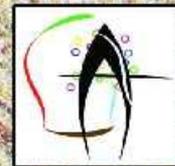




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L'Afrique et les défis du XXIème siècle
Africa and the Challenges of the Twenty First Century
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**State, "Half-Hearted Citizens" and the Abolition
of Dual Citizenship in Zimbabwe, 1980 to 2011**

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Introduction

Zimbabwe's post-colonial citizenship laws were designed to suit the state's rhetorical nationalist policies purporting to fulfill the mandate of the 1960s and 1970s liberation struggle by achieving economic liberation. The ZANU-PF government believed that in order to fully implement policies like the land reform programme and indigenisation of the economy without the interference of foreign interests there was need to abolish dual citizenship to ensure total loyalty of its citizens. The state which favours the policy of mono citizenship argues that persons should be totally committed in a legal and emotional sense to one country and believes that dual or multiple citizenship conflicts with its notions of national identity and cohesion. Dual citizens, particularly the whites and Africans of foreign origin, were labeled as 'half-hearted citizens' who oppose and resist the state's nationalist policies. Despite challenges and resistance from opposition political parties and civil society, the post-colonial state implicitly and explicitly played a central role in defining who is a citizen to be included in decisive national affairs like elections and to benefit when economic resources are distributed. The implementation and amendments of Zimbabwe's citizenship laws shows that, like other forms of belonging, citizenship can be used by the state to intimidate or exclude opponents during times of political contestation or economic scarcity.

Conceptualising 'Half-Hearted Citizenship' in Zimbabwe

Most critical studies of citizenship, especially on Africa, have focused on how the concept has been politicised resulting in some groups of people being included and others excluded from the nation state. According to Peter Geschiere and Francis Nyamnjoh in recent years most African regimes have abandoned true national citizenship and nation building and are now focusing on producing autochthons for their political interests.¹ Geschiere also observes that in many parts of Africa, democratization and multi-party politics poses threat to authoritarian regimes in Africa and has intensified struggles over belonging.² He has articulated that belonging is used to determine persons who should vote or be voted in national elections. Consequently some governments got obsessed with the idea of identifying authentic citizens loyal to them who should be given franchise. In the same vein, these governments are also keen to exclude 'strangers' or 'outsiders' from national affairs even

¹ Peter Geschiere and Francis Nyamnjoh, 'Capitalism and autochthony: The seesaw of mobility and belonging' *Public Culture*, 12(2), 2000, p. 423.

² Peter Geschiere, 'Ecology, belonging and xenophobia: the 1994 forest law in Cameroon and the issue of "community"' in Sara Dorman, Daniel Hammett and Paul Nugent (eds), *Making Nations, Creating Strangers: States and Citizenship in Africa*, (Leiden, Hotei Publishing, 2007, p. 237.

when they are citizens of the same country.³ Geschiere has noted that the so-called 'strangers' or 'outsiders' are often those who migrated into the region during the colonial period, and whose claim to citizenship is thus seen as less 'authentic'⁴ Sara Rich Dorman argues that the defining of boundaries and meaning of citizenship are considered of paramount importance in many countries when national resources diminish.⁵ These arguments shows how people can be categorised into particular groups or positions that can either promote or prevent them from participating meaningfully in the political, social and economic affairs of a nation. Michael Neocosmos argues that exclusion often takes place when citizenship is reduced to indigeneity.⁶ He pointed out that citizenship in its indigeneity form is given by territory and births, meaning that those conceived to be outside territorial boundaries are excluded from rights and entitlements.⁷ In general, Nyamnjoh, Geschiere, Dorman and Neocosmos' arguments concur that citizens can be categorised by the state or the citizens themselves into authentic or lesser citizens.

Zimbabwe is not an exception in these inclusion and exclusion discourses. The colonial system which existed prior to independence in 1980 was characterised by racial dispossession, marginalisation and exclusion of black Zimbabweans from participation in national politics and the mainstream economy.⁸ As noted by David S. Moore the racism of the colonial era was inherited by Zimbabwe's post-colonial government.⁹ This paper observes that the distributive justice in independent Zimbabwe includes deliberate moves by the state to craft citizenship and other pieces of legislation which excludes other groups. Nationalist rhetoric, which is driven by historical grievances relating to the expropriation of land, is used in the debates of nationhood and citizenship by post-colonial leaders. Moore's observation can be used to explain racialized dispossessions like farm invasions and currently the controversial indigenisation programme which compulsorily requires all foreign owned companies to cede fifty one percent of their shares to the indigenous people.¹⁰

³ *Ibid*, p. 237.

⁴ Sara Dorman, Daniel Hammett and Paul Nugent, 'Introduction: Citizenship and its Casualties in Africa' in Sara Dorman, Daniel Hammett and Paul Nugent (eds), *Making Nations, Creating Strangers: States and Citizenship in Africa*, p. 10.

⁵ *Ibid*, p. 4.

⁶ Michael Neocosmos, *From 'Foreign Natives' to 'Native Foreigners': Explaining Xenophobia in Post-apartheid South Africa: Citizenship and Nationalism, Identity and Politics*, (Dakar, Council for the Development of Social Science Research in Africa (CODESRIA), 2010), p. 13-14.

⁷ *Ibid*, p. 14.

⁸ 'Economic empowerment benefits to Zimbabwean' in *The Sunday Mail*, April 10-16, 2011, p. D3.

⁹ David S. Moore, *Suffering for Territory: Race, Place, and Power in Zimbabwe*, (Harare, Weaver Press, 2005), p. 1.

¹⁰ Indigenisation and Economic Empowerment Act 14/2007, Section 3, p. 3.

The ZANU PF side of the Zimbabwean government justifies these policies as measures righting the wrongs of the colonial period. These scholarly contributions inform this study because they show different mechanics of exclusion which consign certain groups within a society to the status of lesser citizens or non-citizens.

In this study I borrow Geschiere's concept of 'the half hearted belonging of the external elites' applied in Cameroon¹¹ to develop the concept of 'half hearted citizenship' in Zimbabwe. Drawing an example from Cameroonian forest area, Geschiere shows how villagers question the belonging of their kinsmen now living in urban areas or 'the external elites' because they are reluctant to invest in the development of their villages.¹² This paper attempts to forward a unique Zimbabwean scenario in which the state viewed dual citizens as 'half hearted citizens'. In this study half hearted citizens refer to persons who were believed by the state to have divided loyalty, represent foreign interests, are in transit and do not have 'emotional' permanent stake in the country.¹³ Although this mainly refers to those with a history of immigration during or just before the colonial period, indigenous people with dual citizenship also find themselves in this group of people. Using the concept of 'half-hearted citizenship', I argue that Europeans and African migrants in Zimbabwe, despite being part and parcel of the society and contributing towards its development, the state questioned their belonging and loyalty. Half hearted citizenship contrasted with the state's notions of nation-building which sought to create broad-based loyalties overcoming all sorts of divisions.¹⁴ The state argues that half-hearted citizens use dual citizenship for their convenience so that they get the best of two or more countries for their selfish interests. Thus, according to the state, the purpose of mono-citizenship is to protect the 'genuine' and loyal Zimbabwean citizens in both public and private enterprises.¹⁵ The notion that there are people who are 'half-hearted' citizens in Zimbabwe was in the minds of many government officials like ministers, legislators and high ranking civil servants usually loyal to the ZANU-PF party. This paper examines how the ZANU PF government through its legislative powers

¹¹ Peter Geschiere, *The Perils of Belonging: Autochthony, Citizenship and Exclusion in Africa and Europe*, (Chicago, The University of Chicago Press, 2009), p. 86.

¹² *Ibid*, p. 86.

¹³ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7500, The Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, MP, N/C on behalf of the Minister of Home Affairs, John Landa Nkomo, MP, N/C.

¹⁴ Sara Dorman, Daniel Hammett and Paul Nugent, 'Introduction: Citizenship and its Casualties in Africa' in Sara Dorman, Daniel Hammett and Paul Nugent (eds), *Making Nations, Creating Strangers: States and Citizenship in Africa*, p. 8.

¹⁵ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1117, Mr Tirivanhu Mudariki, MP, Harare North.

defined and re-defined citizenship to both hinder and facilitate half-hearted citizens' participation in national affairs depending on the ruling party's interests.

Background to Zimbabwean Identities and Citizenship Laws.

