The crisis of post-colonial citizenship
Debates about political membership and economic ownership in present-day Tanzania[1]

By Saskia Van Hoyweghen
Brussels Centre of African Studies, Vrije Universiteit Brussel
svhoyweg@vub.ac.be

Abstract

Despite the fact that economic geographies, political action, identity and so forth are becoming increasingly de-territorial and network-like in character, actual political membership and economic rights continue to be defined by place, i.e. the nation-state and the territorial concept on which it is founded. It would appear that the introduction of the concept of national citizenship – a logical consequence of independence – has opened up a Pandora's box of disputes over legitimate membership and legitimate authority. This is not only the case in the endemic war zones of Central and West Africa. Even in a very stable country such as Tanzania, we see increasing hostility towards refugees (which can not entirely be explained by resource depletion), the expulsion of migrants, the questioning of the status of border populations, high profile court cases against prominent members of Tanzanian society whose nationality is questioned, the call for *uzawa* (i.e. the indigenisation of the Tanzanian economy), etc.

This paper attempts to go further than a mere description of the Tanzanian case since similar events are taking place across Africa. General economic crisis has robbed African states of their distributive capacity, while international actors have increased pressures to transform distributive states into regulatory ones. As a result, questions regarding the foundations of legitimate authority and the rules for legitimate membership have been renewed. It is as though citizenship only became a relevant political issue in the last decade. Within the logic of the nation-state, membership can only be defined by place. Debates surrounding membership have therefore evolved into debates about indigeneity. Populations whose membership and political validity are questioned are often migrants, i.e. people who do not fit neatly within the territorial grid projected upon society by the nation-state. Unfortunately, these debates about 'indigeneity' and legitimate membership, intentionally or otherwise,

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[1] This paper is reworked on the basis of the final chapter of the PhD thesis of the author, entitled 'Migration and the Nation-State. The case of displaced Rwandans in Tanzania', June 2004, University of Leeds. Comments welcome.

deflect attention from debates about the content and nature of citizenship and the rights of citizens *vis à vis* the state.

Introduction

During the Nyerere years, Tanzania was often cast as a role model for the hosting of refugees. Rwandan and Burundian refugees were, for example, resettled, offered land and even granted citizenship. In recent years, however, the Tanzanian State has drastically altered its policies towards migrants. Already in the 1980s the precise legal context of migrants became an issue and since then the rules and regulations regarding Tanzanian residence and citizenship have become ever more stringent. Not only have refugees been expelled, such as the Rwandans in December 1996 but actions against 'illegal aliens' have also become regular front page news. Actions against illegal immigrants are introduced as measures guaranteeing Tanzania's security (in economic and diplomatic terms). The detainment and forced repatriation of refugees is necessary, it is claimed, due to their large numbers. Nevertheless, other incidents indicate that we are dealing with issues of a much more profound nature.

The question of citizenship arises in a multitude of contexts on the African context, from Ivory Coast to Sudan and South Africa. While linked to overall resource pressure, it is argued here that it is not resource pressure per se which causes tension but the debate regarding 'who has a right to what'. The state sees itself stripped of its distributive capacity not only due to pressure on resources but also outside pressure to adopt a more regulatory role. Apparently, this has made African states seek other avenues to assert their authority. The fragmentation of authority (rise of new religious movements, economic networks, international actors etc.) on the other hand has only fuelled debates about legitimate membership and legitimate authority.

This paper is structured around three issues. First of all, since citizenship is a juridico-political category, a discussion of the legal concept of citizenship will help situate the Tanzanian case. It is, however, impossible to discuss citizenship and nationality from a strictly legalistic point of view since the concept taps into debates on political community and thus identity and so forth. This aspect will be illustrated in section 2, in discussing the ways in which these debates on national membership in Tanzania are played out. In addition to the actions against illegal aliens, there is also the call for *uzawa* (indigenisation of the economy) and, linked to this, the question of foreign investment, border disputes with Malawi and Uganda and questions about the status of some border peoples. In the final section, it will be argued that a

deeper understanding of the concepts of citizenship and nationality can help explain some of these empirical events. Here it is important, firstly, to understand that citizenship and nationality are overlapping but distinct concepts, secondly that debates about citizenship revolve around both the content and boundaries of the concept.

1. Nationality from a legal point of view

Today citizenship is usually considered equal to nationality or national citizenship, which is typically the domain of legal expertise. It is defined as the link between a given territory, its inhabitants and the organised authority (in this case the state) over this territory and population. In international law, it is commonly accepted that a sovereign state decides who are its citizens and that the state has supreme authority over everyone within the boundaries of its territory. This territorial conception of authority underscores the Westphalian system of states and is upheld within the international community of states. The territorial conception of authority, in theory, implies that the state also rules over non-nationals residing on its territory. The state has the right to regulate access to its territory and residency (permanent or temporary) within its borders.[2] While this is self-evident, it is important to understand that as a result of this, human and political rights are state centric concepts since these rights are supposedly united in the citizen, who is at the same time a national.[3] Three different rights are typically bestowed upon the population *vis à vis* the state: *ius suffragii* (or the right to vote), *ius honorum* (or the right to take up public and/or military office) and *ius tributi* (or the right to pay taxes). The fact that every resident in any given country 'enjoys' *ius tributi* is used as an argument to extend the other rights to these groups. Nevertheless it is only the citizen who represents 'valid political life'. He forms part of the valid political order, while the immigrant on the other hand represents 'invalid political life'. He is outside the recognised political order and now often even deemed a danger to that order (i.e. migration as a security threat).[4] The legal grounds for action against refugees are thus intrinsic to our modern political constellation.

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[2] However, in practice, as a result of shifts within global governance, interventions with regard to refugees increasingly take place with little regard for borders as authorities (NGOs, multilateral organisations and other states) compete with one another for the right to manage this category of people who are outcasts or outlaws without being outside the law (i.e. their fate is legally regulated at the same time). This has not, however, prevented host states from trying to assert their rights as much as possible. See e.g. Jenny Edkins, 2000, Sovereign Power, Zones of Indistinction and the Camp, Alternatives 25, no. 2, pp. 3-25.

[3] Hannah Arendt, 1973, The Origins of Totalitarianism, New York: Harvest Books (first published 1950).

[4] Giorgio Agamben, 1998, Homo Sacer. Sovereign Power and Bare Life, Stanford University Press.

