

Transnational Citizenship On The Borderlands: Towards Making (Non)Sense Of National Borders In Africa

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Abstract

This paper uses citizenship as a lens to explore abolishing national borders in Africa within discussions on the coloniality of these borders. What meanings have post-colonial governments attached to the borders? What are the concepts and constructions of citizenship by the borderlanders? How can territorial sovereignty be reconciled with citizenship as the African Union seeks to integrate the continent ultimately? It problematises concepts such as sovereignty and citizenship vis-à-vis the lived experiences of borderlanders to highlight the crisis of citizenship on the borderlands. The paper proposes a form of flexible citizenship, built on cross-border cultural and historical relations, that reflects life on the borderlands to decolonise the borders: transnational citizenship. In other words, it proposes an adjustment to the meaning of national borders as they operate in the African context, rather than the abolishment of borders altogether.

Keywords: Borders, Abolition, Sovereignty, Citizenship, Transnational citizenship

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Résumé

Cet article utilise la citoyenneté comme une lentille pour explorer l'abolition des frontières nationales en Afrique dans le cadre de discussions sur la colonialité de ces frontières. Quelles significations les gouvernements postcoloniaux ont-ils attachées aux frontières? Quels sont les concepts et les constructions de la citoyenneté parmi les habitants des zones frontalières? Comment la souveraineté territoriale peut-elle être conciliée avec la citoyenneté, l'Union Africaine cherchant à intégrer le continent à terme? L'article problématise des concepts tels que la souveraineté et la citoyenneté tout en tenant compte des expériences vécues par les frontaliers afin de mettre en évidence la crise de la citoyenneté dans les zones frontalières. L'article propose une forme de citoyenneté flexible, fondée sur des relations culturelles et historiques transfrontalières, qui reflète la vie dans les zones frontalières afin de décoloniser les frontières : la citoyenneté transnationale. En d'autres termes, il propose un ajustement de la signification des frontières nationales telles qu'elles fonctionnent dans le contexte africain, plutôt que l'abolition pure et simple des frontières.

Mots clés: frontières, abolition, souveraineté, citoyenneté, citoyenneté transnationale.

Introduction

On the 60th anniversary of the historic 1958 All-African People's Conference, at which demands were made for the abolition or adjustment of the borders, this paper revisits the subject of decolonising the colonially imposed borders. This paper seeks to examine the legacies of these borders with a particular interest in citizenship on the borderlands. What meanings have post-colonial governments attached to the borders? What are the concepts and constructions of citizenship by the borderlanders? How can territorial sovereignty be reconciled with citizenship as the African Union seeks to integrate the continent ultimately? This paper problematises concepts such as sovereignty and citizenship vis-à-vis lived experiences of borderlanders to highlight the crisis of citizenship on the borderlands.

Drawing on the lived experiences of borderlanders, this paper proposes a form of flexible citizenship, built on cross-border cultural and historical relations, that reflects life on the borderlands to decolonise the borders: transnational citizenship. In other words, it proposes an adjustment to the meaning of national borders as they operate in the African context, rather than the abolishment of the borders.¹ This paper posits that while abolishing the borders is desirable, the existence of a border per se may not necessarily be a problem; equally important is the border control or management regime since borders are not only physical or cadastral lines on maps, but they are also politically, economically, socially, and culturally constructed (Lamb, 2014; Lybecker, 2018; Newman, 2006; Rumford, 2008).

A border control or management regime is imperative to decolonising borders in the 21st century. This is more so as most of the political leadership of the various countries has been averse to the idea of dismantling colonial borders as they are religiously perceived as markers of sovereignty (Ajala, 1983; Herbst, 1989; Mutua, 1995; Ndlovu-Gatsheni, 2018; Touval, 1967). Interestingly, none of the post-colonial leaders in the 21st century is calling for the abolishment of borders. The closest we have is the leader of South Africa's Economic Freedom Fighters (EFF), Julius Malema, who stated before the 2019 South African elections that he would abolish the borders if his party came to power. According to him, "Borders were imposed on us by colonisers and we are unwittingly supporting the colonizers" (Isilow, 2019).

More importantly, the African Union (AU), the Pan-African continental body, not only accepted the colonial borders but, like its predecessor body the Organisation of African Unity (OAU), also forges ahead with completing the enforcement of these borders. While its border programme, which was adopted in 2007, seeks to develop cross-border cooperation, it is engaged in demarcating the borders as well as developing the capacity of states to manage the borders.² It is within this context that this paper leans towards a more creative approach to the border challenges.

The debates on borders, boundaries, and borderlands in Africa, their coloniality, and decolonisation have been topics of intense debates, discussions, policies, and interactions since the era of African independence (Moyo, 2020;

1 In this paper abolishing the borders means literally erasing or redrawing the inherited colonial borders.

2 According to the African Union, of its 109 terrestrial international boundaries covering the length of about 170,000 km², only 35% are demarcated (AUBGS, 2020. p. 6).