Before the imposition of colonial rule in 1890 Zimbabwe was inhabited by different groups of people like the Shona¹⁶, Ndebele, Shangaan, Tonga and Kalanga. For the purpose of this paper the above groups shall be referred to as the 'indigenous people' although the term is relative and subject to different interpretations. The British and other European groups came with colonial rule and became the dominant race. Zimbabwe's citizenship laws and regulations can be traced to 1899 when the Southern Rhodesia Naturalisation Order in Council was passed by the British South Africa Company (BSAC).¹⁷ Under this law persons from outside the country, who were not of British origin could apply and register for Southern Rhodesian citizenship by naturalisation. Those whose applications were successful were entitled to rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject was entitled or subject to in Southern Rhodesia.¹⁸ A number of people from European and Asian countries like Russia, Greece and India applied and acquired Zimbabwean citizenship by naturalisation.

Throughout the colonial period, because of its relatively strong agricultural, mining and manufacturing economy in the region Zimbabwe attracted large numbers of African migrant workers from Malawi, Zambia and Mozambique.¹⁹ Most of these people entered the country illegally and this did not bother the colonial authorities because it was easier to manipulate their labour. Some of these migrants and their descendants settled permanently in the country sometimes without proper identity documents and this posed a serious citizenship problem for the post-colonial state.²⁰ Intermarriages between races resulted in mixed blood identities like the coloured people who are offsprings of white and black blood. In numerical

¹⁶ The term 'Shona' was not used to refer to the people who lived in the present day Zimbabwe before the nineteenth century. People in this region to called themselves after their territories such as Teve or Manyika. Shona refers to different ethnic groups who speak languages in the same family. See D. Beach, *The Shona and their Neighbours* (Oxford, Blackwell, 1994), pp. 29-31. G. C. Mazarire, 'Reflections on Pre-Colonial Zimbabwe, c. 850-1880s' in B. Raftopoulos and A. Mlambo (eds), *Becoming Zimbabwe: A history from pre-colonial period to 2008*, (Harare, Weaver Press, 2009), p. 2.

¹⁷ The Southern Rhodesia Naturalisation Order in Council, 1899, Section 1, in *The Statute Law of Southern Rhodesia*, (Salisbury, Printed by the Argus Printing and Publishing Company, 1900), p. 2.

¹⁸ The Southern Rhodesia Naturalisation Order in Council, 1899, Section 7.

¹⁹ During the colonial period Malawi, Zambia and Mozambique were called Nyasaland, Northern Rhodesia and Portuguese East Africa respectively.

²⁰ Roselyne Sachiti, 'Tale of Zim's growing "invisible" population' in *The Herald*, 25 August 2010, p. 5.

terms the largest three groups of people were the indigenous Africans, African migrants and the whites respectively. These shall be the focus of this paper.

The other important citizenship laws were the Southern Rhodesian Citizenship and British Nationality Act of 1949, the Southern Rhodesian Citizenship and British Nationality (Repeal) Act of 1958, the Citizenship of Southern Rhodesia and British Nationality Act of 1963, and the Citizenship of Rhodesia of 1970. What is interesting about all citizenship laws which were passed by the colonial state since 1949 was the implicit statement that 'those who acquire citizenships of foreign countries 'may' make a declaration of renunciation of their Southern Rhodesian citizenship'.²¹ Although this expression is subject to different interpretations it generally shows that the colonial governments were against dual citizenship but tolerated it. The colonial state was therefore not explicit in prohibiting dual citizenship.

The Rhodesian regime under Ian Smith informally allowed dual citizenship during the controversial Unilateral Declaration of Independence (UDI) period from 1965 to 1979. The regime which was under international sanctions for refusing to pave way to majority black rule depended on traders with multiple nationalities travelling on foreign passports. This was because the passports issued by the regime were not recognised by other countries except by the regimes under sanctions in South Africa and Portugal.²² Angela Cheater states that during this period passports from states which refused to recognise the Rhodesian regime were an important resource used very successfully in the expansion of the Rhodesian economy.²³ Thus, dual and multiple citizenship were useful to both the state and individuals during the late 1960s and 1970s. The informal recognition of multiple citizenships by the Smith regime shows that the manipulation of citizenship for political and economic gain began during the colonial period. Since colonial citizenship laws were not explicit in prohibiting dual citizenship they could be manipulated to the state's interests as what later transpired in independent Zimbabwe.

²¹ Southern Rhodesia Citizenship and British Nationality Act of 1949, Section 26 (2), in *The Statute Law of Southern Rhodesia 1949*, (Printed by the Government Printer, 1950), p. 146. Also see the 'Citizenship of Rhodesia Act of 1970, Section 14(1)' in *The Statute Law of Rhodesia 1970*, (Salisbury, Printed by the Government Printer, 1970), p. 119.

²² A. P. Cheater, 'Transcending the state? Gender and borderline constructions of citizenship in Zimbabwe' in Thomas M. Wilson and Hastings Donnan (eds), *Border identities: Nation and State at international frontiers*, (Cambridge, Cambridge University Press, 1998), p. 195.

²³ *Ibid*, p. 195.

In the early years of independence, the state's tolerance of dual citizenship was meant to establish stability and confidence at a period when the new state was positioning itself in the global politics and economics. Be that as it may, dual citizenship conflicted with the 1979 Electoral Act which disqualified dual citizens from electing or being elected into office in the country's general elections.²⁴ However, for the purpose of the 1980 general elections, a compromise was made and thousands of foreigners, including African migrants who were ordinarily resident in the country were allowed to register as voters. Moreover, during the early 1980s, the recruitment of expatriate personnel from European and African countries was considered vital to meet the immediate and medium term manpower requirements of the economy while measures were being taken to attain a self-sufficient national manpower base in crucial areas in the long term-term period.²⁵ During this period, the state rhetorically proclaimed a discourse that emphasized reconciliation and unity. Thus, in a way, the policy of reconciliation restrained the ZANU-PF regime from abolishing dual citizenship immediately after the attainment of independence in 1980 which might have caused panic to its erstwhile white enemies. However, in 1984 the black government 'abolished' dual citizenship which it felt was used for convenience by non-indigenous Zimbabweans, particularly the economically powerful whites.²⁶ The Zimbabwean state was now jealously guarding its citizenship from the so-called 'half-hearted citizens'. The debate over the abolition of dual citizenship is one of the fiercest debates in the country as it gears itself towards a new constitution.

Mono citizenship or dual citizenship?: The Zimbabwean debate over the abolition of dual citizenship.

Official debate in the Parliament of Zimbabwe over whether to allow dual citizenship or not started in 1984 when the Citizenship of Zimbabwe Bill was presented. The debate is still going on in the parliament, courts and in the print media. Since 1984 the ZANU-PF government has emphasised that there is nothing strange about abolishing dual citizenship because it is a common practice the world-over. The government cites countries like

²⁴ Court Reporter, 'Non-citizens will not vote: Mudede wins appeal against High Court ruling', in *The Herald*, 8 March 2002, p.1.

²⁵ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 24, No. 51, 28 January, 1998, col. 2823, Mr J. F. Mudenda, MP.

²⁶ A. P. Cheater, 'Transcending the state? Gender and borderline constructions of citizenship in Zimbabwe' in Thomas M. Wilson and Hastings Donnan (eds), *Border identities: Nation and State at international frontiers*, (Cambridge University Press, 1998), p. 195.

Australia which prohibits dual citizenship.²⁷ However, Angela Cheater observed that, unlike Zimbabwe, other countries which believe in mono citizenship do not bully their citizens into compliance.²⁸ While the prohibition of dual citizenship is a normal practice, whose main aim is to seek clarity from all persons whether they are citizens or non-citizens, the way in which the law is implemented also matters.

ZANU-PF supported the abolition of dual citizenship by arguing that people with divided loyalty are a threat to the gains of independence and national security. Most ZANU-PF legislators like Tirivanhu Mudariki believed that dual citizenship contradicted the Zimbabwean revolution and patriotism which came through the 1970s liberation struggle.²⁹ Whites with dual citizenship in Zimbabwe were allegedly accused of perpetuating racism and discrimination by reserving some jobs for their kith and kin, and vehemently opposing the Land Acquisition Bill which sought to empower the government to acquire land compulsorily from the whites for redistribution to the landless blacks.³⁰ To show the disloyalty of persons with dual citizenship during the 1994 citizenship debates Mudariki cited a group of white farmers who went to a conference in France whom he accused of scaring foreign investors from Zimbabwe by demonising President Mugabe and other members of the ZANU-PF government as communist terrorists.³¹ With these arguments, the government believed in order to eliminate disloyal and arrogant elements in Zimbabwe, dual citizenship had to be abolished.

This abolition is also regarded as a measure to prevent the use of Zimbabwean identity cards or passports to commit crimes of an international nature. In 1994 most legislators loyal to ZANU-PF emphasized that Zimbabwe must tighten its citizenship laws to stop the country from becoming a haven for criminals.³² Anthony Gara argued that most criminals from the developed world flee to developing countries because they have loose citizenship and

²⁷ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 356, Deputy Minister of Justice, Legal and Parliamentary Affairs, Senator Tarisai Ziyambi, Phyllis Kachere, 'Dual citizenship comes under spotlight' in *The Sunday Mail*, 2-8 May 2010, p. 9.

