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SUBJECTS OF THE STATE

Citizenship and Governance in Eastern and Southern Africa

By

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INTRODUCTION

Sub-Saharan Africa appears to be undergoing profound structural changes. The wave of democratization that swept much of the continent in the early 1990s, and the economic policy reforms that have led to the markets being adopted as the most important institutions for allocating resources, have firmly placed the theme of 'citizenship and governance' in social-political discourses in Africa. However, political liberalization has taken place without adequate democratization. Political space has expanded but conditions for the enactment of justiciable social-economic and cultural rights have not improved. This change has not facilitated consolidation of social justice and equality on which democracy and ideals of citizenship are built.¹ All the same, one may argue that both political and economic liberalization have eroded the state's domination and monopolization of social-economic and political activities thereby raising new questions on citizen rights and obligations and new roles of the state and its institutions in promoting and protecting citizenship and rights. Questions such as 'who are members and who are not members of a given society' and 'what are the rights, entitlements and obligations of the members' - questions which are fundamental to the meaning of citizenship (Barbalet, 1988) - have enjoyed a major revival in political discourse. This discourse, however, centers on the 'political-legal' aspects of citizenship: rights and obligations of citizens and the state. Less attention is given to 'social citizenship', which concerns fulfillment of livelihood and provision of economic security for individuals and social groups.

Articulation of questions on citizenship has become a major challenge to the nation-state project in Africa. It has led to tensions in ethnic relations (Osagae, 1996; Idowu, 1999) and to arresting of the democratization process (Kanyinga, 1998a; Chege, 1994; Ogachi, 1999). Citizenship thus has obvious consequences on the nation-state project because the 'National Question' is also about 'how the global form of social existence, characterizing the relationship of society to its environment, is historically or politically arrived at (Wamba-dia-Wamba, 1991; 1996). Accordingly, citizenship and attendant its rights, entitlements, obligations of individuals, and the

¹ Political liberalization concerns opening up of a previously closed political system while democratization is about 'making justiciable economic, social and cultural rights' (Moyo, 1999). Democratization therefore concerns a deepening of citizenship by expanding rights and entitlements. Political liberalization is one avenue through which these rights are granted and/or protected.

relationship of these to the state, are a major concern in the constitutional reform debate that is taking place in Africa. Questions about majority versus minority rights and race, ethnicity, class and property rights, and identities that construct around them, arguably, are behind some of the main political events in the region.²

Although neo-liberalism heralds political liberalization as a threshold to democratization, multi-partyism has not fostered citizenship in any significant way. Political liberalization has been about form: implantation of a multi-party form of democracy from above without reconstructing state power. This shortcoming has limited attempts to address the crisis of citizenship - neglect of citizen rights and their exclusion from the governance process. In some instances, these changes have caused more marginalization and disempowerment of ordinary citizens. Economic liberalization, for instance, has significantly eroded the potential of citizens to procure means of livelihood.

Ordinary citizens have expressed disillusionment with these changes in different ways.³ For instance, in the early 1999, rice farmers in Central Kenya organized themselves to protest against the domination of the state in the marketing of their produce - rice. The state exerted this domination through effective control of both the local irrigation scheme and in the process of marketing of their produce. The peasants in the rice irrigation scheme, by law, have neither rights to land nor rights to their produce; they are tenants of the state. The law alienates them from what they produce. It is the state that decides how much they should take home for their subsistence. The state also decides on when adults should move out of the land registered under the household heads. Peasants organized against this form of repression and dispossession. They organized themselves to demand economic rights to their produce and to be included in the processes of making decisions about management of the settlement scheme. The government responded with repression and torture. The police violently confronted the farmers and arrested many of them. Others were threatened with being locked out of the settlement scheme – their

² The land question in Zimbabwe and Kenya; ethnic conflicts in the Greater Lakes region; re-configuration of state-society relations in Uganda; and the reproduction of authoritarianism through political liberalization in many countries, among other events

³ This is based on a study on "Civil Society in the new Millennium in Kenya" funded by the Commonwealth Foundation and done for and behalf of the National Council of NGOs in Kenya. For details see: Kanyinga and Torori (1999), "Civil Society in the new Millennium in Kenya: Re-constructing Civil Society from below". Nairobi: National

main site of livelihood. When I sought to find out from the peasants the problems they faced and the limitations of their struggle, one respondent, an elderly woman, responded to my questions by asking an interesting and provocative question. She asked: “in the old days, people would arrest and take a thief to a police station. But who will arrest this government and to where will he/she take it?”