Within the international community of states, the possibility of becoming stateless is a genuine risk. One can lose one's nationality, for instance, in a court of law. States can also disappear while new ones do not 'take over' the population, such as was the case when the former Yugoslavia disintegrated; a theme even adopted by Hollywood in Spielberg's *Terminal*. Here Victor Navorski, an Eastern European who arrives at New York's Kennedy Airport just as his homeland has fallen to a coup, is forced, with no valid citizenship, to take indefinite residence in the airport's international arrivals terminal. Nonetheless, it is implicitly agreed between states that statelessness is undesirable as it undermines the very *status quo* of the state system. While nationality is considered an essential human right, it is equally accepted that single nationality is the preferred option instead of dual (or multiple) nationality. However, single nationality has come under increasing pressure. Belgium, which is still holding on to single nationality, is in the process of preparing legislation making dual nationality possible, while Australia passed legislation allowing dual nationality as late as 2003.

From a legal point of view, the acquisition of nationality proceeds according to a straightforward framework: either *jus solis* (residency) or *jus sanguinis* (descent) prevail in the determination of nationality status. Furthermore, nationality can be either attained or acquired. Attainment refers to the <u>automatic</u> adoption of nationality by meeting the standard requirement (in most cases being born within the national territory from a parent who is already a national). Acquisition of nationality implies <u>active</u> application by the individual. In the latter case the rules become increasingly complex and differ from situation to situation, ranging from naturalisation, which is basically a gesture of the state, to more regulated cases where a child, for example, is adopted by nationals or born overseas. It is important to note that many countries distinguish between nationality that is attained and nationality that is acquired. According to the US Constitution (art. II), for example, only natural citizens can run for presidency, provided they are 35 years of age and have lived for 14 years in the US. This excludes natural<u>ised</u> citizens and underscores the territorial grounding of national identity and belonging on which our political system is based.

Nationalism and nationality in Tanzania

Tanzania's first Citizenship Act dates back to 1961. To understand the origins of this legislation, one needs to understand the colonial legacy and the particular view of the colonial

authorities on the societies and individuals under their rule. The Asian community e.g. had received a more privileged position in comparison to the black African indigenous population (at a certain point in history, Britain had even entertained the idea of making Tanganyika an Indian colony). When African countries became independent, the issue of membership to the newly formed nation-states arose in a fairly emotional and ideologically charged context. It was impossible to divorce the question from the issue of race and indigeneity. That race and citizenship continue to be problematic in African countries with significant white settler communities has become painfully clear in Zimbabwe over recent years. At the time of independence, nationalism and pan-africanism – far from mutually exclusive – proved to be, on the contrary, mutually re-enforcing ideologies. An Africanisation of the state apparatus and in most cases the economy was the first issue to be addressed. One of the major points on the agenda of the movement that inherited the Tanganyikan state (namely Nyerere's TANU) was precisely this situation of discrimination and oppression. Within TANU, the Africanisation of the state bureaucracy was seen by some in racial terms (only to include black Africans). However, a non-racial view of citizenship eventually won the day.[5]

The basic rule for the acquisition of citizenship, is documented by the Citizenship Act of 1961:

Article 1 (1) "*Every person who, having been born in Tanganyika, is on the eight* [sic.] *day of December 1961, a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Tanganyika on the ninth day of December 1961.*"[6]

It is important to understand that the stress on *ius soli,* or in this case the prerequisite of birth within the territory of the state, is crucial, otherwise the distinction between British and Tanganyikan citizens could not be made. This very territorial view on nationality was in a sense a clear break with 'tradition'. Ever since Jack Goody, scholars have stressed that a territorial conception and organisation of authority was quasi non-existent in pre-colonial Africa.[7]

Despite the fluidity of borders and cross-border practices, autochthony is a hot issue in many parts of Africa today. The case of the Banyamulenge in South Kivu (east DRC) comes to

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[5] Susan Geiger, 1997, TANU Women.Gender and Culture in the making of Tanganyikan Nationalism 1955 – 1965, Oxford: James Currey.
[6] CAP 512, 1961, Citizenship Act of the Republic of Tanganyika.
[7] Jack Goody, 1971, Technology, tradition, and the state in Africa, London: Oxford University Press.

mind.[8] Within Congo, intellectuals and politicians alike uphold a view of national community that is more territorial than the colonial state has ever been. It is argued that only those ethnic groups who have contributed territory (land) to the nation-state enjoy rights (namely citizenship). This conveniently excludes the Banyamulenge who are believed to be in origin a pastoral community emigrating from the Great Lakes region. When debating state (re)formation in Congo, ethnic groups in their most rigid and territorial form are argued to be the basic constituents of the nation state, forming as it where Provinces upon which decentralisation of the state should focus.[9] Mobility and migration (including rural-urban migration) are seen as aberrations. One can only begin to imagine the kinds of struggles that would arise if such a policy were put in practice. Congo is not the only example, there are many others. Cameroon, on the other side of the continent, is also a well-documented case.[10]

Mamdani (and Clapham before him) warned us that the question of citizenship or autochthony would become the overriding factor in African conflicts, not ethnicity. Many developments suggest they are right.[11] This should not be surprising since Africa, despite its failed and weak states, does not seem to be able to escape the territorial logic inherent to the nation-state and the fact that rights are attached to the state and thus the territory over which it rules.

Since the mid 1990s, the rules and regulations with regard to citizenship have become ever more detailed and restrictive. This makes it clear that there is a deep concern on behalf of the Tanzanian State to clearly define valid political life. It equally paves the way for legitimate

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[8] Koen Vlassenroot, 2002, Citizenship, Identity Formation and Conflict in South Kivu: The Case of the Banyamulenge, Review of African Political Economy 29, no. 3/4, pp.499-515.

[9] Cf. for example Mwayila Tshiyembe, 2001, A New Political Order in the DRC. The Challenge of Multi-Nationalism. Review of African Political Economy 29, no. 3/4, pp.581-590.

[10] See, for example, Piet Konings, 2001, Mobility and Exclusion: Conflicts between autochtons and allochthons during political liberalisation in Cameroon, in: Mirjam de Bruijn, Rijk van Dijk & Dick Foeken, eds., Mobile Africa. Changing patterns of movement in Africa and beyond. Leiden: Brill Academic Publishers, pp. 169-194.H; Peter Geschiere & Francis Nyamnjoh, 2000, Capitalism and Autochthony, The Seesaw of Mobility and Belonging, Public Culture 12, no. 2, pp. 423-452.