²⁸ A. P. Cheater, 'Transcending the state? Gender and borderline constructions of citizenship in Zimbabwe' in Thomas M. Wilson and Hastings Donnan (eds), *Border identities: Nation and State at international frontiers*, p. 198.

²⁹ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1115, Mr Tirivanhu Mudariki, MP, Harare North.

³⁰ *Ibid*, col. 1116.

³¹ *Ibid*, col. 1117.

³² *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1082, Mr Anthony Gara, MP, Mbare East.

immigration regulations.³³ There were several reports in which the Registrar-General's Department was tricked to prepare passports for criminals in India, Pakistan and Russia who had never stepped their feet in Zimbabwe.³⁴ Margaret Dongo argued that Zimbabwe's tolerance of dual citizenship and its loose immigration regulations had resulted in the increase in drug traffickers from West Africa in the country.³⁵ Some expatriate workers with dual citizenship were accused of spreading immoral practices like prostitution, homosexuality and lesbianism.³⁶ Dual citizens were also accused of deliberately committing crimes as they could flee to other countries since they had two or more passports. The state asserts that when dual citizens are detained for their criminal activities, foreign governments, especially western, could demand their release claiming them to be their citizens, thus complicating the legal processes.³⁷ This view supports Engin F. Isin's argument that due to increased mobility of many citizens and non-citizens many states fail to implicate persons committing crimes concerning security, war and children as they are protected by other webs of rights and obligations through various multilateral arrangements and international accords.³⁸ Thus, the ZANU-PF government argues that mono citizenship is ideal for the country's legal procedures because if people commit crimes they will be dealt with in Zimbabwe without the interference of foreign countries.

Political parties like the Conservative Alliance of Zimbabwe (CAZ), Forum Party and the MDC challenged ZANU PF's views and attitude towards dual citizenship. They argued that dual or multiple citizenship did not affect loyalty to a country in any way as long as one's identity is clear.³⁹ Proponents of dual citizenship are of the view that all people who continued to live in Zimbabwe after independence in 1980 are loyal Zimbabweans despite the fact that they may have other passports.⁴⁰ For example, CAZ Senator Kenneth Mackenzie

³³ *Ibid*, col. 1082.

³⁴ *Ibid*, col. 1082. Also see *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, Tuesday, 30 August 1994, col. 1621, Mr A. T. Mangwende, MP, Murehwa North.

³⁵ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1094, Mrs Margaret Dongo, MP, Harare East.

³⁶ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 24, No. 51, 28 January, 1998, cols. 2843-44, Miss Irene Zindi, MP, Hatfield.

³⁷ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1114, Mr Tirivanhu Mudariki, MP, Harare North.

³⁸ Engin F. Isin, 'Theorising Acts of Citizenship' in Engin F. Isin and Greg M Nielsen (eds), *Acts of Citizenship*, (Zed Books, London, 2008), p. 15.

³⁹ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 12, 12 September 1984, cols. 309-311, Senator Kenneth Mackenzie Fleming. Also see *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1104, Mr Stephen Vuma, MP, Silobela.

⁴⁰ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7493, Mr Auret Michael Theodore Hayes, MP, Harare Central.

Fleming asserted that a holder of a British passport can be a loyal citizen of Zimbabwe as can the holder of a Zimbabwean passport.⁴¹ CAZ legislators like Senator William Rae Whaley argued that abolishing dual citizenship was unfair to many good and loyal citizens of Zimbabwe, black and white, who wish, for very understandable reasons, to remain Zimbabwean citizens and retain their links with the land of their birth and relatives.⁴² Human rights activist Sanderson Makombe argues that citizenship by birth or descent should never be revoked by anyone, except renunciation.⁴³ His opinion is that persons with Zimbabwean origins in other countries, including those whose parents or grandparents were born in or descent from Zimbabwe, should qualify for the country's citizenship.⁴⁴ Other proponents of dual citizenship like Deputy Prime Minister Arthur Mutambara warned that if Zimbabwe maintains its current mono citizenship policy, a number of progressive Zimbabweans with dual citizenship will adopt citizenships of the developed nations.⁴⁵ In June 2011 there were reports that one of Zimbabwe's best and highest earning football players, Benjani Mwaruwari wanted to renounce Zimbabwean citizenship in favour of the United Kingdom citizenship.⁴⁶ This caused discomfort among soccer fans who regard the player as an asset for the nation at international soccer tournaments. Considering the above arguments and example, it is wise for the government to allow dual citizenship in cases where the nation benefits.

Advocates of dual citizenship argue that immigrants to the more developed world gain so much knowledge, skill and capital, and Zimbabwe should tap into that reserve.⁴⁷ They argue that instead of brain drain, innovative governments should seek ways to counter 'brain drain' into 'brain gain' through various engagement schemes of which dual citizenship is but one.⁴⁸ Sanderson Makombe argues that Zimbabwe needs brain gain in areas of economic, technical, social and infrastructural development.⁴⁹ Senator Fleming also argued that unlike some developed countries which do not permit dual citizenship Zimbabwe was still developing and was supposed to allow dual citizenship to attract skilled expertise and

⁴¹ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 12, 12 September 1984, cols. 309-311, Senator Kenneth Mackenzie Fleming.

⁴² *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 348, Senator William Rae Whaley.

⁴³ Phyllis Kachere, 'Dual citizenship comes under spotlight' in *The Sunday Mail*, 2-8 May 2010, p. 9.

⁴⁴ *Ibid.*

⁴⁵ Herald Reporter, 'Allow dual citizenship: Mutambara', *The Herald*, 14 April 2009, p.2.

⁴⁶ Nigel Matongorere 'Benjani seeks UK citizenship' in *The Daily News*, 23 June 2011, p. 32.

⁴⁷ Phyllis Kachere, 'Dual citizenship comes under spotlight', p. 9.

⁴⁸ *Ibid.*, p. 9.

⁴⁹ *Ibid.*, p. 9.

investment.⁵⁰ In 1984 one of the major arguments raised by CAZ legislators against the abolition of dual citizenship was the fear that the law will frighten off the existing white, coloured and Asian expertise and skills which had stayed in Zimbabwe after independence.⁵¹ Senator Fleming argued that the deterioration of the Zimbabwean economy soon after independence was due to the exodus of the skilled and professional white population.⁵² The concern by white legislators that the abolition of dual citizenship would scare white skilled expertise was dismissed by pro-government officials who argued that such utterances had racist connotations as they imply that blacks could not take over the duties performed by white professionals during the colonial period.⁵³ Tarisai Ziyambi argued that the government cannot buy such notions as they were used as justification to refuse blacks their freedom by colonial regime of Ian Smith from 1965 to 1979.⁵⁴ Reference made to the colonial period by ZANU-PF officials shows that the party's citizenship policy was influenced by emotions of the anti-colonial and anti-imperial discourse mixed with nationalist rhetoric.

Proponents of dual citizenship are also of the view that since the world is growing smaller due to globalization propelled by efficient transport and communication systems people must be allowed to be citizens of two or more countries.⁵⁵ Unlike most of his ZANU-PF colleagues during the 1994 citizenship debate legislator Michael M. Mataure noted that because of international business, persons may reside in two or more countries as they may have trading operations there.⁵⁶ In persuading the government of Zimbabwe to accept dual citizenship reference is often made to the European Union where persons can travel very easily throughout the whole regional bloc without any hassles.⁵⁷ In 2001, MDC legislator, Lottie Gertrude Bevier Stevenson argued that it was retrogressive in the new millennium for the state to prevent its people from enjoying rights which they could enjoy as global

⁵⁰ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 12, 12 September 1984, col. 310, Senator Kenneth Mackenzie Fleming.

⁵¹ *Ibid*, col. 310. Also see *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 351, Senator Mark Henry Heathcote Partridge.

⁵² *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 12, 12 September 1984, col. 310, Senator Kenneth Mackenzie Fleming.

⁵³ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 358, Deputy Minister of Justice, Legal and Parliamentary Affairs, Senator Tarisai Ziyambi.

⁵⁴ *Ibid*

⁵⁵ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7495, Miss Lottie Gertrude Bevier Stevenson, MP, Harare North.

⁵⁶ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1087, Mr M. M. Mataure, MP, Chimanimani.

⁵⁷ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 352, Senator Mark Henry Heathcote Partridge.

citizens.⁵⁸ These globalization arguments are forwarded to encourage the state to be more flexible in its citizenship laws so that its citizens can enjoy lucrative opportunities in other countries through dual citizenship.