The changes unfolding in the region, raise the need to discuss how to redress the imbalance between citizen rights and obligations on the one hand, and the state obligations to the society on the other hand, because of their implications for consolidation of democracy. Moreover, these changes have reproduced the state in a variety of ways. The state remains an important political force and an institution for governance and cannot be wished away. It nonetheless remains alienated from the society and continues to prefect both the social-political and the economic space. The state has remained inaccessible to citizens: citizens, in spite of these changes, continue to be marginalized in the governance process.

This paper discusses relations between citizenship and governance in the Eastern and Southern Africa region. The paper analyzes the social-political and economic changes in the region and their implications for the articulation of rights of citizenship. The discussion is premised on the argument that consolidation of good governance depends, to a large extent, on the transformation of state power and the re-configuration of state and society relations in order to make the state receptive to citizens’ aspirations.

CITIZENSHIP: CONCEPTUAL AND METHODOLOGICAL APPROACH

‘Citizenship’ denotes membership in a community of common interests and the right to participate in the affairs of that community on equal basis; citizens thus are carriers of equal rights and obligations. Citizenship also provides identity and builds a sense of ‘belonging’ and ‘security’ among a people. The concept is associated with T. H. Marshal (1963), who observed that citizenship as a status provides access to rights and powers in a society. The rights include civil and political rights as well as social economic rights. These attributes have certain important historical origins that make the concept of citizenship controversial and therefore an

intensely contested concept.

In the pre-industrialized European society in which the conception of 'citizen' is rooted, citizen applied to very few members of the society.⁴ Only male property owners qualified to be citizens. The mass of the population such as women, children and men without property were denied citizenship. They were consequently 'excluded' from management of public affairs. Their inclusion came in tandem with the process of nation-state building. This process involved protracted political struggles over the rules governing 'inclusion' into the membership of the society and over the rules governing the exercise of political power within the evolving nation-states.

The historical origins of the concept of citizenship have had one important consequence to the understanding of citizenship. The dominating paradigm has been the Western perception of duties and responsibilities of citizens and the state. In this view, 'citizen' is a product of centuries of building nation-states. From these struggles, citizenship came to be understood as membership in one or even more communities to which individuals owed their loyalty and from which they expected protection and preservation. Common identity, rights and protection became the hallmark of citizenship.

The nation-state, as the main level of common identity and interests, did not grant citizenship. Individuals and social groups claimed citizenship through political struggles. The struggles resulted in the state becoming the only agent for protecting and promoting individual and group rights. Political struggles simply re-defined the relations between the state and the society. Consequently, civic rights such as basic freedoms and equality before the law; political rights such as the right to organize for common good; and the right to economic welfare and security evolved as the important attributes of citizenship. This focus on rights elevated citizenship to a 'political-legal' status. It emphasized access to an array of civil and political as well as social-economic and cultural rights. In general the political-legal status enables individuals to be equally treated and to treat others equally in the public realm. To some extent, it provides for

⁴ Historically, in the ancient and medieval times, membership to the political society, and the state for that matter, was not extended to all members. The history of political thought indeed devotes attention to the question of exclusion of certain segments of the population from the class of citizens.

social justice by providing all members with rights that make everyone equal. In this regard, individuals and social groups have an obligation to treat others equally and to have equal opportunities in the governance process. It involves an obligation of the state to be accountable and accessible to all members of the society by placing the individual at the center of the governance process.

Relations between the state and the citizens especially in the light of the unfolding changes have brought to fore the question of social citizenship. Alienation of the state from the society and the inability of citizens to access the state have placed into scrutiny the social contract. The failure of the state to protect social citizenship has meant increased demands for citizens to re-negotiate the social contract by way of constitutional reforms. These demands center on realization of social-economic component of the 'contract' and pursuance of survival in an environment of freedoms. Social citizenship entails claiming and protecting rights, entitlements and obligations of individuals and how to ensure that the state abides by the obligation to be accountable to the society especially by promoting access to social livelihoods. Social citizenship captures and expresses, concretely, the relationship between the individual, social groups and the state. Mass dis-empowerment in both economic and political terms has brought social citizenship into a crisis particularly because individuals are not guaranteed on economic security.

