Book Review: South-South Migrations, and the Law from Below: Case Studies on China and Nigeria by Oreva Olakpe

By:

Shaimaa Abdelkarim

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Opening with the impact of untold narratives, Oreva Olakpe's book, South-South Migrations, and the Law from Below, analyses South-South migrants in international law through a TWAIL lens. It considers 'stories of building community, finding justice outside the protections of the state, and of their struggles against discrimination and exclusion within a state that does not recognize international migrant and refugee protections.' (2) It weaves the experiences of undocumented migrants in the spaces that they are occupying while situating the impact of their experiences in international legal work. The book intentionally centers on undocumented communities as subjects of international law to map how they interact, shape, and resist in their own spaces. Doing so, the book critiques dominant literature that treats the Global South as objects of international law. The book attests to the agencies of

undocumented migrants.

South-South: Shifting the terrain of analysis

The book aims to document and examine how South-South migration appears in international legal work. It maps the Global South as a migrant destination and a destination of marginality. Olakpe mobilises the terminology, Global South to signify the plurality of its multitudes and experiences against its monolithic connotation. The analysis of migration – moving between experiences of forced migration and economic migration – is placed within two distinct yet interconnected locations, China, and Nigeria. Olakpe traces the experiences of African migrants in China and Bakassi migrants in Nigeria.

For that, the book situates its impact on understanding the function of the international community in relation to South-South migration without resorting to the West as a point of reference on international legal practices in relation to citizenship, sovereignty, and rights. It fills the gap in international migrant rights and minority rights literature on South-South migration. It asks how South-South experiences of migration challenge existing international legal norms and practices on belonging, statehood, and border control.

South-South: A TWAIL Project

Olakpe takes TWAIL as a precursor to her analysis to assess those untold stories. TWAIL here acts as a methodology and a theory for the re-inscription of the marginalized narratives in international legal production to challenge the Western-centred international legal norms and practices on migration. TWAIL considers the colonial histories that have shaped contemporary narratives of empowerment and marginalization. Following TWAIL, Olakpe outlines the various histories that inform South-South migration. She contextualizes the impact of the ICJ decision that legitimized the Cameroonian sovereign grip over the Bakassi Peninsula and at the same time resulted in Nigeria's legal detachment from the protections of the Bakassi people. The decision – Oreva argues – shaped the marginality of Bakassi undocumented migrants in Nigeria who lacked access to identity documents.

TWAIL as a methodology, like in the work of Eslava and Pahuja, offers a mode of analysis that contextualizes the geopolitics of the local, global, and

international. Through TWAIL, Olakpe contextualizes both case studies and their different geographical and power demographics in relation to each other. Olakpe uses legal ethnography to center the local while being wary of how international practices affect and shape migrant identities and their experiences with the law. Adopting TWAIL as a methodology, the book moves away from comparative legal analysis that aims to find similarities and differences between legal jurisdictions. As Salaymeh and Michaels note, conventional comparative law has rarely questioned its modalities of comparison and rather focuses on the reasons for comparative analysis and the matters of comparison. In doing so, conventional comparative legal analysis assumes the superiority of modern European ideals on concepts of nation-state and legal rules.

Moving past comparative methodologies and rooting in TWAIL, the book locates the interconnectedness between its case studies in the 'communities grappling with the impact of internationally created norms and practices of states including migrant status, the privilege of citizenship, and the protections of formal law.' Olakpe links the case studies through their marginality, as 'both communities live on the fringes of society.' (164) Yet, she also showcases 'the ways in which these communities contribute to the law through acts of resistance, contestation, and the creation of their own legal and/or political frameworks to address the injustices created by the international system.' (7)

As a theory, Okafor suggests that TWAIL acts as a shift in perspectives on the futurity of international legal production towards practices within the Global South. In her case studies, Olakpe takes undocumented migrants as legal subjects that offer us different narratives on migrations than those of international organizations and NGOs. Undocumented migrants act as the point of access to their experiences. Olakpe unpacks the agencies and structures of representation of undocumented migrants, moving beyond the marginalization that is imposed on them in processes of asylum-seeking and border disputes. Migration practices in China and Nigeria exhibit the praxis of non-citizenship that shapes the experiences of undocumented migrants.