In 2001, the Zimbabwean government was slammed by many human rights groups for effectively abolishing dual citizenship at a time when many Zimbabweans were searching for economic security in other countries. For example, in April 2009, it was estimated that at least three million Zimbabweans were living outside the country as economic refugees in countries like South Africa, United Kingdom, Botswana and Australia.⁵⁹ Mutambara argues that the state should embrace those in the diaspora by allowing dual citizenship so that they can assist the country in its economic recovery programme.⁶⁰ Dual citizenship is also regarded as a way which makes it easy for citizens near national borders to get jobs in two or more countries. For example those who live in areas which are close to borders like Matebeleland South in Zimbabwe and the Limpopo province in South Africa which are in close proximity must be allowed free movement between these two countries.⁶¹ If people living in these areas became citizens of both South Africa and Zimbabwe, they could also get jobs in both countries without difficulties. The above arguments show that economic considerations should be prioritised whenever citizenship policies are drafted and they support globalisation notions.

The abolition of dual citizenship was sometimes questioned by ZANU PF legislators who had the view that human rights and reciprocal relationships with other countries need to be considered when crafting Zimbabwe's citizenship laws. In 1994 Michael M. Mataure advised the state to consider the feelings of other countries which might give Zimbabwean citizens similar treatment when they work or get married to persons in these countries.⁶² Stephen Vuma argued that the abolition of dual citizenship sends wrong signals to the international

⁵⁸ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, cols. 7494-95, Miss Lottie Gertrude Bevier Stevenson, MP, Harare North.

⁵⁹ Herald Reporter, 'Allow dual citizenship: Mutambara', *The Herald*, 14 April 2009, p. 2. For example The Independent UK reported that up to 400, 000 Zimbabweans were in the UK, *The Independent*, UK, 18th January 2003. This newspaper was cited in Beacon Mbiba, "Zimbabwe's Global Citizens in 'Harare North': Some preliminary observations" in Mai Palmberg and Ranka Primorac (eds), *Skinning the Skunk - Facing Zimbabwean Futures*, (Uppsala, Nordiska Afrikainstitutet, 2005), p. 29.

⁶⁰ Herald Reporter, 'Allow dual citizenship: Mutambara', *The Herald*, 14 April 2009, p. 2.

⁶¹ Albert Nhamoyebonde, 'Dual citizenship not all glossy', *The Herald*, 26 August 2010, p. 8.

⁶² *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1087, Mr Michael M. Mataure, MP, Chimanimani.

community which viewed Zimbabwe as a progressive nation in the early 1990s.⁶³ These views show that many legislators believed that, by abolishing dual citizenship, Zimbabwe was becoming an enemy of the international community and human rights. The state was therefore advised to be a good partner in the global village by being flexible enough to allow individuals to be dual citizens and avoid jeopardising their human rights.

To ZANU-PF, globalization is not realistic for most African countries and cannot be used as a justification to allow dual citizenship in Zimbabwe. It argues that in the global village developed nations are the big players who set rules which tend to favour whites and marginalize blacks.⁶⁴ Gara highlighted that while purporting globalization developed nations have made it extremely difficult for people from the third world countries to attain citizenship in their countries.⁶⁵ Mudariki who was an ardent and staunch supporter of the abolition of dual citizenship in 1994 described Europeans as racists who deport and abuse African people in their own countries.⁶⁶ As tensions worsened between Zimbabwe and Britain since 2000, a number of Zimbabweans were refused entry into Britain. According to Beacon Mbiba Zimbabwean experiences at the hands of British immigration officers were described by respondents as 'traumatic', 'demeaning', 'frustrating' and 'utter human rights abuse'.⁶⁷ The 2009 Parliamentary Portfolio Committee on Defence and Home Affairs had hearings on the issue of dual citizenship and refusal of visas for Zimbabwean by the EU. Some ZANU-PF legislators were quite emotional about these issues. They argued that while dual citizenship can result in reciprocal benefits for Zimbabweans abroad when countries they reside in allow dual citizenship for their children, this can not be guaranteed because such a privilege can be refused.⁶⁸ Thus, contrary to the proponents of dual citizenship, in general ZANU-PF believes that globalization is used by the developed nations to exploit developing nations while they prevent entry to their countries.

⁶³ *Ibid*, col. 1101, Mr Stephen Vuma, MP, Silobela.

⁶⁴ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7502, The Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, MP, N/C, on behalf of the Minister of Home Affairs, John Landa Nkomo, MP, N/C.

⁶⁵ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1082, Mr Anthony Gara, MP, Mbare East.

⁶⁶ *Ibid*, col. 1111, Mr Tirivanhu Mudariki, MP, Harare North, col. 1111. Also see *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7495, An inaudible MP.

⁶⁷ Beacon Mbiba, 'Zimbabwe's Global Citizens in "Harare North": Some preliminary observations' p. 30.

⁶⁸ Albert Nhamoyebonde, 'Dual citizenship not all glossy', p. 8.

ZANU-PF also believes that global citizens will always remain foreigners in their adopted countries despite dual citizenship. Based on this notion, being a global citizen is a false sense of security which is only useful for the sole purpose of being exempted from applying for a work permit and nothing else. Those against dual citizenship argue that even though global citizens do not apply for work permits the good jobs always go to the locals or autochthons.⁶⁹ ZANU-PF's criticisms of globalisation are congruent with observations made by Francis B. Nyamnjoh. Citing examples from South Africa and Botswana, he observes that the accelerated migration induced by globalisation has exacerbated the insecurities and anxieties of both locals and foreigners resulting in greater obsession with citizenship and belonging.⁷⁰ In this way, while the movement of people has increased due to globalisation many states have responded by imposing stringent immigration regulations thereby preventing the free movement of people. Within this context ZANU-PF's observation that globalization's rhetoric of free flows and dissolving boundaries has been countered by intolerances and xenophobia is correct.

Proponents of dual citizenship argue that forcing persons to renounce their foreign citizenship will not make a difference because some countries have emotional attachments with people who originated from them. Welshman Ncube stated that Britons can renounce their citizenship in terms of British law, but they will remain British, especially in times of crisis and he made reference to the saying 'once a British citizen, virtually always a British citizen'.⁷¹ Ncube argues that anytime people of British origin can go to Britain and get the protection of the British Crown even without British citizenship.⁷² Reference is often made to German citizenship which cannot be renounced under Germany law and protects all people with German blood if they find themselves in any crisis situation.⁷³ On these bases, proponents of dual citizenship argue that it is impossible to cut ties of certain persons with their countries of origin. The above argument by proponents of dual citizenship in Zimbabwe concurs with Cheater's assertion that mono-citizenship is not enforceable by one

⁶⁹ *Ibid*

⁷⁰ Francis B Nyamnjoh, *Insiders and Outsiders: Citizenship and Xenophobia in Contemporary Southern Africa*, (London, Zed Books, 2006), p. 1.

⁷¹ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, cols. 7490-91, Professor Welshman Ncube, MP, Bulawayo North-East.

⁷² *Ibid*, col. 7491.

⁷³ *Ibid*, col. 7498, The Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, MP, N/C on behalf of the Minister of Home Affairs, John Landa Nkomo, MP, N/C

state when other 'partner' states involved refuse to enforce it.⁷⁴ The above cases imply that even if Zimbabwe wants to strictly apply mono citizenship, it would not be successful if other states are contemptuous of that policy.

ZANU-PF argues that even if other countries' citizenship cannot be renounced the state must just put a legal framework to prohibit dual citizenship without considering its effectiveness.⁷⁵ This implies that what is important to ZANU PF legislators is to see whether persons with dual citizenship are prepared to go through the motions of renouncing their foreign citizenships publicly. As articulated by the Minister of Justice Patrick Chinamasa, public renunciation will show some 'mental state' on the part of those with dual citizens and put the government in a position where it can know who is loyal to the country.⁷⁶ Chinamasa's reference to 'mental state' of persons shows the ZANU-PF government's belief that people with dual citizenship might be 'half-hearted citizens' as well. Considering arguments in the above debates, one can safely conclude that the state was convinced that persons with dual or multiple citizenships have divided loyalty and are therefore 'half-hearted citizens'. These arguments which oppose and support dual citizenship influenced the drafting of Citizenship Bills which often became citizenship laws in the country since 1984.

Legislating in terms of skin colour?: The Citizenship of Zimbabwe Act of 1984 and the 'abolition' of dual citizenship.

