focus on economic issues, scant reference to individual or group rights, and rhetorical attention to the idea of free movement.

Nevertheless, the speaker noted several significant advances, notably the 1969 Convention governing the Specific Aspects of the Refugee Problem in Africa and the 1981 African Charter on Human and Peoples' Rights. Although both of these instruments have significant shortcomings – among others, the refugee convention lacks provision for enforcement and the African Charter does not even mention citizenship or nationality explicitly – they also have enormous potential to protect citizenship and identity rights. The African Commission, for example, has issued several relevant decisions demonstrating that it is acutely aware of the manner in which states use the issues of nationality and citizenship in order to stifle political dissent (see text box on decisions of the African Commission).

In reality, the speaker recognized that refugees, internally displaced persons, minorities, indigenous persons, and migrants remain the victims of widespread discrimination and human rights abuses throughout Africa. However, he expressed hope and urged participants to take full advantage of recent developments including the advent of the African Union, its conceptual distance from the doctrine of non-interference, and prospects for an African Court to ensure that the provisions of the African Charter and refugee convention to help put a stop to these practices.

> *The advent of the African Union, its conceptual distance from the doctrine of "non-interference" and prospects for an African Court raise hopes that African institutions may do more to put a stop to discriminatory practices.*

C.   *North African Institutions*

On June 11, Eva Dadrian and Heba Saleh, participants at the workshop and consultants for SIA, presented the group with information on institutions working on identity in North Africa and the issues they are working on, focusing on Algeria, Egypt, and the Sudan. Representatives of many of these institutions were also participants in the workshop. After their presentation and throughout the workshop, participants held lively debates around North – Sub-Saharan relations.

The conflict in Algeria is often portrayed as one over race or religion, but the presenters described it as an identity-based conflict in reality. The military government has manipulated identity politics, selectively invoking history to pit Arab against Berber. At the same time, the government has brutally cracked down on civil society in general and human rights activists in particular, often accusing them of defending terrorists.   Despite the great personal risk that is often entailed, a number of actors have initiated innovative programs to promote social justice as a way to counter destructive government actions. Among them, the presenter spotlighted the work of an independent journalist whose paper has been shut down for reporting on human rights abuses, a social scientist working to develop a Berber elite drawn from local communities and tribal federations, and a professor of linguistics whose research aims to combat the politicization of language.

In Egypt, the divide is largely among Coptic Christians and Muslims, both of whom tend to self-identify as Egyptian. However, since the rise of political Islam in the 1970s, the state has often used its power to restrict the rights of Copts. As examples of best practices being undertaken by Egyptian civil society, the presenter told the group about the work of a Coptic newspaper, an organization that is working to rewrite Egyptian culture and history from a gender-sensitive perspective, a research center that seeks to counter the western agenda that has been imposed on the social sciences in Africa and the Arab world, and a theater company that is preserving traditions of folk art and performance.   She also noted the important work being done by a legal assistance organization that helps refugees and other migrants who are deprived of citizenship rights in Egypt.

Sudan, a country that has been devastated by an identity-based conflict for decades, can also be seen as a microcosm of the problems faced by much of Africa. The presenter told the group of experiences of many organizations from different regions of the Sudan including human rights organizations, women's associations, student groups, and groups ensuring that the voices of marginalized groups are heard in the peace process. One notable example is the South Sudan Women's Council, a representative of which participated in the workshop. However, the presenter noted that many other groups are constrained by the security situation to work in exile.

Collaboration across the Sahara Desert

Throughout the workshop, participants from different sub-regions held lively discussions about the relation between North Africa and Sub-Saharan Africa, and the space for common ground in analyzing the politics of citizenship and identity in both places. One group, for example, considered whether such a thing as Arab-African identity exists (looking at, among others, North Africans, East African Arabs, and liberation fighters from various African countries who sought refuge in Cairo and Algiers over the years). Another group examined similarities between the root causes of the conflict in Algeria, including denying citizenship to those who do not speak Arabic, and exclusionary practices in other African countries. However, participants did not always see eye to eye, and it was clear that further study on these questions could help elucidate the issues and promote better cooperation across the Sahara desert.

Practical Recommendations:

- *Conduct research to promote common ground on issues of identity between Sub-Saharan Africa and North Africa, perhaps through an existing program of CODESRIA.*

- *Promote exchanges between the two parts of the continent in the fields of arts, culture, and academia.*
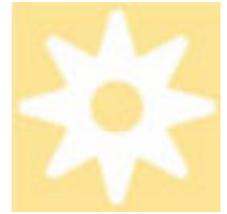
VII. Conclusion

The workshop provided an opportunity for a diverse cross-section of African civil society to come together to define an agenda for dealing with issues of citizenship and identity around the continent, and to begin forming strategies to implement the agenda. Participants were keenly aware that they each held very different perspectives on identity issues and that the context in which identity exists in Africa is constantly shifting. Yet they were able to find substantial common ground, and left the workshop energized and ready to work together to break down the barriers that divide Africans.

Participants elaborated the following key priority areas:

- Promoting more **inclusive citizenship laws** to guarantee the rights of marginalized groups. In this regard, it is essential to document and incorporate the positive aspects of traditional or customary or religious laws. In addition to promoting good laws on the books, civil society organizations must continue to advocate for their enforcement in practice.
- Taking full advantage of the potential of **regional human rights mechanisms** such as the African Commission on Human and Peoples' Rights and sub-regional bodies that can promote freedom of movement. Participants also stressed the importance of advocating for the prompt establishment of an effective African court.
- Creating **space for writers and artists** to exercise their civic role to promote a culture of tolerance. Pressure must be brought to bear on governments that restrict the space for independent thought, and there must be places of refuge or sanctuary on the continent for African writers and artists at risk of persecution. Participants cautioned that writers and artists have a corresponding duty to ensure that their work is not instrumentalized to unethical ends such as incitement to violence.
- **Capacity-building** for a broad range of organizations and institutions working in the field of citizenship and identity to help them on their path to self-sustainability. These institutions include community-based organizations, civil society organizations (especially those comprised of or providing services to women, youth, and marginalized groups), writers and artists, local-language media, schools, universities, and intergovernmental institutions.
- Researching and analyzing common ground between **North Africa and sub-Saharan Africa**, and promoting collaboration among sub-regions of the continent.