Moyo and Nshimbi, 2020; Ndlovu–Gatsheni, 2018; Nshimbi, 2018).³ Before transitioning to the AU, the OAU established several bodies with the aim of addressing the limitations of artificial borders in Africa. With a particular focus on economics, the OAU founded an African Economic Community (AEC) that seeks the political, economic, social, and cultural integration of the continent by 2028.⁴ Later the AU would establish the African Continental Free Trade Area (AfCFTA). Nevertheless, regardless of the AU’s attempts to unify borders, nations cling to the colonially imposed borders.

One school of thought on addressing Africa’s borders is to abolish them altogether. Arthur Mutambara, speaking at the Oxford debating union in 2019, argued that:

For a start, we need the United States of Africa – a country – and not a union of sovereign states. We need to abolish national sovereignty and embrace continental sovereignty. We must pool our individual national sovereignties into one indivisible and all-inclusive Pan-African sovereignty (Mutambara, 2023).

Others, in calling for abolishment of the borders, have recommended political units based on pre-colonial political entities, ethnic identities, or some other configuration. George Ayittey (2010) advocates a confederation of African states; Makau w. Mutua (1995), for instance, envisages collapsing the existing states into fourteen larger states, while A. S. Gakwandi proposes seven states (Ramutsindela, 1999).

However, some, in rejecting the borders, have suggested creative approaches to the border to address the challenges of the 21st century. Ndlovu–Gatsheni (2018) suggests rethinking citizenship to deal with the realities of African mobilities, whilst Christopher Changwe Nshimbi (2018) proposes transforming the borderlands into amorphous spaces to make the borders

3 There are conflicting and overlapping definitions of border and boundary. According to the United Nations Development Programme “‘Border’ refers to the lines used to distinguish between states according to international law” while “‘Boundary’ is a less specific term, used to refer to nonterritorial lines of distinction.” (UNDP Africa Borderland Unit, June 2020, p. 2). However, for this paper borders and boundaries are used interchangeably to mean the border as defined above.

4 In 1991, the Organisation of African Unity (OAU) adopted the Treaty Establishing the African Economic Community (Abuja Treaty) which is aimed at the integration of the economies of the various states as the bedrock for the development of the continent. For details, see the Treaty.

functional bridges between neighbouring states. Inocent Moyo (2020) highlights the plight of non-state actors within regional integration approaches such as the Southern African Development Community (SADC) and suggests border passes to ease the cumbersome border formalities.

This debate may appear outdated; however, its relevance is validated in the “issues and recommendations” of the 2018 anniversary conference organised by the Institute of African Studies of the University of Ghana, under the theme, “Revisiting The 1958 All-African People’s Conference – The Unfinished Business of Liberation and Transformation”. The conference was in commemoration of the 60th anniversary of the first All-African People’s Conference (AAPC) held in Accra from December 5–15, 1958.

The AAPC, held under the auspices of Ghana’s prime minister Kwame Nkrumah emphasised the importance of engaging with questions of borders, frontiers, and federations both in the sessions and in the issues and recommendations. In its resolution on “Frontiers, Boundaries and Federations,” it noted that:

WHEREAS artificial barriers and frontiers drawn by imperialists to divide African peoples operate to the detriment of Africans and should therefore be abolished or adjusted;

WHEREAS frontiers which cut across ethnic groups or divide peoples of the same stock are unnatural and are not conducive to peace and stability;

WHEREAS leaders of neighbouring countries should co-operate towards a permanent solution of such problems which accords with the best interests of the people affected and enhances the prospects of realisation of the ideal of a Pan-African Commonwealth of Free States; ...

BE IT RESOLVED and it is hereby resolved by the All-African People’s Conference that the Conference:

(a) denounces artificial frontiers drawn by imperialist Powers to divide the peoples of Africa, particularly those which cut across ethnic groups and divide people of the same stock

(b) calls for the abolition or adjustment of such frontiers at an early date

(c) calls upon the Independent States of Africa to support permanent solution to this problem founded upon the true

wishes of the people. (Resolution 3, All-African People's
Conference, p. 46)

The call for the borders to be abolished or adjusted was premised on their artificiality and arbitrariness primarily because they cut across families, communities, and ethnic groups. This division had led to petitions before the conference from groups such as the All-Ewe Conference (AEC) to the United Nations (UN) in the 1940s to address the "Ewe Problem," that is, the division of the Ewe-speaking people between the British and the French colonial territories (Amenumey, 1989).

This paper contributes to this discussion. It utilises published works on borders, continental, and regional integration in Africa as well as some blogs which are vibrant sites about abolishing borders. Primary data is sourced from continental and regional legal instruments as well as ethnographic studies in communities on the Ghana-Togo border. The ethnographic study on the borderlands provides important insights into how sovereignty and citizenship intersect. Information was derived from interviews with chiefs and elders, opinion leaders, security agents, and commercial transporters. This was complemented by participant observation in rites such as enstoolments of chiefs, funerals, and festivals.