The Citizenship of Zimbabwe Act of 1984 abolished dual citizenship in Zimbabwe. The Act required that a citizen of Zimbabwe who is also a citizen of a foreign country shall cease to be a citizen of Zimbabwe unless he has renounced his foreign citizenship in the form and manner prescribed.⁷⁷ Although the Citizenship of Zimbabwe Bill of 1984 passed to be the Citizenship of Zimbabwe Act of 1984 because of the support it received from most black legislators in the ZANU-PF party it aroused anger from most white senators of the Conservative Alliance of Zimbabwe (CAZ). The alleged lack of tolerance shown in the Bill was viewed as contrary to the broader policy of reconciliation which the ruling ZANU-PF,

⁷⁴ A. P. Cheater, "Transcending the state? Gender and borderline constructions of citizenship in Zimbabwe" in Thomas M. Wilson and Hastings Donnan (eds), *Border identities: Nation and State at international frontiers*, p. 198.

⁷⁵ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7492, Mr Kumbirai Manyika Kangai, MP, Buhera South.

⁷⁶ *Ibid*, col. 7498, The Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, MP, N/C on behalf of the Minister of Home Affairs, John Landa Nkomo, MP, N/C.

⁷⁷ Citizenship of Zimbabwe Act, 1984, Section 9 (1) - (12) in *The Statute Law of Zimbabwe 1984* (Harare, Government Printer, 1986), p. 203.

through the then Prime Minister Robert Mugabe, had publicly enunciated at independence.⁷⁸ The ZANU-PF government was accused of allegedly pursuing a short-sighted policy aimed at getting rid of the few whites in Zimbabwe by forcing them to emigrate.⁷⁹ White senators largely felt that the government must allow them to remain dual citizens since they proved loyalty and supported the country since independence.

Most CAZ senators described the Citizenship of Zimbabwe Bill of 1984 as racist and stupid.⁸⁰ They argued that since most black people in Zimbabwe were natural citizens who have no claim to exterior citizenship the abolition of dual citizenship solely targeted the whites.⁸¹ However, the government dismissed the allegations by the whites by stressing that in drafting law, the Ministry of Home Affairs officials and its legal experts did not legislate in terms of skin colour.⁸² ZANU-PF legislators in general expressed 'dismay and disappointment' at white senators whom they accused of racism as they were allegedly debating the abolition of dual citizenship in race terms at a time when the nation was pursuing a policy of reconciliation.⁸³ Conflicting remarks made by white and black legislators on the relationship between race and the presented Bill show that the intentions of citizenship laws are subject to different interpretations by different groups of people in a society.

The Act extended the period which persons who want to be Zimbabwean citizens by registration should have been ordinarily resident in the country from two to at least five years before the date of application for Zimbabwe citizenship.⁸⁴ This longer period was considered necessary to demonstrate that a person is worthy to be a citizen of Zimbabwe.⁸⁵ This proves that the state believed that foreigners must not easily get Zimbabwean citizenship but had to earn it. The Act also stated that a citizen of Zimbabwe by registration

⁷⁸ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 351, Senator Mark Henry Heathcote Partridge.

⁷⁹ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 12, 12 September 1984, col. 310, Senator Kenneth Mackenzie Fleming.

⁸⁰ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 350, Senator Mark Henry Heathcote Partridge.

⁸¹ *Ibid*, cols. 350-351.

⁸² *Zimbabwe Parliamentary Debates*, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 356, Deputy Minister of Justice, Legal and Parliamentary Affairs, Senator Tarisai Ziyambi.

⁸³ *Ibid*, col. 354, Deputy Minister of Justice, Legal and Parliamentary Affairs, Senator Tarisai Ziyambi.

⁸⁴ Citizenship of Zimbabwe Act, 1984, Section 4 (1) (iii) in *The Statute Law of Zimbabwe 1984* (Harare, Government Printer, 1986), p. 201.

⁸⁵ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 12, 12 September 1984, col. 306, The Acting Minister of Home Affairs, The Hon. Moven Enock Mahachi, MP.

will lose his citizenship through absence from Zimbabwe for a continuous period of seven years without the government's approval.⁸⁶ The state is of the belief that genuine and loyal Zimbabweans who acquire citizenship by registration must have emotional attachment to the country and will be expected to visit it regularly. This was to ensure that no person could live in foreign countries and lose contact with Zimbabwe and still claim to be its citizen. While the government regarded this as a way to deal with people who frivolously register for Zimbabwean citizenship when they do not really intend to be genuine citizens, Cheater criticised the government for distinguishing citizens by registration from citizens by birth and descent.⁸⁷ However, this shows how the state was determined not to allow 'half-hearted citizens' to register for Zimbabwean citizenship. It also reflects the suspicions which the state had on foreigners who register for Zimbabwean citizenship and live in foreign countries for long periods.

One of the issues which were a bone of contention between CAZ legislators and government officials was the method of renouncing foreign citizenship. According to Cheater the emphasis in the Act on 'the form and manner prescribed suggests that what was demanded was more of a symbolic renunciation of identity than a permanent and enforceable surrender of rights to a legally competent authority.'⁸⁸ The then Deputy Minister of Justice, Legal and Parliamentary Affairs, Senator Tarisai Ziyambi admitted that the issue was not covered in the Bill but the government would work on it.⁸⁹ The failure by the government to come up with an effective method to renounce foreign citizenship made the Citizenship of Zimbabwe Act of 1984 ineffective and it remained a serious problem for the Ministry of Home Affairs, the Registrar General's Office, the Citizenship Office and the Immigration Department which administered the Act.

Despite the abolition of dual citizenship in 1984 it has to be noted that the Zimbabwean state crafted immigration laws and regulations with residence provisions that favoured and encouraged foreign investors to be Zimbabwean citizens. For example, foreigners who

⁸⁶ Citizenship of Zimbabwe Act, 1984, Section 13 (1) in *The Statute Law of Zimbabwe 1984* (Harare, Government Printer, 1986), pp. 207-208.

⁸⁷ A. P. Cheater, "Transcending the state? Gender and borderline constructions of citizenship in Zimbabwe" in Thomas M. Wilson and Hastings Donnan (eds), *Border identities: Nation and State at international frontiers*, p. 198-99. Also see *Zimbabwe Parliamentary Debates*, The Senate, Zimbabwe, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 362, Deputy Minister of Justice, Legal and Parliamentary Affairs, Senator Tarisai Ziyambi.

⁸⁸ *Ibid*, p. 198.

⁸⁹ *Zimbabwe Parliamentary Debates*, The Senate, Official Report, Unrevised, Vol. 9, No. 14, 18 September 1984, col. 375, Deputy Minister of Justice, Legal and Parliamentary Affairs, Senator Tarisai Ziyambi.

invested US\$ 500 000 were immediately entitled to a residence permit.⁹⁰ Such persons can immediately apply for Zimbabwean citizenship after acquiring a residence permit. Ordinary people who are not investors could only apply for Zimbabwean citizenship after staying in the country for a minimum period of ten years.⁹¹ Thus, while Zimbabwe's immigration regulations favoured investors, they made it difficult for ordinary immigrants to acquire the country's citizenship.

The fate of the Citizenship of Zimbabwe Amendment Bill of 1994

In the 1990s, the government of Zimbabwe initiated the indigenisation of the economy whose aim was to bring indigenous people into the mainstream of the economy. There was a general belief in government circles that in order to create a true national economy, the Government of Zimbabwe needed to develop a strategy that brings and promotes the economic initiatives of the ordinary people.⁹² The government established a Task Force on the Indigenisation of the Economy in 1993. Its main task was to formulate policy measures to create an environment that promoted enterprises of indigenous people.⁹³ The most visible change brought by indigenisation in the 1990s was the increased participation by indigenous entrepreneurs in urban passenger transport sector.⁹⁴ The Land Acquisition Act of 1992 empowered the government to compulsorily buy and acquire land from white farmers and redistribute it to the indigenous people. About 2.47 million acres were acquired with almost 20,000 families being resettled.⁹⁵ The land acquisition and resettlement programme was part of the indigenisation of the economy process because land as an economic resource reverted to the indigenous people. In its land reform programme the government was challenged by the white landowners who appealed in courts against the compulsory acquisition of land arguing that their property rights were being violated.⁹⁶ The government argued that white 'ownership' of landed property came as a result of violent African dispossession during the

⁹⁰ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1612, Minister of Home Affairs, Dumiso Dabengwa, MP, Nkulumane, p. 1612.

⁹¹ *Ibid.*, col. 1613.

⁹² *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 45, 2nd November 1994, cols. 3128-29, (The Planning Commissioner, National Economic Planning in the President's Office, Mr Richard Chemist Hove, MP, Mberengwa East).

⁹³ *Ibid.*, col. 3129.

⁹⁴ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 45, 2 November 1994, col. 3131, The Planning Commissioner, National Economic Planning in the President's Office, Mr Richard Chemist Hove, MP, Mberengwa East.

⁹⁵ http://en.wikipedia.org/wiki/Land_reform_in_Zimbabwe, Accessed on 02/09/2011.

