Preface to the third edition

This is the third edition of this book, originally published in 2009 and written while I was an employee of Open Society Foundations (OSF). The second edition of 2010 included updates on several countries and some minor corrections. This third edition is a comprehensive revision of the original text, updated to reflect developments at national and continental levels, to clarify some interpretations based on my increased understanding of the issues, and to present completely revised and improved tables based on comparative analysis of the nationality laws of 54 countries in Africa, as well as additional tables dealing with new aspects of the law. The appendix contains the updated list of laws in force as of 2015 used to compile this study.

Among the countries that have adopted revisions to their nationality laws of greater or lesser significance since 2009/10 are Côte d’Ivoire, Kenya, Libya, Mali, Mauritania, Namibia, Niger, Senegal, Seychelles, South Africa, Sudan, Tunisia and Zimbabwe. Perhaps the most significant other developments with impacts on nationality law and the right to a nationality are the secession of South Sudan from Sudan, and the impact of South Sudan’s new nationality on both countries, and the transfer of sovereignty of the Bakassi peninsula from Nigeria to Cameroon.

There have also been major developments in standard-setting at the African and international levels. The African Commission on Human and Peoples’ Rights adopted two resolutions and a study on the right to nationality in Africa, leading up to the adoption in July 2015 of a draft Protocol to the African Charter on Human and Peoples’ Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa. The African Committee of Experts on the Rights and Welfare of the Child handed down an important decision on the nationality of children of Nubian origin in Kenya in 2011, which informed a General Comment on Article 6 of the African Charter on the Rights and Welfare of the Child (name, birth registration and a nationality) adopted by the Committee in 2014. The UN High Commissioner for Refugees (UNHCR) has also adopted a number of guidelines and other documents on statelessness and in 2014 launched a major campaign to end statelessness within 10 years. In Africa, UNHCR’s regional office in Dakar has collaborated with the Economic Community of West African States (ECOWAS), leading to the adoption in 2015 of a regional declaration on the urgency of addressing statelessness.
The first edition of this book was published at the same time as my *Struggles for Citizenship in Africa* (Zed Books, 2009), which gathered case studies of the practice of statelessness and citizenship discrimination in Botswana, Côte d’Ivoire, Democratic Republic of Congo, Ethiopia, Kenya, Mauritania, Nigeria, Sierra Leone, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe and elsewhere. This text draws on the information in *Struggles for Citizenship in Africa*, as well as on several subsequent publications, including *Statelessness in Southern Africa*, a briefing paper for a UNHCR Regional Conference on Statelessness in Southern Africa in November 2011, and *Nationality, Migration and Statelessness in West Africa*, UNHCR and IOM, 2015. The tables and information in the first edition of the report were also updated for use by the African Commission on Human and Peoples’ Rights in its study on *The Right to Nationality in Africa* adopted in May 2014.

The genesis of this report lay in information collected as part of a 14-country “Africa citizenship audit” initiated by Chidi Odinkalu and Julia Harrington of the Open Society Justice Initiative working with the Africa foundations in the Open Society Foundations network. Information on this survey and its participants is available at the website of the Open Society Justice Initiative.¹

A group of nationality experts and advocates met in London on 20 February 2009 to discuss the recommendations for this report. Those who attended the meeting were: Adrian Berry, Chaloka Beyani, Brad Blitz, Deirdre Clancy, Jim Goldston, René de Groot, Julia Harrington, Adam Hussein, Khoti Kamanga, Ibrahima Kane, Mark Manly, Dismas Nkunda, Chidi Odinkalu, Louise Olivier, Gaye Sowe, Souleymane Sagna, Ozias Tungwarara and Patrick Weil. Abdelsalam Hassan Abdelsalam, Jorunn Brandvoll, Laurie Fransman, Susin Park, Santhosh Persaud and Laura van Waas also provided input on the recommendations. While most of the rest of the book has been revised since 2009, the recommendations remain unchanged.

Thanks to all my colleagues at the Open Society Foundations for their support and guidance over many years of working on these issues.

Bronwen Manby
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