This paper is structured as follows: this introductory section is followed by a discussion of the conceptual framework that underpins the study. It then examines the historical context of Africa's international borders to appreciate its current configurations and related challenges. This is followed by an examination of border control or management regimes in post-colonial Africa to understand the meanings that governments have attached to the borders and the weaknesses inherent therein. The final section addresses the question of abolishing Africa's borders.

Conceptual Framework

This section engages with orthodox notions of sovereignty and citizenship vis-à-vis borders. Examining the abolition of the borders through the perspective of sovereignty and citizenship not only helps in understanding the position of post-colonial states on the inherited colonial borders but also provides alternative approaches to a borderless Africa. These interrelated concepts provide the foundation for transnational citizenship.

Sovereignty

Sovereignty is defined as “the authority of a state to govern itself—the ability to operate free from external control” (Davies, 2016, p. 5). Caroline Humphrey (2007) notes that “If we accept the common definition of sovereignty as the capacity to determine conduct within the territory of a polity without external legal constraint, then the ‘polity’ in question is normally considered to be the nation–state and the ‘territory’ a geographical space bounded by state frontiers” (p. 418).

This orthodox notion of sovereignty is based on Westphalian concepts of a territorially circumscribed state with states controlling their borders. According to Michel Foucher (2020), “Modern state–building is based on and achieved through, a country controlling its territory, which is meant to act as a marker of identity and a tie between the government and its citizens” (p. 301). He further notes that “Borders define the state, which cannot exist without linear boundaries” (Foucher, 2020, p. 301). However, as some scholarly works on sovereignty point out, there is tension between the ideal and practice in the post–colonial state. Like the colonial state, the post–colonial state is not as hegemonic as it is made to seem (Hansen and Stepputat, 2006). Statehood, as Tobias Hagmann and Didier Péclard (2010) argue, is negotiated between the local, national, and transnational state and non–state actors. Frederick Cooper (2014) also points to the divisibility of sovereignty that made it possible for both French and African leaders to envision dismantling the French colonial empire not as a choice between assimilation and separation or independence and colonialism. Several studies point to multiple sites of sovereignty, thus proving the misconception of absolute sovereignty purely on power and political economy grounds. Donald Ray (1996), for instance, contends that there is “divided sovereignty” in Ghana because the chieftaincy institution forms a parallel power to the post–colonial state. This is further complicated on the borderlands where chiefs straddle the border (Adotey, 2018a; 2018b). In other words, the authority and jurisdiction of these chiefs may not be limited to one nation–state. This segues into the relationship between the state and its people.

Citizenship

Citizenship, according to T. H. Marshall, is “a status bestowed on those who are full members of a community. All who possess that status are equal with respect to the rights and duties with which the status is endowed” (Cited in Turner, 2022, p. 703). It also “represents a relationship between the individual and the

state, in which the two are bound together by reciprocal rights and obligations” (Heywood, 1994, p. 155). These ideas are based on territorially bounded states. It neglects communities that may not belong to only one state. Thus, on the borderlands, one may find a discrepancy between this conception of a citizen held by the state and those held by borderlanders who transcend the borders. As Bryan S. Turner (2022) notes, “The contemporary problems of citizenship both as theory and as a socio-political framework are related to national sovereignty and the idea of integrated communities and common cultures based on an underlying notion of solidarity and sameness.” (p. 709) These assumptions have been challenged by cross-border communities that, though culturally integrated, have been split by the borders, as this study shows. Diouf and Fredericks (2014) also show the uneven and contested nature of citizenship in the urban landscape.

Aihwa Ong (2022) points to symbolic and social meanings of citizenship and shows how spaces of citizenship formation have moved from national to transnational spaces. As she notes on the waning significance of liberal citizenship, “In an age of interconnected crises and information flows, citizenship as a state-protected status has become fragile and uncertain for too many people. Citizenship, as we conventionally understood it, is waning as a central identity for the powerful as well as the marginalized and displaced” (p. 604). Nyamnjoh (2007) also highlights the limits of bounded citizenship in contemporary times and suggests reconceptualising citizenship to make it flexible:

There is a clear need to reconceptualize citizenship in ways that create political, cultural, social and economic space for excluded nationals and non-nationals alike, as individuals and collectivities. Such inclusion is best guaranteed by a flexible citizenship unbounded by race, ethnicity, class, gender or geography, and that is both conscious and critical of hierarchies that make a mockery of the juridico-political regime of citizenship provided by the coercive illusion of the “nation-state” (p. 80).