Recommendations made during the workshop complemented those made at the first two agenda setting workshops on peace and conflict and regional integration. Together, they form the basis for a continental agenda of African solutions to Africa's most pressing problems.

List of Participants

Ms. Madji Abdi, Film Maker, Ethiopia
Mr. Tajudeen Abdul-Raheem, Pan-African Movement, United Kingdom
Ms. Ama Ata Aidoo (No Relation), Mbaasem, Ghana
Mr. Neville Alexander, Project for the Study of Alternative Education in South Africa
Ms. Akwe Amosu, All Africa Global Media, United States
Mr. Kofi Anyidoho, Ghana University
Mr. Jose Barroso, Southern African Development Community (SADC)
Mr. Breyten Breytenbach, Goree Institute, Senegal
Ms. Abena Busia, Rutgers University, United States
Ms. Eva Dadrian, Writer / Journalist, Egypt
Ms. Hoda Moftah El Saadi, Women and Memory Forum, Egypt
Mr. Alpha Fall, Institute for Human Rights and Development, The Gambia
Mr. Nuruddin Farah, Writer, Somalia
Mr. Sameh Fawzy Henien, *Watani Newspaper*, Egypt
Ms. Salima Ghazali, *La Nation*, Algeria
Ms. Abi Gitari, Refugee Consortium of Kenya
Mr. Ehiedu Iweriebor, Hunter College of the City University of New York, United States
Ms. Amie Joof-Cole, African Women's Media Centre, Senegal
Ms. Francine Kabore, Pan-African Federation of Associations and Clubs, Burkina Faso
Ms. Nira Kapila, The Asian-African Heritage Museum, Kenya
Ms. Muna Khugali, Sudan Women's Convention, United Kingdom
Ms. Joy Kwaje Eluzai, Southern Women's Group for Peace, Sudan
Mr. Mahmood Mamdani, Columbia University, United States
Mr. Xolela Mangcu, Steve Biko Foundation, South Africa
Mr. Firoze Manji, Fahamu – learning for change, United Kingdom
Mr. Moeletsi Mbeki, South African Institute for International Affairs
Mr. Ezra Mbogori, MWENGO, Zimbabwe
Ms. Comm Thoko Mpumlwana, Electoral Commission of South Africa
Ms. Betty Murungi, Urgent Action Fund-Africa, Kenya
Mr. Kizito Mushizi, Radio Maendeleo, Democratic Republic of Congo
Ms. Maria Nassali, Kituo Cha Katiba, Uganda
Mr. Sadikh Niasse, West African Refugees and Internally-Displaced Persons Network (WARIPNET), Senegal
Mr. Gamal Nkrumah, *Al Ahram Weekly*, Egypt
Mr. Pitika Ntuli, African Renaissance Institute, South Africa
Mr. Joseph Oloka-Onyango, Makerere University, Uganda
Mr. Jean-Bernard Ouedraogo, CODESRIA, Senegal
Ms. Karen Shormeh Sai, Progressive Life Center, United States
Ms. Heba Saleh, Journalist, Egypt

Mr. Brahim Salhi, University of Tizi Ouzou, Algeria
Mr. Yasir Saleim Ali Shalabi, Nubian Studies and Documentation Centre, Sudan
Mr. Sultan Somjee, The Asian-African Heritage Museum, Kenya
Mr. Binyavanga Wainaina, Kenya
Ms. L. Muthoni Wanyeki, African Women's Development and Communications Network (FEMNET), Kenya

ADDIS ABABA PARTICIPANTS
Ms. Adjoa Coleman, African Union
Mr. Abdul Mohammed, Inter-African Group
Mr. Dessalegn Rahmato, Forum for Social Studies
Mr. Bahru Zewde, Forum for Social Studies.

FUNDERS

Mr. Akwasi Aidoo, Ford Foundation
Mr. Tade Aina, Ford Foundation
Mr. Chidi Anselm Odinkalu, Open Society Justice Initiative
Mr. Ahmed Bawa, Ford Foundation
Ms. Alison Bernstein, Ford Foundation
Ms. Zohra Dawood, Open Society Foundation for South Africa
Ms. Basma El-Husseiny, Ford Foundation
Ms. Julia Harrington, Open Society Justice Initiative
Mr. Motoyoshi Noro, Embassy of Japan
Ms. Adhiambo Odaga, Ford Foundation
Ms. Sara Rakita, Ford Foundation
Mr. Gerry Salole, Ford Foundation

Mr. Bradford Smith, Ford Foundation

A FOUNDATION FOR AFRICAN SOLUTIONS

TrustAfrica is a new African foundation that is grappling with some of the continent's most pressing challenges: violence, discrimination, and economic isolation. We bring together visionary figures—scholars, activists, entrepreneurs, artists, policy makers, and other civic leaders—to generate ideas, forge partnerships, and mobilize resources for a safe, free, and prosperous future.

Our work focuses on three vital goals:

- ending conflicts and securing peace,
- promoting inclusive policies on citizenship and identity,
- and advancing economic integration.

TrustAfrica
320 East 43rd Street
New York, NY 10017
tel.: 212-573-4952
fax: 212-351-3675
info@trustafrica.org
www.trustafrica.org

TRUSTAFRICA