[11] Christopher Clapham, 1996, Ethnicities and Governmentalities in Sub-Saharan Africa. An Introductory Discussion., Conference Paper, Institute of Commonwealth Studies, London 5 December 1996.
Mahmood Mamdani, May 1998, When does a Settler become a Native? Reflections on the Colonial Roots of Citizenship in Equatorial and South Africa, Inaugural Lecture AC Jordon Professor of African Studies, University of Cape Town.
Mamdani's book on the Rwandan genocide does not so much improve our insight into the genocide, as provides us with. What it does is provide food for thought on the crisis of post-colonial citizenship.
Mahmood Mamdani, 2001, When Victims Become Killers. Colonialism, Nativism and the Genocide in Rwanda, Princeton New Jersey: Princeton University Press / Oxford: James Curry. See also my review: Saskia Van Hoyweghen, 2002, Bookreview: Mahmood Mamdani, 2001, When Victims Become Killers. Colonialism, Nativism and the Genocide in Rwanda, Princeton New Jersey, Princeton University Press / Oxford, James Curry. Review of African Political Economy 24, no. 89, pp. 481-483.

sovereign intervention towards invalid political life, including all those residing within the Tanzanian territory without valid papers. The '*sans papiers* are thus not only a European or Western phenomenon. Tanzania's new Citizenship Act of 1995 maintains the essence of the Citizenship Act of 1961.[12]

It has extensive sections on the prohibition of dual citizenship (Art. 7) and the deprivation of citizenship (Arts. 14-16). The case of Tanzania is not unique. On the contrary, Zimbabwe also has a policy of mono-nationality. In 1985, the Zimbabwean authorities declared that all holders of other passports had to surrender them to the Zimbabwean authorities in order not to have their Zimbabwean citizenship revoked. It was a direct move against holders of a British passport. Cheater described the whole exercise as an attempt of the Zimbabwean regime to strengthen its authority.[13]

As for deprivation of citizenship in Tanzania, a distinction is made between acquired and attained citizenship. Citizens by birth can not be deprived of citizenship while naturalised citizens can. The loyalty of naturalised citizens can be questioned at any point in time, exposing the latter to the potential loss of nationality and thus, in many cases, statelessness. Moreover, the procedures by which citizens can be stripped of their citizenship do not respect the rules of due process. As will be demonstrated below, this again has very real consequences for people in Tanzania today.

Article 15 (2):
"*Subject to the provisions of this section, the Minister may by order deprive of his citizenship any citizen of the United Republic who is a citizen by naturalization if he is satisfied that that citizen—*
- *(a)* *has shown himself by act or speech to be disloyal or disaffected towards the United Republic, or*
- *(b)* *has during any war in which the United Republic was engaged, unlawfully traded or communicated with the enemy or been angaged* [sic] *in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war, or*

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[12] It is, by the way, striking that the discrimination against women is not addressed in the new Act. Women who are non-nationals can apply for citizenship after marriage to a Tanzanian but not vice versa. This had very real consequences during the round-ups of non-nationals in 1998 (documented below). Tanzanian men married to Burundian women were not required to move to the camps while Tanzanian women married to Burundian men were

[13] Angela P. Cheater, 1998, Transcending the State? Gender and Borderline Constructions of Citizenship in Zimbabwe, in: Thomas M. Wilson & Hastings Donnan, eds., Border Identities, Nation and State at International Frontiers, Cambridge University Press.

> (c)   *has, within five years after becoming naturalized, been sentenced in any country to imprisonment for a term not less than twelve months,*[14] *or*
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> (d)   *has been ordinarily resident in foreign countries for a continuous period of five years and during that period has not registered annually in the prescribed manner with a United Republic consulate or by notice in writing to the Minister, indicated his intention to retain his citizenship of the United Republic.*"[15]

The Tanzanian case illustrates that citizenship is not just a dry legal matter since it is tied to emotional issues such as race, political independence and so forth. It is therefore useful to illustrate how citizenship is not just an analytical category but a 'concept with street life'.

2. Who is a Tanzanian citizen?

While a legal approach always seems to suggest that citizenship is a fairly straightforward matter, real life is often messier. It is common knowledge that the nation-state is an arbitrary construction, based on an imagined community. Hence membership to this imagined community does not come automatically but is subject to debate. That this debate is not only reserved for the Tanzanian national political elite is rather neatly illustrated in a newspaper article in the Tanzanian Guardian in an essay by journalist, Musendo (July 23, 2002), entitled: "*Who is a Tanzanian citizen?*" It talks about the problems of differentiating immigrants from Tanzanians:

"*Who doesn't know that many people in rural areas have no documents to show that they are bona fide citizens of this country? Many people there don't register their children at birth. There is a need for the government to encourage the registration of births so that we know who is who in this country.*"

- on the question of border populations:

"*Is a Kurya or Luo in Mara Region a Tanzanian or a Kenyan Citizen? Is a Hangaza in Kagera Region a Tutsi from Rwanda? Is a Makonde from Mtwara a Tanzanian or Mozambican citizen?*"

- on the recent citizenship cases against high profile politicians and most recently even a player of the national soccer team:

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[14] Not being able to pay taxes can already result in an automatic prison term of 1 year. (Personal communication, Human Rights Advocate, Dar es Salaam, August 2002)
[15] Citizenship Act 1995, United Republic of Tanzania (UDSM)

"So Saidi Maulid was a citizen of this country, after all!! That's why at one time he played for Simba Sports Club which registered him from FC Congo United from Kigoma, and he had a Tanzanian passport."

It questions whether these immigrants should benefit from state services such as education. The article represents the confusion about 'who is a Tanzanian citizen?' and what rights immigrants should or rather should not have.

Refugees and illegal aliens

The most obvious or visible category of aliens is, in this case, that of refugees. The various conflicts in the Great Lakes region of Central Africa have placed a significant burden on the western regions of Tanzania, especially since the early 1990s, peaking in 1994-1996 after the Rwandan genocide. In contrast to the re-settlement politics of the 1960s and 1970s, refugees are now contained in camps close to the border and returned home as quickly as possible. The closure of the Rwandan camps in December 1996 could be classified as outright deportation. Especially the period, 1997 – 1998 was marked by several military operations targeted against illegal aliens in the Western provinces. This included the so-called residual Rwandan caseload, i.e. refugees who had remained behind or returned after the closure of the camps, but also Burundians, some of them had even resided in officially designated settlements since the 1970s. The legal grounds for these actions were shaky since the bulk of the rural populations have no papers and since so many migrants had previously been accepted without much concern for their precise legal residency status.