⁹⁶ *Ibid.*

colonial conquest in the 1890s and their land rights were enshrined in racial land laws.⁹⁷ The state sought to introduce citizenship legislation that effectively excludes white dual citizens from claiming private estates. Such citizenship laws were also intended to curtail white community's influence on the country's political landscape.

In addition, a number of ZANU PF legislators accused the state of failing to protect the interests of local people by employing expatriate workers while some local graduates went unemployed. A number of expatriate workers acquired permanent residence status and eventually citizenship in the country. Legislators explicitly expressed that both European and African expatriates from other countries were no longer required.⁹⁸ All these concerns forced the government to draft the Citizenship of Zimbabwe Amendment Bill of 1994 which proposed to protect the interests of the local people by abolishing dual citizenship and placed stringent measures against people seeking professional work in Zimbabwe. This shows how the need to protect local interests influenced the drafting of citizenship laws. These developments in Zimbabwe supports Francis B. Nyamnjoh's assertion that accelerated flows induced by globalisation have accelerated intolerances and closures.⁹⁹ This defeats the idea of a global village because identity matters in times of job shortages and scarcity of national resources.

The Citizenship of Zimbabwe Act of 1984 failed to prohibit dual citizenship because some countries like Britain and Sweden made it public that they did not recognize the form and manner prescribed in Zimbabwean law to renounce citizenship of their countries.¹⁰⁰ This means that a sizeable number of people in Zimbabwe, especially of European origin, simply renounced their foreign citizenship in terms of Zimbabwean law in theory but in practice they also remained citizens of foreign countries, hence dual citizenship. Noting this anomaly the Ministry of Home Affairs presented the Citizenship of Zimbabwe Amendment Bill of 1994. The Bill had sweeping proposals aimed at totally prohibiting dual citizenship which had continued despite the Citizenship of Zimbabwe Act of 1984. The Bill proposed that all persons who hold foreign citizenship who want to become citizens of Zimbabwe would be

⁹⁷ Donald S. Moore, *Suffering for Territory: Race, Place, and Power in Zimbabwe*, (Harare, Weaver Press, 2005), p. 15.

⁹⁸ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 24, No. 51, 28 January, 1998, col. 2838, Mr Richard Shambambeva-Nyandoro, MP, Highfield.

⁹⁹ Francis B Nyamnjoh, *Insiders and Outsiders: Citizenship and Xenophobia in Contemporary Southern Africa*, p. 1.

¹⁰⁰ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1111, Mr Tirivanhu Mudariki, MP, Harare North.

required to renounce their foreign citizenship according to the law of the foreign country concerned and not according to Zimbabwean law as in the Citizenship of Zimbabwe Act of 1984.¹⁰¹ The Bill sought to disqualify parties in marriages of convenience from obtaining citizenship through their marriages.¹⁰² The Bill defined marriages of convenience as marriages entered into solely to enable one of the parties to reside in Zimbabwe or become a citizen.¹⁰³ This demonstrates that the state was determined to prevent persons from 'fraudulently' acquiring Zimbabwean citizenship.

Despite the fact that ZANU-PF enjoyed over eighty percent majority in parliament the party found itself being opposed by its own legislators over the Citizenship of Zimbabwe Amendment Bill of 1994. Among other issues, the bill was viewed as retrogressive and against principles of globalisation.¹⁰⁴ Due to heavy criticism the Bill was eventually withdrawn. A systematic trace of the parliamentary debates in the Hansards between 3 November and 1 December 1994 shows that the Bill was blocked from being a law because the Minister of Home Affairs failed to justify the denial of citizenship to those foreigners entering into marriages of convenience to get Zimbabwean citizenship.¹⁰⁵ Justifying the withdrawal of the Bill the Acting Ministry of Home Affairs said it wanted to sort out elements which the proposed Bill had not adequately addressed.¹⁰⁶ Despite the failure of the Citizenship of Zimbabwe Amendment Bill of 1994, legislators showed their displeasure in parliament over large numbers of dual citizens. The number of expatriates workers remained high and in 1998 they were around 30 000 with some of them taking up permanent residence status while some indigenous people were unemployed.¹⁰⁷ Legislators continued to pressurise the state to introduce legislation which favour the employment of the indigenous people in both the public and private enterprises.

¹⁰¹ Citizenship of Zimbabwe Amendment Bill, 1994, Clause 4, pp. 2-3.

¹⁰² Citizenship of Zimbabwe Amendment Bill, 1994, Clause 6, p. 3.

¹⁰³ Citizenship of Zimbabwe Amendment Bill, 1994, Clause 6, p. 3.

¹⁰⁴ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 21, 30 August 1994, col. 1087, Mr Michael. M. Mataure, MP, Chimanimani.

¹⁰⁵ *Ibid*, col. 1626, Minister of Home Affairs, Dumiso Dabengwa, MP, Nkulumane.

¹⁰⁶ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 21, No. 49, 1 December 1994, cols. 3417-18, The Minister of Information, Posts and Telecommunications, David Ishemunyoro Godi Karimanzira, MP, Murehwa South, on behalf of the Minister of Home Affairs, Dumiso Dabengwa, MP, Nkulumane.

¹⁰⁷ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 24, No. 51, 28 January, 1998, col. 2826, Mr J. F. Mudenda, MP

Legislating for Loyalty and Patriotism: Zimbabwe's Citizenship Policy Since 2000

Since 2000 the state's citizenship policy was largely a response to the political developments in the country. In 2000 there was a constitution referendum in which the ZANU-PF government expected a 'Yes' vote but lost to the civic society which successfully campaigned for a 'No' vote. According to Sara Dorman, after the referendum, Zimbabwe was a deeply polarised society and moved from the politics of inclusion to the politics of exclusion.¹⁰⁸ The ruling ZANU-PF party accused groups which had opposed its views in the constitution which was rejected in the referendum as sellouts that had left the revolutionary path of the liberation struggle and succumbed to the influence of the British imperialists.¹⁰⁹ The whites were accused of not reciprocating the offer of reconciliation made to them at independence. In the 2000 Parliamentary Elections, ZANU-PF found itself seriously challenged by the MDC which had been formed in 1999. These elections were highly contested because the ZANU-PF government was campaigning using the Fast Track Land Reform Programme in which white owned farms were compulsorily taken by war veterans and landless peasants. On the other hand, the MDC criticised the land reform as a violent exercise which violated the property rights of white farmers and leading to poor agricultural production. Farm workers, who were mostly African migrants, bore the brunt of violence that erupted on the farms during land invasions.¹¹⁰ They tended to side with their white employers because they were marginalized in this land reform.

The 2000 Parliamentary Elections ignited the debate over Zimbabwean citizenship and identity which had seemed to be over since 1994. In 2000, President Robert Mugabe accused Zimbabweans of Malawian, Mozambican and Zambian origin of forming the bulk of the MDC support base.¹¹¹ Speaking in Shona, Mugabe referred to them as 'people without totems' which when translated with its figurative Shona context, means 'people without identity'. The government was now regarding all people who did not renounce their foreign citizenship in terms of the laws of their respective foreign countries as non-citizens. However, the Citizenship of Zimbabwe Act of 1984, which was still effective, did not compel dual citizens to renounce their citizenship in terms of the laws of their respective foreign countries. As the election dates for the June 2000 Parliamentary elections drew nearer, the

¹⁰⁸ Sara Rich Dorman, "NGOs and the Constitutional Debate in Zimbabwe: from Inclusion to Exclusion" in *Journal of Southern African Studies*, 29(4), December 2003, p. 863.

¹⁰⁹ *Ibid*, p. 862.

¹¹⁰ Clemence Manyukwe, 'Mudede quizzed on aliens' votes', *The Financial Gazette*, May 3-9 2007, p. 39.

¹¹¹ Ben Madzimure, 'Citizens petition UN over new law', in *The Daily News on Sunday*, 7 September 2003, p. 3

ZANU-PF government, through the Registrar-General, Tobaiwa Mudede, disenfranchised 86 000 potential voters of British origin and many Africans of foreign origin as they were deemed to be non-citizens.¹¹² The MDC appealed to the High Court seeking an order declaring that no Zimbabweans, including former British citizens who renounced their citizenship of that country, should be denied the right to vote. However, this was unsuccessful and worked to ZANU-PF's electoral advantage. Although ZANU-PF lost seats in these elections to the MDC, it remained with the highest number of seats in Parliament. The ruling ZANU-PF party used its authority to define citizenship status in ways intended to strengthen it against its political opponents. This demonstrates that in post-colonial Zimbabwe citizenship was sometimes used in ways that did not ensure individual rights, freedoms and entitlements conferred by genuine citizenship.