Interestingly, in the wake of the COVID-19 pandemic, extreme nationalism in countries in the West and the rise in terrorist attacks, particularly in the West African sub-region, not only has there been a tightening of borders but also some leaders have deployed citizenship for political gains. However, evidence also suggests changes in contemporary conceptions and constructions of citizenship. A recent British Broadcasting Corporation (BBC) documentary on citizenship

underlines these complexities by highlighting how citizenship transcends just belonging and community to convenience and affordability. It shows how states such as Malta and the Comoros Islands are offering citizenship for sale to outsiders. Interestingly, United Arab Emirates (UAE) government bought Comorian citizenship to give to Bedouins it had denied citizenship in UAE (BBC, The Documentary Podcast, “The Price of Citizenship,” January 14, 2023). This is what Ong (2022) refers to as “mutations in citizenship” where there is a “shifting articulation of key elements that make-up citizenship, as certain rights, duties, and entitlements are dropped, and other emphases such as economic productivity, military service, and human rights are added” p. 600).

In light of the multi-faceted and multi-layered nature of citizenship, it could be said that it is not just about passports issued by states but also about how people feel and what they do with borders. This is particularly so if one takes a performative approach that views borders not only as geographical lines that demarcate territories but also as concepts that are socially and culturally produced and reproduced by the state and other actors. Besides, as Frederick Cooper (2014) shows, historically, citizenship was a “permeable barrier” noting that “the question of who would pass through it was not simply a juridical but a political question” (p. 18). This opens new vistas to transnational citizenship, to which we now turn.

Transnational citizenship

There are multiple dimensions to transnational citizenship which include rights claims, belonging or identity performance, and ascribed status (Bauböck and Faist, 2010; Belloni, 2021; Fox, 2005; Hörschelmann and Refaie, 2014; Owen, 2011; Smith, 2007 Stokes, 2004). Transnational citizenship here refers to the legal status of borderlanders as recognised citizens of the nations they straddle. In other words, it means binational or multinational belonging that entails full membership and rights that are institutionally guaranteed in the countries that divide families, communities, and ethnic groups on the borderlands. These rights include but are not limited to civil and political rights such as cross-border electoral participation, that is, the right to vote and be voted for, amongst others.

The paper diverges from contemporary scholarship on transnational citizenship that is often based on migration and a globalised understanding of transnationality. This paper contends that transnational citizenship can exist on the borderlands in African countries where communities have not had the opportunity to travel outside of the continent but who have transnational citizenship

due to their cultural, geographical, and political relations across the borderlands.

Borderlands are contested spaces that disrupt the lives, livelihood, and way of life of many communities living there. This transnational citizenship reimagines both sovereignty and citizenship in new ways that challenge the coloniality of these borders by centring the rich social, cultural, political, and economic relations that have long characterised African life, especially at the borderlands. It contributes to the transformation and decolonisation of citizenship in Africa as it is used in a pragmatic sense which derives from de facto citizenship rights claimed by borderlanders through their everyday practices on the borderlands.

Transnational citizenship focuses on the borderlands because they are important sites where rights and membership intersect. But beyond that, taking a borderlands-centred perspective makes it possible to focus on partitioned peoples and stress the concepts of citizenship held by the borderlanders and how that interfaces with the dominant notions of citizenship. Besides, it is in line with Resolution 3 of the 1958 AAPC noted above, which stresses the abolition or adjustment of borders that “cut across ethnic groups and divide people of the same stock” (Resolution 3, *All-African People’s Conference*, 1958, p. 4).

This kind of transnational citizenship, while limited to communities divided by these borders, is more comprehensive than the ECOWAS or AU citizenship as it is not limited by the mutual respect for national sovereignty, as I show in later sections. It illuminates flexible citizenship on the borderlands and points to its practical viability and meaningful significance not only on the borderlands but for regional and continental integration.

Africa’s Borders In Historical Context

The concept of a border was not unknown in parts of Africa before the colonial partition. These borders varied and were delimited using natural features such as hills, rivers, and plants. They were fluid in many cases influenced largely by the kind of relationship that existed between states, socio-political conditions, as well as the geographical nature of the area (Asiwaju, 1983). This has been categorised into frontiers of contact separating distinct cultural groups living side by side; frontiers of separation, which usually were buffer zones like forests that neither community claimed; and frontiers of transition with overlapping diverse communities (Ajala, 1983; Asiwaju, 1983).

In essence, many African states did not consider borders as fixed lines of separation. Achille Mbembe (2017) notes that in pre-colonial Africa, mobility was the defining principle in delimiting space. As he points out, “Networks, flows and

crossroads were more important than borders. What mattered the most was the extent to which flows intersected with other flows.” Paul Nugent (1996), on the other hand, makes a distinction between closed frontiers which were “zones of warfare,” and open frontiers, which were directed towards “corridors of trade” and hence qualify an African conception of the border that “placed more emphasis on its role as a link or bond rather than as a point of separation” (Nugent, 1996, p. 38). Nevertheless, pre-colonial concepts of political space in some communities, such as the Ewe, moved beyond bounded territories to include membership in clans and cults (Greene, 1996).