In April/May 1997 the security situation along Tanzania's western border was admittedly problematic. This was due to both Burundian rebel activity and gangs of criminals (possibly including refugees of various origins) who attacked minibuses and other transport on remote stretches of road. The government therefore instructed the Tanzanian army to conduct 'mop up operations' in the region to restore order.[16] Burundian refugees were either to be returned to the camp, expatriated back to Burundi, or faced legal action (namely imprisonment) for their criminal activities. The residual Rwandan caseload faced outright deportation. For them, the military operation was considered a natural follow-up of the repatriation exercise of

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[16] see also Human Rights Watch, July 1999, In the Name of Security. Forced Round-Ups of Refugees in Tanzania, Human Rights Watch Reports 11, no. 4A.

December 1996. The mop-up operations intensified by the end of 1997 as it was the aim to round up all 'illegal aliens' in the area. Any person who had not legalised his/her status under the Immigration Act of 1995 or the Citizenship Act of 1995 was considered a legal target, even if they had resided in Tanzania for decades. Even some Rwandans who had migrated to Tanzania in the 1940s in search of work were victims of the whole enterprise. A Tanzanian priest gives an account of how he went down to the police station to obtain the release of some of his friends:

"Already in the 1930s, people would come from Rwanda in search of labour. They'd camp in the area, singing and mingling with the locals. They would work on the fields in Karagwe. Others were in transit on their way to Uganda to work in the cotton or sugar industry. It was seasonal migration but some remained in the area. From 1933-35 German Lutherans built the mission in Lukajange. They came from Rwanda and brought Rwandan staff with them as porters, servants ... The Tanzanian authorities also wanted to repatriate them in 1996/97! I had to intervene and went down to the police station to tell them these were well integrated peaceful citizens."[17]

Human Rights Watch documented the case of the Burundians in particular. Many who lived outside the camp were forced to relocate to the camps and leave everything behind. Often they did not even have the time to locate family members who were at school or on the fields. Even though the Tanzanian government claimed that these operations were security measures, it did not follow up on this argument. Most of the refugees who were rounded-up were not even charged with anything. For the Burundians, the mere fact that they lived outside the camp - even if in a settlement originally appointed to them by the government 25 years ago- was sufficient warrant for military intervention.[18] The situation relaxed somewhat in 1998 but similar incidents have taken place in various parts of Tanzania to date. Since then, Rwandan asylum seekers are again being accepted, though only on an individual basis and despite a general tendency to discourage such immigration by any means possible.

The search for illegal aliens is not restricted to people who flee the violence and hardship of the Great Lakes region. There are daily reports in the Tanzanian newspapers of the arrest and deportation of foreigners without valid papers. "*Congolese musicians expelled*" or "*Illegal immigration from Malawi reaches alarming rate*" read like tittles from Western newspapers where the immigration debate is equally hot. Crackdown operations against illegal immigrants are common practice. More targeted operations include razzias in the mining towns of Arusha

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[17] Interview in Lukajange, Karagwe Diocese in August 1999.
[18] Human Rights Watch, July 1999, Op. Cit.

and Mwanza, where 'infiltration' of West African and mainly Senegalese networks in the marketing of mineral resources is feared.[19] From a legal point of view, these could be viewed as legitimate actions of a state protecting its integrity and exercising the right to control access to its territory. However, since the real mobility and residence of people is not represented in the legal texts governing the field of citizenship and immigration, there is much room for abuse. What is, for example, the real status of those Rwandans and Burundians that lived for decades in the country but for some reason or other have never filed an application for naturalisation or received their papers? The much-applauded offers of citizenship in the past did not always result in people obtaining the actual documents. Social class and the ability to demonstrate one's legitimacy *vis à vis* the state are clearly linked.

How are we to interpret this apparent eagerness to separate valid from invalid political life? When looking at historical shifts in the nature of the state, from distributive to (prospectively) regulatory, there is reason to believe that these strategies are attempts by the state to find new ways of asserting its authority.

Denationalisation on the increase

The concern for identifying Tanzanian citizens goes even further. At the elite level, there have been various court cases where high profile political figures have had their citizenship called into question. In the mid-1990s there was the case of former Kigoma MP, Azim Premji. After the 1995 elections, a petition led by Premji demanded the nullification of the parliamentary elections in his constituency on the grounds of fraud. His petition never reached parliament because his citizenship was questioned and therefore the *ius suffragii* and *ius honorum* of Premji altogether. In November 1996, the Kigoma High Court finally ruled that Premji was a valid and legal citizen of Tanzania. Clearly, the question of citizenship can be an effective political weapon with which to disqualify political opponents.

Another set of highly publicised cases involved former Tanzanian envoy to Nigeria, Timothy Bandora, a regional CCM chairman, Anatoli Amani, another prominent CCM Party member, Mauldine Castico, and finally former MP, District Officer and owner of the media group, *Habari Corp.*, Jenerali Ulimwengu. They were all stripped of their nationality in February 2001 but were given the opportunity to apply for naturalisation. The distinction between

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[19] BBC World Service, Swahili Service in Dar es Salaam has reported on this several times.

attained and acquired citizenship was used as a way of asserting the supremacy of the state over its subjects and to signal to these subjects that they should demonstrate more loyalty to the state. All of them were granted naturalisation, with the exception of Ulimwengu. Nobody seems to know the exact grounds upon which these decisions were made, as the rulings were not made public. He allegedly could not prove the nationality status of his parents. Ulimwengu has not made any public statements and has refused comment. Subsequent to the ruling he applied for a class A residency permit, which would not only prevent him from engaging in politics but also effectively render him stateless.[20] In March of th is year he eventually did become naturalised.

Citizenship cases are not limited to politicians either. Even a player for the national soccer team, Saidi Maulid, was accused of being Congolese. This latter case received a lot of coverage in the Swahili tabloids and provoked considerable affectivity in the general public.

Moreover, the revoking of citizenship is not limited to elites. In 1998 the government also started listing all the Rwandans who had been naturalised and those who had returned since 1994 to Rwanda. On the basis of the Citizenship Act of 1995, their Tanzanian citizenship was to be cancelled as dual nationality is prohibited by law. Several individual examples could also be given of people who have had their passports confiscated or nationality status questioned. It only takes a visit to a lawyer or a human rights advocacy group to come into contact with Tanzanians (many of them 'Asians') who are involved in court cases regarding their citizenship status.