Since the Citizenship of Zimbabwe Act of 1984 did not compel dual citizens to renounce their foreign citizenship in terms of the laws of foreign countries, the problem of dual citizenship was not resolved. This meant that many whites and Africans of foreign descent were still dual citizens. Following several citizenship disputes the Supreme Court judges ruled that the effective way of prohibiting dual citizenship in Zimbabwe was to make persons renounce their foreign citizenship in terms of the laws of their respective foreign countries.¹¹³ The government passed the Citizenship of Zimbabwe Amendment Act of 2001 after a fierce debate in a Parliament that was polarised between ZANU-PF and MDC legislators. The Act states that persons who wish to retain Zimbabwean citizenship will have to renounce their foreign citizenship in accordance with the law of the respective foreign countries.¹¹⁴ Proponents of dual citizenship like Professor Welshman Ncube opposed the Bill which became the Citizenship of Zimbabwe Amendment Act of 2001 and criticised the ZANU-PF government for legislating for loyalty and patriotism.¹¹⁵ MDC legislators argued that such intentions would not materialise as people could only be patriotic through their own volition

¹¹² "Issue of dual citizenship not properly clarified in present law" in *The Herald*, 16 June 2000, p. 6. Also see "GAPWUZ welcomes new Citizenship Bill" in *The Herald*, 1 January 2004, p. 2.

¹¹³ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7487, The Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, MP, N/C on behalf of the Minister of Home Affairs, John Landa Nkomo, MP, N/C. Also see *Zimbabwe Parliamentary Debates*, Zimbabwe, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7489, Professor Welshman Ncube, MP, Bulawayo North-East.

¹¹⁴ Citizenship of Zimbabwe Amendment Act, 2001, Section 3 (a). p. 181.

¹¹⁵ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7488, Professor Welshman Ncube, MP, Bulawayo North-East.

and not legislation.¹¹⁶ These remarks by MDC legislators demonstrate that their views of the meaning and content of true citizenship conflicted with those of the state.

The period of renunciation was reduced from one year to six months and the deadline was put on January 7 2002.¹¹⁷ This was a move by the ZANU-PF government to make sure that whites and African migrant voters fail to meet the deadline for renouncing their foreign citizenship thereby becoming non-citizens and be disqualified in the 2002 Presidential Elections.¹¹⁸ As a result of the short deadline given by the government, the majority of people of foreign descent who intended to become Zimbabweans failed to meet the deadline and became non-citizens. Consequently, the Citizenship of Zimbabwe Amendment Act of 2001 disenfranchised whites and African migrants who had either lost citizenship because of failure to meet the 7 January 2002 deadline or chose to renounce their Zimbabwean citizenship.¹¹⁹ This was to a larger extent viewed by the MDC and the civil society as a strategy by the ZANU-PF government to bar its political opponents from voting.¹²⁰ This shows how governments use citizenship laws for their political interests. These developments in Zimbabwe concur with Sara Dorman's assertion that under the pressure of multi-party elections, African regimes which fear to be excluded from the spoils of power seek to manipulate citizenship and redefine nationhood thereby making nations by creating strangers.¹²¹ The ZANU PF government successfully exploited the citizenship law to its advantage to prevent the whites and Africans of foreign descent from voting because they had 'questionable' citizenship and were perceived as MDC supporters.

The Citizenship of Zimbabwe Amendment Act of 2001 affected millions of Zimbabweans with origins from the Southern Africa Development Community (SADC) region, who complained bitterly and protested through the Zimbabwe Citizens' Rights Organisation (Zimcra).¹²² In August 2003, Zimcra petitioned the United Nations (UN) Secretary-General,

¹¹⁶ *Ibid*, col. 7489.

¹¹⁷ Citizenship of Zimbabwe Amendment Act, 2001, Section 3 (b). Also see Ben Madzimore, 'Citizens petition UN over new law', in *The Daily News on Sunday*, 7 September 2003, p. 3.

¹¹⁸ *Zimbabwe Parliamentary Debates*, Official Report, Unrevised, Vol. 27, No. 70, 23 May 2001, col. 7506, (Mr Joel Gabuza Gabuza, MP, Binga).

¹¹⁹ Court Reporter, 'Non-citizens will not vote: Mudede wins appeal against High Court ruling', in *The Herald*, 8 March 2002, p.1.

¹²⁰ Clemence Manyukwe, 'Mudede quizzed on aliens' votes', *The Financial Gazette*, May 3-9 2007, p. 1.

¹²¹ Sara Dorman, Daniel Hammett and Paul Nugent, "Introduction: Citizenship and its Casualties in Africa" in Sara Dorman, Daniel Hammett and Paul Nugent (eds), *Making Nations, Creating Strangers: States and Citizenship in Africa*, p. 8.

¹²² Staff Reporter, 'Zimbabweans team up to fight new citizenship Act', *The Financial Gazette*, 20 December 2001, p. 6.

Kofi Annan, through the UN resident representative in Harare, Victor Angelo. In the petition, Zimcros protested against the government for stripping millions of people of foreign descent, mainly from Malawi, Mozambique and Zambia, of their Zimbabwean citizenship, thereby making them stateless which is against international law.¹²³ This demonstrates the gravity of Zimbabwe's citizenship crisis since 2001. Although this protest did not receive the immediate attention of the state, it might have influenced amendments to the country's citizenship laws which became more favourable to persons originating from the SADC region.

The ZANU-PF government shifted goal posts in as far as Citizenship laws were concerned to suit its interests whenever elections were impending. As the country experienced an economic downturn ZANU-PF wanted to ensure that all methods to boost its support and have more votes were exhausted. The party began to salvage votes from poor African migrants it marginalised in previous elections through the use of citizenship laws. It sought to remove stringent citizenship laws and give them food hand outs as part of the election campaigning strategy.¹²⁴ In January 2005, the Registrar General's Department issued a statement that people who lost their citizenship by default in terms of the Citizenship of Zimbabwe Amendment Act of 2001 should regularise their citizenship status by completing restoration forms for them to vote in the 2005 Parliamentary Elections.¹²⁵ The people who were meant to benefit from this new regulation were Zimbabweans by birth but with either of their parent being a citizen from the SADC region who has continuously lived in Zimbabwe since independence.¹²⁶ The conditions for acquiring Zimbabwean citizenship were now less stringent as the applicants were only required to produce their full birth certificates, National Identity Cards and Passports (if any) for ZIM \$5 (less than US\$1).¹²⁷ The government for the first time considered transport costs and the Registrar-General's Department even visited farms and mines to distribute the forms so that African migrants could renounce their foreign citizenship. The ruling party's new interest in African migrants of SADC origin working on the farms and mines was in stark contrast to the 2000 and 2002 elections, when it disenfranchised millions of them as they were perceived to be non citizens.

¹²³ Ben Madzimore, 'Citizens petition UN over new law', in *The Daily News on Sunday*, 7 September 2003, p. 3

¹²⁴ Clemence Manyukwe, 'Mudede quizzed on aliens' votes', *The Financial Gazette*, May 3-9 2007, p. 39.

¹²⁵ 'Deadline for foreigners' in *The Herald*, 7 January 2005, p. 5

¹²⁶ *Ibid*, p. 5

¹²⁷ Government of Zimbabwe, Registrar-General's Office, Public Notice, 'Regularisation of Zimbabwe citizenship by persons born in Zimbabwe of parents from SADC countries' in *The Herald*, 6 January 2005, p. 2. Also see The Herald Reporter, 'Zim citizenship law friendly, says Mudede' in *The Herald*, 16 May 2007, p. 2.

The citizenship laws and regulations which were now favourable to African migrants were aimed at boosting ZANU-PF's votes in the 2005 Parliamentary Elections. ZANU-PF reclaimed sixteen parliamentary seats which it had lost to the MDC in the 2000 Parliamentary Elections.¹²⁸ Although other factors contributed to ZANU-PF's success in these elections the party also manipulated citizenship laws to its electoral advantage.

After the 2005 Parliamentary Elections, the economic situation in the country worsened and ZANU-PF increasingly became unpopular with the electorate. It reasoned that poor farm workers, mostly African migrants, would be their potential supporters in the 2008 harmonised elections. The government now wanted to totally move away from strict citizenship laws so that the poor African migrants on the farms could vote. Although farm workers were at one time perceived to be opposed to ZANU-PF, the ruling party took advantage of their increasing destitution and used drought relief to secure their votes in the 2008 harmonised elections.¹²⁹ On 2 May 2007, the ZANU-PF party instructed the Registrar-General, Tobaiwa Mudede to loosen his department's strict citizenship regulations to ensure that millions of African migrants who had been affected by the Citizenship of Zimbabwe Amendment Act of 2001 could vote.¹³⁰ The compliance of the Registrar-General Department renewed criticism by the MDC, who for long accused the Department for using citizenship laws in favour of ZANU-PF.¹³¹ Although ZANU-PF suffered defeat in the Presidential and House of Assembly elections of 29 March 2008, it had successfully used citizenship regulations to its electoral advantage.