European colonial rule largely defined the present borders of many African states based on European concepts of borders. Unlike pre-colonial African borders that were fluid, as states expanded or contracted or even relocated due to ecological or military factors, there was an element of fixity attached to it by the Europeans. These borders, too, ignored the fact that peoples and states did not necessarily coincide. Besides, the European conception of state sovereignty as absolute failed to consider the limits of direct rule and shared sovereignty (Nugent, 1996).

The making of African borders also took very little account of the pre-existing social, cultural, political, and economic relations. This was compounded by European ignorance of the places they purported to own. For example, as Peter J. Yearwood notes regarding the partition of Cameroon between the British and the French, “The Picot line was casually drawn with a heavy pencil by a diplomat who knew nothing of the lands and peoples he was dividing.” (Yearwood, 1993, p. 235). This arbitrariness is evident in the many straight lines and watersheds used as border markers; about thirty percent of Africa’s borders are straight lines (Ajala, 1983).

An important event in defining Africa’s borders was the Berlin Conference of 1884–85. While Africa’s borders were not drawn at this conference as is usually claimed, the conference was instrumental in how Africa became divided by the European powers (Katzenellenbogen, 1996). It is worth noting that by 1884 several European nations had acquired “colonies” and “protectorates” in Africa. For example, parts of the Gold Coast (Ghana) were declared a British colony in 1874, that is, ten years before the Berlin conference. Nonetheless, most of the borders of modern African states were drawn after the Berlin Conference (Griffiths, 1986). The conference shaped the “scramble for Africa” as provisions in the Berlin Act, such as “effective occupation,” which were agreed upon for acquiring these territories, were used by the European nations to justify their claims when it suited them.

Some of these borders were later adjusted to take into account local conditions, such as traditional polities (Bening, 1983; Foucher, 2020; Nugent 1996, 2002; Zeller, 2010). It is, however, worth noting that these adjustments were largely informed by European rather than local interests. The effect of these borders was the division of families, communities, and ethnic groups between various European colonies. For instance, the Ewe, Konkomba, Dagomba, and Dangme were divided between the British and the Germans; the Ovambo or the Kwanyama between the Germans and the Portuguese; the Kakwa, Baka, Mundu, and Arukaiya between the French and British. (Bening, 1983; Brambilla, 2007; Griffiths, 1986; Nugent, 2002; Taha, 1977; for a comprehensive list see Asiwaju, 1985, pp. 256–8).

Besides splitting ethnic groups, families, and communities, the borders impacted mobility as people could not move freely across these borders and participate in the political, social, and economic activities that they had hitherto partaken in. These restrictions, in turn, affected people's livelihoods. For example, nomadic peoples such as the Somali and Maasai could not freely move their cattle to graze as they had previously done (Ajala, 1983).

President Julius Nyerere described these borders as “ethnological and geographical nonsense” because of the way they cut across ethnic groups and disregarded physical divisions (*Evening News, February 1, 1963, p. 9*). What to do with this colonial legacy became the subject of heated debates among the leaders. The next section examines the meanings post-colonial African states and organisations have attached to these borders through the concepts of sovereignty and citizenship.

Sovereignty, Citizenship, And Africa's Borders

Post-colonial African states have privileged orthodox definitions of a state, which inevitably prioritises calcified borders. Unlike the position adopted at the 1958 AAPC meeting of the “masses” to abolish or adjust the borders, many African leaders, such as Sir Abubakar Tafawa Balewa, the prime minister of Nigeria, and Modibo Keita, the president of Mali, argued for them to be maintained. While they agreed that the borders were artificial, they argued that adjusting them would create more problems than would be solved (Ajala, 1983; Herbst, 1989; Touval, 1967).

The continental body formed in 1963, the OAU, affirmed these borders. Article III of its charter appealed to member states to respect “the sovereignty and territorial integrity of each State and for its inalienable right to independent existence” (Paragraph 3, Article III, Charter of the Organisation of African Unity, 1963). This was subsequently affirmed at the 1st Ordinary Session of the Assembly

of Heads of State and Government of the OAU in 1964 as Resolution AHG/Res. 16(1). In addressing border disputes, members pledged to respect the borders that existed at independence.