The call for uzawa

Political membership is not the only source of contention. Linked to it, is the question of economic ownership, especially since the liberalisation of Tanzania's political economy in the 1990s. Once again the call for indigenisation or *uzawa* can be heard. It has gained currency due to the drastic restructuring of economic and political relations. In a sense, there are several visions of belonging and citizenship operating in Tanzania. To put it crudely, official

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[20] In the case of Ulimwengu there seems to be general agreement on the fact that this was a political elimination. Ulimwengu has a long-standing reputation as an advocate of pan-africanism and human rights. Although he supported Mkapa in his first election campaign, he has since then become increasingly critical of the regime and used his media group to voice such concerns. Some 140 academics from the University of Dar es Salaam signed a petition in February 2002 underlining these facts and their outrage with the decision.

discourse upholds a liberal notion of citizenship based on individual rights and equality. In reality and popular discourse, however, a vision based on 'culture', or in this particular example 'race', is again gaining ground. Race is an even more rigid category than culture because one can assimilate to a culture but not to a race. Even in the official discourse, however, cracks are regularly exposed. Iddi Simba, former Minister of Industries and Commerce has caused many a stir over the past years when calling for *uzawa*. He argued that in the privatisation exercise, certain businesses should be reserved for (black) Africans. His concern consists in the fact that Tanzanians of Arab and Asian descent do not re-invest their gains in the Tanzanian economy but in their countries of origin, which is where their real loyalties supposedly lie. *Uzawa* is thus considered to be a development strategy. A lot of this has been taken up by the press:

"The crusade for indigenisation in Dar, particularly, is being championed openly by the Minister for Commerce and Industry, Mr Iddi Simba, who draws solid backing from, among others, former city Mayor Kitwana Kondo and the regional commissioner for Lindi, Capt Ukiwaona Ditopile Mzuzuri and the influential Sykes family, one of whom is now the mayor for Dar.

(..) Tanzanians of Asian origin, too, have their own "facilitation" groups for those vying for political posts. The advocates of uzawa (rights of the "indigenous") view this group as "a moneyed group and is now seeking to control not only the economy, but also politics," our source said.

But there are now moves to curtail the relative financial advantage of the Asians by requiring to show proof of owning fixed assets before they are allowed to vie for elective posts.[21]

After independence and even more so after the Arusha Declaration, Asian minorities adopted lower profiled roles both economically and politically. With the liberalisation of the economy, the Asian community has once again taken a more prominent role in business and trade. Bruce Heilman, who has done research among the business community in Dar es Salaam claims that: "*a form of de facto economic segregation developed, with Africans pursuing careers in the public sector and Asians continuing to engage in private sector activities.*"[22] The leading economic role of Asian (or non-African) business communities in other African

[21] Faustine Rwambali, 2001, Regionalism Torments CCM, The East African, 19 March 2001.
[22] Bruce Heilman, 1998, Who Are the Indigenous Tanzanians? Competing Conceptions of Tanzanian Community in the Business Community, Africa Today 45, no. 3-4, pp. 369-388.

countries has also led to tensions and even open conflict; one of the most shocking examples no doubt being the expulsion of Asians from Uganda in 1972.[23]

Asian communities are also accused of failing to integrate properly within African culture. They do not mix socially with Africans, let alone inter-marry. They have separate facilities for education and so on. In conversation with African intellectuals, these characteristics are, however, thought to explain their business success.[24] It is explained that because of their strong, supportive family and community ties, they can pool resources more easily and support each other. Africans, on the contrary, are thought to be much more individualistic and less trustworthy in business. While these statements may not be scientifically sustainable, it is in such conversations and reflections that visions of community and society are created and kept alive.

The question of the Union with Zanzibar is of course one of the most prominent political issues in present-day Tanzania. It is, however, beyond the scope of this paper to devote attention to it, despite the fact that Tanzanian political analysts believe that the relationship between Zanzibar and the mainland is a very likely cause of ongoing conflict. To speak about tensions between Arabs and Christians would be to grossly over-simplify the situation. Nevertheless, there remains opposition to the Union from both sides and there are frictions that have begun to develop religious overtones.

The Rev. Mtikila, founder of the recently registered Democratic Party (DP), has been one of the major voices calling for *uzawa* on the one hand while campaigning against the Union with Zanzibar. Particularly in the mid-1990s, Mtikila was very outspoken on these issues. After some of his inflammatory speeches, angry mobs turned against Asians on the streets and in their local shops. Many of the smaller corner shops are owned by traders from the islands (Zanzibar and Pemba). Mtikila's concept of '*gabacholi*' (corrupt Asian businessmen) has since entered the Tanzanian political lexicon. His own crowd are nicknamed the '*walala hoi*'. This literally means those who sleep deep after an honest day's work and refers to the poor

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[23] Michael Twaddle, ed., 1975, Expulsion of a minority : essays on Ugandan Asians, London: Athlone Press for the Institute of Commonwealth Studies, University of London, (Commonwealth papers 18).
Mahmood Mamdani, 1973, From Citizen to Refugee, Uganda Asians Come to Britain, Frances Pinter Ltd.
[24] Cf. Also Richa Nagar, 2000, Saboteurs or Saviours? The Position of Tanzanian Asians, Samar – South Asian Magazine for Action and Reflection, no. 13.

Africans who, despite hard work (as street vendors, porters or stone crushers), are poor and dispossessed but nevertheless of clear conscience.

Over the last few years, the situation has dampened somewhat. Analysts believe Mtikila toned down his speeches with a view to registering his DP, which he eventually succeeded in doing in July 2002. However, soon after the registration of his political party, he was once again arrested and summoned before the courts. It was claimed he had spoken out against the Union with Zanzibar and moreover accused Nyerere and Mkapa of not being Tanzanians. He allegedly had proof in support of these claims.[25]

While many see Mtikila as a sectarian lunatic and a disgrace to Tanzanian politics, others have pointed out that the uprisings he has inspired (resulting on several occasions throughout the 1990s in the looting of Asian and Arab businesses) can also be seen as an anti-globalist protest and fierce critique of the current regime and its policies.[26]

Foreign investment and the mining sector

The tensions described above primarily affect Dar es Salaam and other major urban centres. Furthermore, Heilman's otherwise excellent analysis only addresses the citizenship question in relation to animosity towards Asians and their contested status. In addition to such quarrels over autochthony and economic rights, however, there is a much more complex issue, namely that of foreign investment. Mkapa regularly comes under pressure from those who feel that liberalisation and privatisation equal a sell-out to foreigners. The issue became especially pertinent in the mid 1990s when the privatisation operation took off and FDI increased dramatically. In the period 1986-1991, Tanzania received (only) $US 2 million in FDI, while in the period 1995-2000, this reached the figure of $US 1 billion. The UK is the leader when it comes to FDI in Tanzania. However, Kenya, India, USA and South Africa also figure prominently. In the more conspicuous sectors, the South Africans are the most prominent group. They have obtained very strong positions in the tourist industry (hotel chains), import of consumer goods (the new South African supermarket chains offer fierce competition for

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[25] The indigeneity of political leaders has been questioned in a growing number of African countries in an attempt to de-legitimise their position of authority. Yoweri Museveni's mother, it is rumoured, is in fact a Tutsi from Rwanda. Interestingly, since Uganda and Rwanda clashed in Kisangani (eastern DRC), these rumours seem to have died out.