The crisis of citizenship in post-colonial Africa has been brought about by the failure of the state to meet its obligations and to create an enabling environment for the economic and social welfare of individuals. The shift in economic policymaking and adjustment policies in particular, has led to the rise in numbers of the impoverished.⁵ Many and more people are being thrown out of the formal economy into the informal sector. The numbers of street children in all urban areas are rapidly increasing amidst declining school enrolment rates. Many people are also unable to access proper health care. The livelihood of many citizens is in crisis. At the same time, economic and political power is concentrated in the hands of a few propertied individuals – the new elite. Even where the civil and political rights have been extended to the membership of the

⁵ Studies on adjustment reforms in Africa continuously show that state cutbacks have affected the survival of many people both in rural and urban areas. Social welfare has gone into decay or collapsed altogether. The ranks of street children has significantly grown in urban areas while the numbers of people engaged in informal economy continue to grow.

political society, the rights enjoyed are incomplete. They do not include the social-economic rights, which concretizes citizenship, and the absence of which constitutes negation of citizenship. Exclusive governance processes and economic dis-empowerment have contributed to the inability of citizens to demand their rights and to demand fulfillment of state obligations to the society.

Struggles for political-legal citizenship, no matter how deep and intense they are, cannot adequately foster full democratization if they are not waged within the broad framework of reconstructing the social contract. Promoting legal and political rights needs to go hand in hand with the promotion of social-economic and cultural rights in order for democracy to be realized. Further, reconnecting citizens to the processes of governance does not mainly require simple articulation of political-legal status. It also requires renegotiating rights, entitlements and obligations both of the individuals, social groups, and the state itself. It requires laying down the basis for equality and social justice both of which, again, cannot be acquired without fundamental changes in the structures that promote and protect economic, social and cultural rights.

A point to note is that the Western conceptualization of the nation-state as the only level of elaborating citizenship is inadequate in terms of explaining problems around citizenship in contemporary Africa. As argued by Ndegwa (1997; 1998), it does not help in providing a full understanding of the concept of citizenship in the context of Africa's social-economic and political conditions. It assumes that the nation-state is the only 'level' of enacting and elaborating citizenship and that citizenship is coterminous with the state. This conceptualization also assumes that the history of citizenship is the history of nation-states. But Africa comprises mixed identities and therefore competing citizenships. Moreover, the nation-state boundaries are porous. Those living around the nation-state boundaries rarely recognize them. The Maasai of East Africa graze their cattle across the boundaries without reference to the existence of a border. This also applies to the Basarwa of the Southern Africa region, the Somali in the horn of Africa, the Tuareg in West Africa and other 'borderless' communities.⁶

⁶ A story is told about a Kenyan from the interior who was unaware about the exact location of the boundary between Kenya and Tanzania. He asked a Maasai herdsman whether the place he was standing was Kenya or Tanzania. The herdsman replied, "Where would you like to be?"

Competing Values and identities

One thing that is clear from Political theory and history is that rights are not granted; citizenship is not a privilege. It is claimed and acquired through political struggles for inclusion into the governance process. Ndegwa (1998) citing Foweraker and Landman (1997) notes:

Bequeathed rights are precarious and that citizen rights cannot be defined by normative expectations, but can only be imagined as a struggle which either achieves rights against the state or extend the protection and guarantees of the state... that rights of citizenship that are bequeathed rather than acquired through struggle are easily revoked echoes the edict that a social contract is valid when concluded not between individuals and a sovereign but between and among individuals to create a sovereign.

Ndegwa also notes that ‘when a sovereign invents and dispenses rights to subjects, such a sovereign can equally take them away; but when citizens assert their rights and assign these to the sovereign to safeguard, these rights are difficult to withdraw’ (Ndegwa, 1998:3).

How to claim citizenship and anchor citizenship on the institutions of governance brings to the fore two opposing principles and conceptualizations of citizenship. Both Ndegwa (1997) and Osaghae (forthcoming) have elaborated on this.⁷ Ndegwa identifies the liberal and civic republican view as the dual and competing values of citizenship, which make citizenship a major challenge to the nation-state projects. The liberal view ‘bestows on a person the status of a citizen as an individual member of a modern state ... such a status does not demand that the citizen perform any duties to retain these rights or membership in the political community’. On the other hand, ‘the civic-republican view of citizenship is based on the understanding that individuals gain rights and deserve defense only as active members of a community’. Such rights are secured by obligations and participation that is necessary to sustain the political community (Ndegwa, 1997: 603).