In 2002, the OAU was formally replaced by the AU, and it maintained the same position on respecting inherited colonial borders. Article IV (b) of its Constitutive Act (2000) states that it shall function per “respect of borders existing on achievement of independence.” Following these positions, the post-colonial states have sought to protect their territorial integrity and sovereignty by jealously guarding their borders. Whilst there have been efforts at the national, regional, or continental level to ease the restrictions on movements, residence, and establishment for non-citizens, they have been cast in the mould of citizenship in a territorially bounded sovereign state. For instance, in Ghana, the Immigration Act of 2000 (Act 573) recognises people it describes as “border-residents.”⁵ Section 3(4) states that “Regulations may be made under this Act to provide for free movement across the border of a border-resident for the purpose of attending to his routine economic or social matters.” While this is usually the case, this has not been without challenges to border-residents because the onus lies on them to prove that they are indeed border-residents which is not always an easy task. Other countries, too, have introduced visa-on-arrival for non-citizens or scrapped the need for visa altogether. Seychelles and Benin are visa-free for all African citizens, whilst Rwanda and Ghana have visa-on-arrival for all AU citizens (N. A., 2017). Zimbabwe has no visa for citizens of members of the SADC, while ECOWAS has 90-day visa-free entry for citizens of member states (Mukeredzi, 2016).

Yet, despite the easing of visa restrictions by several African countries, studies show that it is still very difficult to travel within the continent. According to the latest Africa Visa Openness Report 2022, 27% of African countries do not require visas, 27% offer visas on arrival, and 47% of African countries require visas (African Development Bank and African Development Bank Group, 2022). In effect, despite upward progress, there is less freedom of movement for Africans in African countries.

At the regional level, Regional Economic Communities (RECs) such as ECOWAS, established in 1975, endorsed the freedom of movement, residence, and establishment in the 15 member states in the treaty establishing it (ECOWAS Treaty, Article XXVII). In 1979, it introduced the Protocol Relating to Free Movement

5 A border-resident is defined in Act 573 (Section 56) as “a national of a neighbouring country who ordinarily resides within five kilometres radius of either side of Ghana’s territorial frontiers with the Republics of Togo, Burkina Faso and Cote d’Ivoire.”

of Persons, Residence, and Establishment, which spelt out the rights and obligations of citizens as well as member states (Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence, and Establishment). The revised ECOWAS Treaty of 1993 (Article LIX) reiterates the right of free movement, residence, and establishment, and enjoins members to eliminate all obstacles to its implementation. Similar provisions are captured in the SADC Treaty (Moyo and Nshimbi, 2020).

The ECOWAS passport for citizens of the community, introduced in 2000, makes a move towards transnational citizenship. However, the ECOWAS transnational citizenship, as noted earlier, is fundamentally grounded in national citizenship and limited by mutual respect for state sovereignty. For example, ECOWAS members have visa-free stay in a host country for only 90 days (ECOWAS Protocol on Free Movement of Persons, Right of Residence and Right of Establishment, Article III (2)). In addition, a host country may prohibit persons it deems “inadmissible” from entering its country under its laws (Article IV). Similar conditions are contained in the AU Protocol on Free Movement of Persons, Right of Residence and Right of Establishment, 2018 (see Article VI (4,5); Article VII (1c)).

At the continental level, several initiatives have been implemented by the OAU and the AU to facilitate the integration of the continent and its people. The Abuja Treaty (1991) is one such initiative. This has been followed by others such as the AU’s Migration Policy Framework for Africa (MPFA).⁶

In 2007 the AU instituted the African Union Border Programme (AUBP), which aimed at not only resolving border disputes but also facilitating regional and continental integration. This has been marked since 2011 by the African Border Day on 7 June (African Union Border Programme, 2017). Its primary objective revolves around the delimitation and demarcation of the borders of the sovereign state. In the same vein, the AU Convention on Cross-Border Cooperation (Niamey Convention) envisions “an integrated Africa with borders serving as bridges for peace, growth and development.” Its main aim is the peaceful resolution of cross-border disputes.

The AU’s African Passport and Free Movement of People is one of the flagship projects under its blueprint programme for transforming the continent, *Agenda 2063: The Africa We Want*. Agenda 2063 was aimed at, among other things, abolishing visas for all African nationals by 2018 and introducing AU

6 This has been replaced by a revised version, *The Migration Policy Framework for Africa* (2018–2030) and its Plan of Action.

passports for African nationals to move freely on the continent by 2020 (Njoroge, 2022). This is yet to materialise as just a handful of African countries have ratified the AU protocol on the free movement of persons (Phillip, 2021).

From the above, it is evident that these legislations and protocols which underpin state-bounded citizenship are informed by statist border control or management regimes. These legal instruments ignore the fact that flexible citizenship exists among borderlanders despite state restrictions. The next section examines what this means for citizenship on the borderlands.

Africa Beyond Borders

The national borders on the continent, as several scholarly studies show, have not prevented multiple belongingness to different states expressed in cross-border cultural, social, economic, and political interactions. These cross-border relations are expressed through joint traditional festivals and ceremonies, rotating markets, joint participation in birth, marriage, and burial rites, and chiefly jurisdiction across borders (Adotey, 2018a, 2018b, 2020, 2021; Asiwaju, 1985; Bensassi, Jarreau, and Mitaritonna, 2019; Chalfin, 2001; Lawrance, 2003; Lentz, 2003; Moyo, 2016, 2020; Nshimbi, 2019; Nugent, 2019, 2002).