[26] C. Chachage, April 2002, Globalization and Citizenship in the Great Lakes Region, Some Critical Remarks, Conference Paper, Scientific Dialogue on Globalization and Citizenship, Codesria, Cairo.

the Asian community who previously controlled this sector) and the brewing industry (after take-overs in Uganda, Kenya and Rwanda, South Africans now have a firm foothold in Tanzania as well).[27]

The government is, of course, in a very difficult position. With the liberalisation of the market and the economy, investment (and in many cases also skills and knowledge) had to be sought across the border. This was particularly clear in the case of re-starting mining activity. Although Tanzania's reserves are not as promising as, for example, those in the DRC, the Tanzanian mining sector has experienced a boom in the past five to ten years. According to Philips et al., Tanzania is, since 1998, the leading African country for attracting exploration investment dollars in (gold) mining. While mineral exports officially contribute only 2% of GDP, the authors estimate the total value as much as 10%, when one includes the informal sector.[28]

A distinction must be made between large mining operations which require skill, capital and know-how (and thus foreign investors) and small-scale activities, which can and often do rely upon African companies. A third type of mining activity is artisanal mining. The big international companies mainly focus on the mining of gold. In sectors, which require less capital and technology, such as alluvial gemstones, West Africans and closer to home, Kenyans, play an important role in the marketing chain. Tanzanians only figure at the bottom end of this chain. They lack capital, connections and knowledge of the market. Within East Africa, Nairobi maintains its position as main trader in regional gemstones and gold. Minerals are not for local 'consumption' so, just as in colonial times, the producing countries rely on export markets for the sale of minerals. While gold has a relatively stable market, the marketing of gemstones is a very volatile business where continuous monitoring is needed. Moreover, Africans can not compete with Asian countries where cheap but skilled labour for the processing of gemstones is readily available.[29]

The concern that increases in GDP will have no structural or long-term impact is therefore a very poignant one. Moreover, gold is a finite resource. Projections for gold extraction in

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[27] F.D. Mtatifikolo, 2002, Global Investment Patters and Post-Nyerere Tanzania, in: Ammon Belle et. Al., eds., The Nyerere Legacy and Economic Policy Making in Tanzania, Dar es Salaam: UDSM University Press; UNCTAD,2002, Investment Policy Review. The United Republic of Tanzania, Washington: United Nations.
[28] Lucie C. Phillips et al., March 2001, Tanzania's Precious Minerals Boom: Issues in Mining and Marketing. EAGER Research Paper, Washington: EAGER.
[29] Ibid.

Tanzania actually predict that the boom will be over in less than a decade and that by 2020 the reserves will be empty. As for the claims of a foreign sell out, what is often overlooked is the fact that African elites continue to play a role in these networks of extraction. "*Meremeta, currently the largest gold exporter, was formed in 1998 as joint venture between a South African company, Executive Outcomes and the Tanzanian military.*"[30] Moreover, gold is not the only mineral. Diamonds are found in the north and around Mwanza and Shinyanga. Tanzanite, a precious stone unique to Tanzania, is found between Arusha and Moshi. It is in these sectors that more Tanzanians are employed.

The first step towards liberalisation was taken in 1987 with the licensing of private dealers. This mainly affected the small scale and artisanal mining sectors. The mining boom has had a greater effect on employment and local development than any other project or policy in the past. Philips et. al. estimate the number of miners at around 550 000.[31] In 1994, the floating of the currency provided the second major incentive, this time for multi-national companies to come to Tanzania. Multi-nationals are only just progressing from the prospecting stage and extraction is now underway. However, everyone is warning that the rush will be temporary and if not carefully managed, the long-term benefits will be minimal.

The fact that all mining takes place in remote rural areas means that these mining camps attract a whole host of support services and businesses in their wake. The locals, however, experience short-term problems of inflation and pressure on resources. One can, in fact, compare the impact with the refugee influxes in western Tanzania. Some benefit from the arrival of mining communities while others are clearly disadvantaged. In the long run, however, the question remains whether the positive impact of these mining camps will be sustainable due to the temporary nature of the phenomenon. Miners are mobile and move along in groups to new sites whenever the previous ones are exhausted.
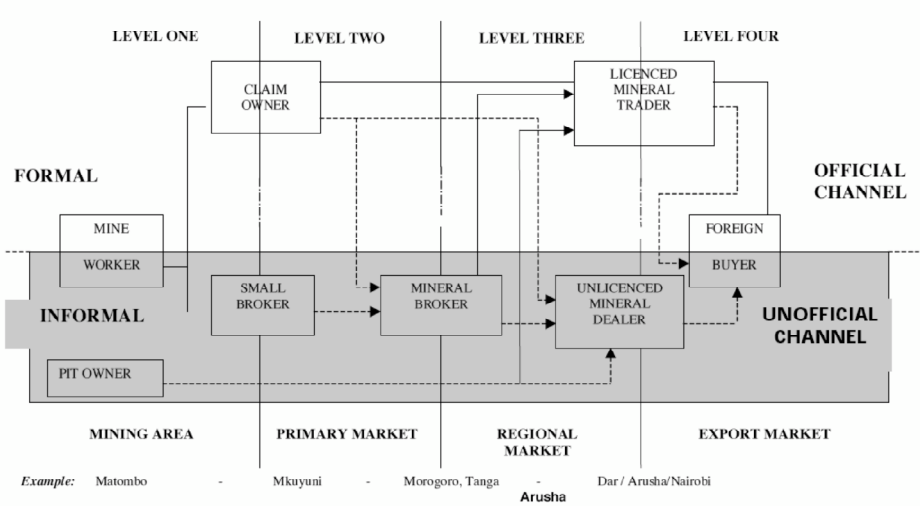
The 1998 Mining Act is clearly concerned with the role Tanzanians could play in this booming sector. Policy follows a double track. Large, capital-intensive mining (of, for instance, gold) is left to international concerns while for small-scale (non-artisanal) mining of

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[30] Ibid, p. 17. It seems a trend that political elites are often the ones to personally benefit from privatisation exercises.
[31] Phillips et al., 2001, Op.Cit.

gemstones, preference is given to Tanzanians. Here legal provisions are made which prohibit the integration of the marketing chain.