South-South: Strands of Non-citizenship

Olakpe identifies themes that connect the analysis of undocumented and displaced communities in China and Nigeria. The first theme concerns the identity and narratives of victimhood that affect the representation of South-South migration in the international realm. Identity is taken as a metric of visibility on the national and international level. Following Crenshaw's thesis, Olakpe utilizes intersectional analysis to portray the various identities of the interviewed undocumented migrants and displaced communities. Their non-citizenship moves beyond the victimization narratives. Non-citizenship is treated as an attestation to their resistance that challenges the marginalization and oppression created by law and international legal practices.

Second, Olakpe identifies spaces in which informal justice systems are formed in the experiences of South-South migration. Informal justice is defined through its distance from law. It arises as a form of 'justice from below', 'an opportunity to break away from the chains of international and/or foreign legal norms and laws, and for communities outside those norms and laws to exert legal autonomy and self-expression.' (138) In the theme of informal justice, Olakpe masterfully moves beyond the debates on sovereignty and human rights in the Global North that are dominated by the question of humanitarian intervention. South-South migration requires analyzing the link between migration and the assertion of sovereignty in relation to state responsibility. Informal justice becomes the terrain in which we can examine state responsibility and state nonaction in migration, unpacking the limitations of legal justice and the role of NGOs and international organizations. For instance, Olakpe studies the role that China plays in controlling the work done by the UNHRC in asylum-seeking cases and how the lack of state responsibility shapes the hostile experiences that migrants navigate. Olakpe does not advocate for state responsibility, moving beyond Western lexicon on migration and refugeehood. It is the lack of such responsibility that is an important factor in South-South migration stories.

Olakpe uncovers the complex structures of informal justice in Nigerian communities in China and their coordination methods with Chinese officials and sometimes police forces – that include community leaders, judges, taskforces, and elders of the community. In Nigeria, Olakpe observes the role of camp leaders/elders, militants, and civil society actors in formulating informal justice for the Bakassi people who reside in Ikang and Akpabuyo camps. Both structures exhibit the function of informal justice in different contexts that are

linked through the inaccessibility of legal recourse, even when it is an option. Olakpe also investigates the gender disparity that she notices in her fieldwork and the challenges of the gendered subject in navigating their marginalization. She notes the absence of women in decision-making processes in informal justice structures and the lack of support mechanisms for the experiences of women in African migrants in Nigeria. Whereas in Bakassi camps she observes their roles in their households while documenting their insecurities in the camps.

Third, Olakpe examines the role of community building in experiences of migration and their role in shaping justice and the function of law and human rights in South-South migration. The sense of community erupts from the everyday urgencies that undocumented migrants experience and the need to fill the lack of state responsiveness. This strand showcases the need to look at the nuances of non-citizenship and how the narratives of belonging in both locations exceed legality.

South-South: Futurity of International Law

Overall, the book serves as a disruption to Western norms in international legal knowledge production through its conceptualization of marginality as a spectrum, reflecting the realities of non-citizenship. It offers the margins as the future destination for international legal analysis. It creates space in international law for South-South narratives in their actuality, exposing the asymmetries of power and modalities of resistance to hegemony.

Throughout the book, Olakpe exposes her thought process to her readers. She gives us access to her grappling with her positionality and identity, as a researcher and academic from the Global South. By doing so, she offers her readers the insides of her methodological and theoretical reflections that make us consider the role that research of the Global South plays in international law and the positionality of researchers in engaging with experiences from the Global South – even when they can relate to the communities on a certain level. Researchers on migration – like those working on *bidun* [stateless people] and *ghurba* [estrangement] in the Arab world would benefit immensely from the methodological richness and conception of marginality and narratives of non-citizenship in the book.

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