On the Ghana–Togo border, the Ewe-speaking people of Ghana and Togo celebrate festivals to cement their cultural and historical links. The Leklebi of Ghana and Lavie of Togo celebrate the *Agbonutoza* (Adotey 2021); this festival is rotated between the Leklebi in Ghana and the Lavie in Togo. On such occasions, families on both sides lodge with each other. It is interesting to note that families on both sides share the same surname, for example, Deh, Adoboe and Biaku. Both groups, according to oral traditions, are of the same stock who migrated from Notsie in present-day Togo in the famous escape of the Ewe-speaking people from the tyrannical rule of their ruler Agorkoli (Amenumey, 1989; Mamattah, 1978; Spieth, 2011). Another cross-border festival that also commemorates the exodus from Notsie is the *Komabu Dukoza* (Adotey 2021). This is celebrated by the Wli and Liati of Ghana and Danyi–Kakpa, Danyi–Atigba, and Atti of Togo. It is rotated between the towns in Ghana and Togo.

Similarly, the Ga–Dangme people of Agotime in Ghana and Togo celebrate *Agbamevoza* to strengthen historic family and cultural connections between both groups (Nugent, 2019). The Chewa-speaking people of Zambia, Malawi, and Mozambique celebrate the *Kulamba*, during which period they cross the national borders to be with their kith and kin (Nshimbi, 2019).

Jurisdiction in the borderlands is mainly international in dimension, with chiefs wielding authority and jurisdiction across borders. Chiefs are involved in adjudicating cases across some borders. As the chief of Ave-Atanve in Ghana notes, the court of the paramount chief of Edzi in Togo is their “supreme court,” meaning cases from his court in Ghana can be appealed against in that in Togo (Adotey, 2018 b).

Relationships are given expression to not only in allegiances to chiefs across borders but also in cross-border participation in installation rites. For instance, in Ghana-Nyive and Togo-Nyive, chiefs on both sides of the border have been involved in the installation and burial rites of chiefs. Similar practices exist between the people of Ave-Dzalele in Ghana and their mother polity, Edzi, in Togo (Adotey, 2018 b). It is important to state that these chiefs will not be considered legitimate if these rites are not performed by the ritual officiants on the other side of the border. Likewise, in the case of the Mandara who are astride the Nigeria-Cameroon boundary, the Sultan of Mandara, located in Cameroon, is deemed the legitimate authority to bestow titles on both sides of the border (Barkindo, 1984).

Besides, ritual objects such as drums are moved across the borders to be used in the performance of rites during events such as funerals. It is important to state that drums are not just musical instruments for entertainment but are used to invoke the spirits of the ancestors and deities on such occasions. There are also special drums reserved for some categories of chiefs, such as paramount chiefs and war chiefs. At the funeral of the *Avafia* of Ghana-Nyive, one such drum had to be brought from Togo to perform the rites of the late chief (Adotey, 2018 b). This shows the shared ancestry of these people.

These continuing cross-border relationships can even be discerned from contemporary funerary practices such as funeral posters. Funeral posters are important places where kin and other relations are recognised. Names are arranged in a particular order to indicate the nature of the relationships, particularly in the case of chieftaincy. A case in point is the funeral poster of the *Avafia* of Ghana-Nyive where the position of the chiefs of Togo-Nyive on the poster was an indication of their seniority in the relationship (Adotey, 2018 a).

In spite of the challenges that many borderlanders face in navigating borders, they go about their daily lives as if the borders that separate them into different countries do not exist. People cross the border daily to visit family and partake in events such as naming ceremonies, marriages, funerals, and family meetings on either side of the border. For instance, the mother and siblings of

the *Mankralo* of Ghana–Nyive live in Togo–Nyive and he visits them regularly.

In many of these borderland communities, such as Wli–Todzi and Leklebi–Kame in Ghana, where peoples’ farms straddle the border, it is common to find people going to their farms in Togo in the morning and returning to Ghana in the evening with their harvest. People buy goods in the Ghanaian currency, the cedi, on the Togo side, and receive their change in the Togolese currency, the CFA franc, and vice versa.

In effect, juxtaposed against the meanings attached to these borders by post–colonial governments, the sanctity of the border so prized by post–colonial governments, which underpins the sovereignty of the state, means very little to many of those directly affected by these borders. As some put it so succinctly, the border is “an imaginary line” (Adotey, 2021).

These everyday practices bring to the fore the question of citizenship on the borderlands. Many in these places have developed what is termed “border citizenship” (Adotey, 2020; Moyo, 2016). A border citizen is defined as:

a category co–produced between states and citizens, where people, who are often perceived as marginal, enact alternative forms of citizenship, using its mechanisms to make strategic claims on both of the states whose overlapping sovereignty constitutes the non–post–colonial third space... . (Cited in Moyo, 2016, pp. 5–6).