Mineral market channels[32]

In other words, international buyers can not go to the mining sites directly but need to pass through brokers or dealers. Brokers are required to hold Tanzanian citizenship. In reality, informal and formal channels overlap each other at this level and only the more fortunate (read: rich) are capable of proving their nationality. The majority of people have no way of identifying themselves thus making it difficult to verify such matters in a legally neutral context. The Tanzanian authorities have regularly intervened in mining towns such as Arusha to sort out nationals from non-nationals in the mining marketing chains.

Territorial integrity

As stated earlier, territorial integrity is absolutely essential for a nation-state. African states are often described as weak due to their apparent failure to control their borders. Control over the territory operates at several levels. First of all, there is the question of alleged violation of borders by neighbouring states. Between Malawi and Tanzania there is a long-standing, yet dormant, border dispute involving the border in Lake Malawi and the Songwe river. One could argue that the border on Lake Malawi is important to determine fishery rights. Yet in reality no-one is really concerned with borders crossing over Lakes. It would be a different

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[32] Ibid, p. 19.

story if there were more important economic assets involved (such as oil or gas). The Songwe river which marks the border with Malawi at the very northern tip of Lake Malawi changes course during and after the wet season. As a result, the exact physical border can not be established. Tanzania is also engaged with Uganda in a fresh border dispute after a border beacon was destroyed by 'unknown people' in February 2003. The quarrels over the demarcation of the border originated in the 1970s when beacons were removed by Idi Amin's forces during the 1978/9 war.

The legalistic border disputes between African governments are a bit of a caricature, and are more often than not mere displays of diplomatic muscle-flexing. In fact, the whole debate on the arbitrariness of international borders in Africa is futile. So is the argument that the arbitrariness of international borders is a source of major conflict. African conflicts have only recently spilled over international borders and put a wedge in national territories. It would moreover be wrong to see these conflicts, for example the war in the DRC, as classic wars over the control of territory.[33] The reality of the state whose sovereignty is incomplete with regard to its territory is all the more striking in contrast with attempts to territorialise its power.

This incommensurability also operates on another level, namely with regard to control over residence within the territory. The fresh border dispute with Uganda was not about the demarcation of the border alone but also about claims that 'Ugandans' had built homes on the Tanzanian side of the border. In order to diffuse the diplomatic row, the Tanzanian government claimed that the expulsion of 'Ugandans' did not occur on the basis of directions from Dar es Salaam but rather overzealous local immigration and police officers who had acted on their own account.

It is common knowledge that ethnically related populations straddle borders everywhere and that sorting these regions out according to 'nationality' is a difficult and pointless task. The arbitrariness and ambiguity with which these sorts of operations are carried out has already been described with regard to the 1998 round-ups of illegal immigrants in Kagera. Moreover, in rural areas, it is hard for people to prove their identity. Tanzania has no system of identity cards (despite an ongoing debate in parliament about it). Such round-ups thus become an

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[33] Saskia Van Hoyweghen, 2000, Mobility, Territoriality and Sovereignty in post-colonial Tanzania, Refugee Survey Quarterly 21., No. 1, pp. 300-327.

operation where the law can be interpreted or manipulated in numerous ways and where affected individuals have no legal recourse. One could ask how such operations would benefit the Tanzanian authorities? Once again, they are no more than symbolic attempts to reassert the territorial integrity and strength of the state. It is important to note of course that not all these operations are monitored or even ordered by the central government. Local authorities undoubtedly act alone when it comes to the details.

When comparing, however, the rights that nationals and residents derive from the state under whose authority they live, we must nevertheless conclude that residency status is often sufficient for access to most services and benefits offered by the state (such as health care and education). Here the argument by Musendo (although a popular one) is confused. It is only for political rights (*ius suffragii* and in some cases *ius honorum*) that nationality status makes a difference. This suggests that the debate on the street about citizenship is actually broader and more profound. So far the concepts of nationality and citizenship have been used without real distinction. However, a separation of the legal discussion on nationality from the political discussion about citizenship is useful.

3. The content and boundaries of citizenship

The above observations urge us to elaborate a bit more on the legal provisions regarding Tanzanian nationality. It is clearly important to think beyond the existing judicial framework. When thinking about citizenship/nationality along these lines, the typology developed by Elaine Thomas is a useful starting point.

In reality, most visions on citizenship are a mixture of different elements. Moreover, within one country, different views on citizenship (beyond the legal definitions) may be in circulation. The provisions of the law and the reality on the street might even contradict each other. It is in daily practice that citizenship is made.

Conceptions of political membership[34]

	Explanation		Acquisition/loss of membership
DESCENT	Belonging through blood relation		Birth / death
CULTURE	Attachment to a particular way of life		Cultural assimilation
BELIEF	Identification with the founding principles		Political integration
CONTRACT	Equal Rights for Equal Duties (≠ equality) such as clientelism in Africa or feudalism in Medieval Europe	**State-centred** for example military service	Participation / acceptance of terms of contract
		Society-centred for example charity	
MONETISED CONTRACT	Citizens are those who pay their dues Citizens = consumers	**State–centred**	Participation / based on economic contribution
		Society-centred	

Elaine Thomas argues that there is no advantage in treating the concepts of nationality and citizenship separately because the two refer to the same thing in common language use. However, there are clear analytical advantages in treating citizenship and nationality as, to a certain extent at least, distinct concepts. Citizenship can be defined as membership to a self-contained political unit, which entitles the citizen to certain rights *vis à vis* that political unit. The nation is, although the most prominent, only one of several political communities one can belong to. We also belong to supra-national polities, such as the EU or the UN. As mentioned above, the political integration of the EU, for example, poses certain questions for national citizenship. There is also an increasing literature questioning the relevance of the nation as a political unit in a globalised world, hence the increasing talk of 'global citizenship'. On the other hand, in a context of total state collapse as is the case in some parts of Africa, political membership clearly becomes a lot less straightforward.