The confiscation of African land during the colonial period was used to justify compulsory confiscation of white farms during the land reform programme which started in 2000. Sara Dorman observed that the basis of exclusionary nationalism tied to the emotive land question was the 'us' and 'them' discourse which pressurised some citizens to rally around state defined national identity.¹³² One of the reasons why ZANU PF was determined to

¹²⁸ During that time the House of Assembly had 150 seats. 30 Members of Parliament were appointed by the President. Of the 120 seats contested ZANU-PF won 78, MDC 41 and one seat was won by an independent candidate.

¹²⁹ Clemence Manyukwe, 'Mudede quizzed on aliens' votes', *The Financial Gazette*, May 3-9 2007, p. 39.

¹³⁰ *Ibid*, p. 1. The elections were harmonised because at one polling station, voters elected, in order of their seniority, the President, Members of the Senate and House of Assembly, and Councillors at one polling station.

¹³¹ *Ibid*, p. 1.

¹³² Sara Dorman, Daniel Hammett and Paul Nugent, 'Introduction: Citizenship and its Casualties in Africa' in Sara Dorman, Daniel Hammett and Paul Nugent (eds), *Making Nations, Creating Strangers: States and Citizenship in Africa*, p. 8.

abolish dual citizens during the early 2000s was to ensure that only 'genuine' and 'loyal' Zimbabweans have access to land title deeds.¹³³ Those who opted for foreign citizenship were usually barred from acquiring landed property.¹³⁴ ZANU-PF is of the view that land belongs to the indigenous Zimbabwean citizens and the state must guarantee that only citizens have a right to land the same way crown land in Britain is rented to farm to British citizens but not foreigners.¹³⁵ According to Blair Rutherford, it was rare for farm workers to be publicly portrayed as deserving land as the indigenous people or true 'sons of the soil'.¹³⁶ In June 2005, the High Court granted businessman and ZANU PF Provincial Chairman, Phillip Chiyangwa, an order to evict thirty six farm workers and their families at Old Citrus Farm in Mashonaland West.¹³⁷ The government also tended to marginalise Asians and coloureds in this Fast Track Land Reform Programme. This evidence confirms that the state can use citizenship in ways that benefit its supporters and exclude opponents, both real and imagined.

The debate over citizenship and indigeneity has resurfaced again as ZANU PF is currently on a drive to implement the Indigenisation and Economic Empowerment Act of 2008 despite criticism from its MDC partners in government and some sections of the business community. In terms of this Act, indigenisation is a deliberate involvement of indigenous Zimbabweans in the economic activities of the country, to which they had no access, so as to ensure the equitable ownership of the nation's resources.¹³⁸ In the same vein, empowerment is defined as the creation of an environment, which enhances the performance of the economic activities of the indigenous Zimbabweans.¹³⁹ The indigenisation and economic empowerment legislation in its present form seeks to give the black Zimbabwean majority of at least fifty one per cent (51%) ownership in all sectors of the economy.¹⁴⁰ The Act defines 'indigenous Zimbabwean' as any person who, before April 18, 1980, was disadvantaged by unfair discrimination on the grounds of his race, and any descendant of such person.¹⁴¹ In terms of the Act 'indigenous Zimbabwean' also refers to any company, association, syndicate

¹³³ Albert Nhamoyebonde, 'Dual citizenship not all glossy', *The Herald*, 26 August 2010, p. 8.

¹³⁴ *Ibid*

¹³⁵ *Ibid*

¹³⁶ Blair Rutherford, 'Shifting Grounds in Zimbabwe: Citizenship and Farm Workers in New Politics of Land' in Sara Dorman, Daniel Hammett and Paul Nugent (eds), *Making Nations, Creating Strangers: States and Citizenship in Africa*, p. 111.

¹³⁷ Mirror Reporter, 'Chiyangwa granted order to evict farm workers', *The Daily Mirror*, 17 June 2005, p. 3.

¹³⁸ Indigenisation and Economic Empowerment Act 14/2007, Section 2, p. 2.

¹³⁹ *Ibid*, p. 2.

¹⁴⁰ *Ibid*, p. 3.

¹⁴¹ Kurai Masenyama, 'Some people are more indigenous than others', *The Herald*, 7 February 2011, p. B2.

or partnership of which indigenous Zimbabweans form the majority of the members. ZANU-PF argues that through this Act, it will 'address historical colonial racial imbalances which favoured the whites by ensuring that the indigenous black people lay claim to their natural heritage'.¹⁴² By making reference to race, it is quite clear that this Act is partly targeted at the white people who are associated with colonial rule and which ZANU-PF is presently at 'war' with.

Many critics have labelled the Act a xenophobic piece of legislation because it lacks clarity on the criteria used to identify citizens or indigenous persons who were excluded from significant and meaningful economic activities before independence. While it is clear that the Act seeks to empower the indigenous black people by getting them involved in lucrative white and foreign companies, it does not consider that other groups like Asians, Greeks and coloureds were exploited and marginalized by colonial rule. On 26 May 2011 leaders of Asian, Greek and coloured minorities among others asserted that they never benefited from exploitation of others during the colonial period and had stood in solidarity with the blacks during the liberation struggle.¹⁴³ They urged the Government to recognise them as indigenous Zimbabweans and include them in its empowerment programmes like the land reform and indigenisation of the economy. Abdullah Kassim, a prominent lawyer of Indian origin, warned the government that its marginalisation of Asians, Greeks and coloureds from the indigenisation programme can be successfully challenged in the courts.¹⁴⁴ These arguments and concerns prove that the indigenisation Act in its present form has flaws on its definition of 'indigenous Zimbabwean' as it tends to exclude other citizens on the bases of skin colour.

A number of critics believe ZANU-PF's interest in indigenisation is driven by jealousy and envy of people of foreign descent which characterised the land reform program.¹⁴⁵ One of the major concerns on this indigenisation program is the government's demand that all white or foreign companies must cede fifty one per cent of their shares to the local black people without empirical data on how much of the economy is in black or white hands completely

¹⁴² Anthony Jongwe, 'Indigenisation does not mean xenophobia', *The Financial Gazette*, February 24 - March 2 2011, p. CZ.

¹⁴³ Farirai Machivenyika, 'We are not aliens. Minorities allege exclusion from national affairs', in *The Herald*, 27 May 2011, p. 1.

¹⁴⁴ *Ibid*

¹⁴⁵ Bornwell Chakaodza, 'Greedy, envy drives indigenisation. Masunda's stance must be applauded' in *The Financial Gazette*, 17 - 23 February 2011, p. 13.

or partially.¹⁴⁶ There are concerns that indigenous black Zimbabweans in ZANU-PF's top circles who are already empowered and rich are the ones who are benefitting from this programme while the poor blacks remain marginalized.¹⁴⁷ It also seems that those citizens who voice allegiance to ZANU-PF are benefitting whilst political opponents, both white and black, are marginalised. While indigenisation and empowerment of the indigenous people is a noble idea it should be done in a way that does not dispossess current owners of business who are of foreign descent.

Conclusion

The use of citizenship laws in post-colonial Zimbabwe is a typical example of how states claim to be democratic while using constitutive pieces of legislation to exclude their political opponents from participating in decisive national events like elections. As demonstrated in this paper, the state is also capable of using citizenship laws to marginalise people with 'questionable' identities or half hearted citizens when there are contestations for economic resources. As the ruling ZANU PF party's power was threatened since 2000, it hardened its attitude towards foreigners and outsiders resulting in intolerances enshrined in citizenship laws. In general, the Zimbabwean state's approach to citizenship, has been guided by the need to deprive citizenship rights and privileges to those whom it denounces as 'half-hearted citizens' especially the white and African migrants. However, the state also showed interest in loosening stringent citizenship laws when it benefited from that action. The state's decision to abolish dual citizenship was usually driven by emotions of the anti-colonial and anti-imperial discourses rather than realities of life in this global era. While the state is quite aware that there are certain circumstances in which people find themselves forced to acquire dual citizenship, it is reluctant to take that into consideration when crafting its citizenship laws. As Zimbabwe gears for a new constitution, the state and all relevant stake holders must weigh the merits and demerits of dual citizenship and come up with citizenship laws that do not inhibit citizens to venture into lucrative international ventures.

¹⁴⁶ Takunda Mugaga, 'The relevance of indigenisation', *The Herald*, 27 January 2011, p. B5.

¹⁴⁷ 'The A,B,C of indigenisation law. How Act can help Zimbabwean become business owners' in *The Sunday Mail*, 22 - 28 May 2011, p. 11

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