These claims on the part of the borderlanders include, amongst others, multiple citizenships of countries that they straddle. As many noted on the Ghana–Togo border, “*mi nye Ghanatowo kple Togotowo*” (we are Ghanaian and Togolese) (personal communication, October 27, 2012; February 16, 2018). These “citizenship rights” include possession of national identification cards, voter identification cards, national health insurance cards, access to social amenities such as schools and hospitals, and involvement in the governance of these countries. On the Ghana–Togo border, this includes cross–border participation in political activities such as elections in Ghana (Adotey 2020; Nugent 2019; Robert–Nicoud 2019).

Defining citizenship is not the sole preserve of the state as Sara Dorman, Daniel Hammett, and Paul Nugent (2007) point out, “States may seek to claim the exclusive right to define citizenship, but when their coercive and persuasive power is equally limited it may be easier to defer to ‘local’ agendas” (, p. 22).

For instance, in 2016, the New Patriotic Party (NPP) launched “Operation Eagle Eye” to prevent “Togolese” voters from voting in Ghana’s elections, whilst the National Democratic Congress (NDC) on the other hand encouraged “Ghanaians” in Togo to vote (Adotey, 2020). On the Ghana–Togo border, people also define their citizenship based on the divided traditional states. According to a borderlander, “we are one people, my father is here, and my mother is on the other side” (Adotey, 2020, p. 11).

In this vein, reconceptualising citizenship, as this paper suggests, is to be informed from below by how those on the borderlands define their citizenship. This border citizenship is based on historical and cultural ties to communities that straddle the border and is in contrast to those defined based on colonial borders. As some argue, they did not ask anyone to come and divide them and place them in different countries hence belonging to communities in both countries makes them citizens of both countries. These multiple and conflicting claims to citizenship by both the state and the borderlanders have created a crisis of citizenship on the borderlands. It highlights the need for more flexible citizenship which rejects “the status quo of colonially crafted borders together with its logics of exclusion and fragmenting African people” (Ndlovu–Gatsheni, 2017, p. 32) as the continent strives for political, economic, social, and cultural integration.

The paradigm shift proposed is a form of flexible citizenship – transnational citizenship. This transnational citizenship is a veritable heterodox phenomenon. It is built on historical and cultural relations and reconciles contemporary notions of sovereignty with the everyday realities of the border for borderlanders. In essence, it is making *de jure* what is a *de facto* practice.

Transnational citizenship captures the AU and the RECs’ push towards flexible citizenship. In 2020 the AU introduced the African Union Border Governance Strategy (AUBGS) to complement and clarify earlier arrangements and modalities for border governance. The document acknowledges that in Africa:

state borders are often not identical to peoples’ borders and hence have been known to foster three kinds of tensions: between neighbouring states, between states and their people and between states and violent actors, including international criminal cartels and terrorist groups” (AUGBS, 2020, p. 6)

It thus implores members that “political, economic and strategic choices made in asserting its sovereignty implies that the state’s definition of a border regime is capable of reconciling national, regional and continental interests” (AUBGS, 2020, p. 18). Similarly, the revised ECOWAS Treaty notes that for the integration to be viable, there is the need for “partial and gradual pooling of national sovereignties to the Community within the context of a collective political will” (1993, Preamble).

Transnational citizenship is a form of Cross-border Cooperation (CBC) envisaged by the AU that builds on geographical proximity, kinship, history, and culture to transform border areas as catalysts of political integration (Niamey Convention, Article II (6)).

CONCLUSION

Africa’s international borders are one of the intractable legacies of colonial rule. Despite the challenges to Africa’s liberation and transformation resulting from this arbitrary division of this continent and its peoples, and calls for their abolishment, these inherited colonial borders remain largely intact. Mbembe (2017) reflects on the effect of a state-centric model which jealously guards borders and obstructs migration with its disastrous impact on Africa when he notes that

the fetishization of the nation-state has done untold damage to Africa’s destiny in the world. The human, economic, cultural and intellectual cost of the existing border regime in the continent has been colossal. It is time to bring it to closure.

While it is true that African states are not unique in their state-centred border management regimes (Sassen, 2013), contemporary sovereignties and citizenship challenge mutually exclusive bounded territories and bounded citizenship (Hagmann and Péclard, 2010; Nyamnjoh, 2007) and hence the need to explore more creative approaches to the borders. Through the analysis of the concepts of sovereignty and citizenship vis-à-vis the lived experiences of borderlanders, this work shows a crisis of citizenship in the borderlands. The central proposition of this paper is a call for a form of flexible citizenship – transnational citizenship – built on cross-border cultural and historical relations that reflects life on the borderlands in order to decolonise the borders.

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