It is useful here to briefly return to the origins of the concept of citizenship. The history of the concept of citizenship dates back to Classical Greece.[35] It is only related to the modern

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[34] Adapted from Elaine Thomas, 2002, Who Belongs? Competing Conceptions of Political Membership, European Journal of Social Theory 5, no. 3, pp. 323-349. She argues that most current debates about different forms of citizenship are squeezed into a dichotomous framework of analysis, distinguishing between civic and ethnic nationalism, between liberal and illiberal, eastern and western and so forth. Since the dramas in both former Yugoslavia and Rwanda, this dichotomous way of categorisation carries an implication of good and bad. Moreover, it provides no tool for further analysis of the content of citizenship. Hence the need for a new typology.

concept of citizenship as we understand it today on the basis of two elements, namely that it is an individual right and that it implies membership to a self-contained political unit. Not everybody linked to this self-contained political unit (or city-state) was considered worthy of citizenship. The bulk of the population was excluded as one had to posses certain qualities to become a citizen. Agamben distinguishes, in this respect, between valid political life and bare life or invalid political life.[36] In other words, citizenship in the classical sense invoked a normative ranking of the population that would be frowned upon today.[37] The liberal concept of citizenship was developed from Locke onwards in response to the monarchies of early modern Europe. These rulers considered their objects as passive recipients of certain rights and benefits. Locke stressed freedom and individuality, the focus firmly on rights and privileges. Only in the 18th and 19th centuries did states lay claim to the citizen through the concept of nationalism. The nation was created in order to justify state rule over a certain population. From then on, the concepts of citizenship and nationality became articulated. The ambiguity of national citizenship thus resides in the historical (and hence contingent) nature of the concept of the nation.

Therefore the so-called 'natural' relationship between state, society and individual has increasingly become the subject of much debate and controversy. In order to understand the nature of this debate it is equally important to distinguish between the boundaries of citizenship and its nature. While both are inter-related, it is important to analytically distinguish between the content of the concept of citizenship and the boundaries of its application. Boundaries simply refer to who is in and out, or in other words who has met the criteria for national citizenship. The debate about the nature of national citizenship is deeper as it concerns the nature of the relationship between state and individual, or, in other words, what rights the citizen can derive from his/her membership to the state. The discussion about both boundaries and content has come to the fore-front in recent times but for slightly different reasons. Increased mobility, for example, has had a direct effect on the debate surrounding boundaries and has resulted in a massive amount of literature on changing immigration laws, the closing of borders, the management of population flows and the restrictions placed on acquiring nationality. That this is a world-wide and not just western phenomenon has been illustrated here by the case of Tanzania. The debate about the nature of

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[35] J.G.A. Pocock, 1995, The Ideal of Citizenhip Since Classical Times, in: Ronald Beiner, ed., Theorizing Citizenship, Albany, State University of New York Press, pp. 29-52.
[36] Agamben, 1998, Op. Cit.
[37] Barry Hindess, 2002, Neo-liberal Citizenship, Citizenship Studies 6, no. 2, pp. 127-143.

citizenship itself, however, goes a step further and should be placed in the wider debate concerning the future of the welfare state *per se*. The ascendancy of radical neo-liberalism and the rise of global capital have awakened a renewed politics of identity implying the questioning of the nature of citizenship.

As Foucault has argued, modernity implied that people, in other words the population, became the main object of state power. Agamben adds that it was certain people that became the focus of state power, namely bare life (the poor, the marginalised and so on). Modernity claimed it was geared to include the latter gradually into the realm of valid political life. It was believed that the gradual extension of citizenship to all members of the nation (including, for example, women) would eventually lead to a deepening of the values of citizenship and the rights attached to it. It would enhance social integration and eventually eradicate the worst excesses of capitalism.[38] The foundations of liberal citizenship however, have been profoundly shaken by developments inherent to late capitalism. Not only has the trinity between the nation, state and individual come under pressure, but also the nature of government itself.[39]

Precisely because of the expansion of social integration, the modern citizen is socialised but also normalised. In order to rule, the state uses new tactics and forges new alliances with non-state actors. In Rose's terminology, what we see today is governance through the self-governance of identities. The triad state – society – population has made way for state – autonomous experts – self-governing individuals. The state is no longer the sole 'conductor of the orchestra' as Purvis and Hunt put it. A new regime is becoming manifest whereby the state operates through non-governmental institutions and channels (so-called experts), which allow individuals to manage and regulate themselves. As a result, the stress shifts from universal and democratic values (citizenship) to particularistic ones (identity).[40]

We can now see how the politics of identity radically challenges the notion of citizenship. Modernity has failed to absorb the excluded but on the contrary continually reproduces the exclusive distinction. According to Purvis and Hunt, we can not avoid the confrontation by

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[38] Reference is often made in this respect to the classic lecture by Thomas H. Marshall, 1950, Citizenship and social class and other essays, Cambridge University Press.

[39] Nicholas Rose, 1999, Powers of Freedom. Reframing political thought, Cambridge University Press.
Mitchel Dean, 1999, Governmentality. Power and Rule in Modern Society, London: Sage Publications.

[40] Trevor Purvis & Alan Hunt, 1999, Identity versus Citizenship: Transformations in the Discoures and Practices of Citizenship, Social and Legal Studies 8, no. 4, pp. 457-482.

simply getting rid of either concept. On the contrary, in the face of this challenge, the contours of the political are already being re-drawn and re-negotiated.

We are confronted with the increased marginalisation of a subclass of non-citizens who are subjected to coercive governance as no longer embraced by a politics of solidarity. The project of expansion of citizenship and its inherent values and rights has stalled. Instead we see a growth in the politics of identity. The universalising effect of citizenship is confronted by the particularising of the politics of identity. Beiner confirms that both multi-culturalism (as a communitarian ideology) and neo-liberalism undermine modern citizenship.[41] These real concerns are poorly understood and unfortunately, do not form part of the public debate about citizenship. There seems to be grounds to suggest that the state deflects attention from the real issues regarding citizenship by shifting the debate to the boundaries instead of the content and this in an attempt to strengthen / justify its own position of authority. Chachage rightly expressed concern that the debate about citizenship in Tanzania (and, we may extrapolate, Africa in general) is sadly only about the <u>boundaries</u> or distribution, as opposed to the actual <u>content</u>, of rights.[42]

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[41] Ronald Beiner, 1995, Why Citizenship Constitutes a Theoretical Problem in the Last Decade of the Twentieth Century, in: Ronald Beiner, ed., Theorizing Citizenship, Albany, State University of New York Press, pp.1 –28.
[42] Chachage, 2002, Op. Cit.