Osaghae (forthcoming), quoting from Bendix (1969), identifies two other opposing principles: plebiscitarian and functional representation. While the plebiscitarian is about how individuals

⁷ Eke (1978) has also formulated a framework based on two competing publics. Although the work focused on Nigeria it is relevant to the rest of Africa.

relate directly to the state, the functional representation is about how relations between the individual and the state are mediated by groups to which the individual belong – the civil society. Plebiscitarian promotes universality of citizenship in which all citizens are formerly equal and enjoy equal rights and duties. Functional representation promotes unequal and contested citizenship, as the status of citizens and the rights they enjoy are more or less tied to the status of hierarchical groups to which they belong (Osaghae, forthcoming).

These two notions of competing values of citizenship clearly show that the nation-state is not the only level of elaborating citizenship in Africa. Ethnic group to which individuals belong by ascription is as important as the nation-state. Eke (1978) observes that Africa comprises two opposing publics: amoral civic realm or the state level; and a moral primordial realm or the 'native' sector (Eke, 1978: 317-319). Citizens expect rights from the state but owe no duties to the state. On the other hand, citizens pay their duty to their ethnic group but expect no rights from the group. These two publics create different attitudes on citizenship thereby giving rise to political conflicts. It is the nation-state identity, which exacerbates the political contestations over 'national identity' because 'construction of a national identity has been mostly at the behest of authoritarian states whose power holders suppress rival claims' (Osaghae, forthcoming).

Ethnic Identity and Citizenship

Citizenship is an integral part of nation-building process. Since nation building is a process under continuous construction and negotiation⁸, citizenship has also become a process of continued construction and negotiation by claiming it through political struggles. Both processes are under the control of the state whose powerful elite seeks to exclude rival groups particularly because control of state power also means control of economic and social resources. Citizens whose groups fall outside of the power elites, are often regarded as 'outsiders': they are excluded from state power; they do not enjoy the rights of citizenship.⁹ Unequal access to resources and the

⁸ The ethnic conflicts that dot the African map are about construction political communities or nation-state. The conflicts, as Wamba-dia-Wamba (1996) argues are about settling the Nation-question: who is and who is not a member of that society? Who is an outsider? How has the social membership changed? Does every member enjoy the same rights as those of every other member? How are these rights recognized and protected? How is the commonality founded? (Wamba-dia-Wamba, 1996: 154).

⁹ For an elaborate discussion on Ethnicity and Citizenship in Kenya see Ndegwa (1997; 1998). See also Halisi et al (1997).

inequitable distribution of these resources that are characteristic of 'exclusive modes of rule', closes down the possibility of the 'national' being of any meaning to them. But the duality offers them an alternative. Ifidon (1996) writing on citizenship and the problems of democratization in Nigeria quotes a Nigerian 'citizen' complaining that

When I became a man and developed myself through personal efforts, I placed myself at the full service of Nigeria ... yet what is Nigeria to me? I am asked to love Nigeria, to want Nigeria, to perforce remain Nigeria. What would be my gain if I so remain, I could not fathom.... For if I so do, I shall forever lose the surest thing I could hold on to, my heritage, the one my community gave me. And yet I shall get nothing in return from Nigeria. Nothing except shattered hopes, battered dreams. Nothing except a citizenship defied and defiled by decent people the world over ... is this Nigeria to me?

There is no doubt that this is the voice of citizens from elsewhere in Africa. Citizens are either citizens without duties or citizens without rights. In many instances, rights and duties have been dissociated from the concept of citizenship with obvious consequences: those excluded disengage from the state and troop back into an identity that gives meaning to their 'illusion' of rights and entitlements – ethnic identity. This becomes the most important 'status level' of elaborating their citizenship. They seek protection and promotion of rights within the confines of ethnicity. These 'exclusionary moments' sometimes erupt into violent confrontations and resistance.

Why the ruling political elite mobilize ethnicity for political support is one subject that has been extensively written about and need not detain this discussion (for an elaborate discussion see Osaghae, 1996; Mafeje, 1999).¹⁰ Suffice to note that ethnic conflict is directly related to centralization of power and to the competition that it engenders (Mafeje, 1999). Responsible for this has been the absence of what Mafeje calls "an emancipatory national ideology" to keep alive the spirit of democratization that attended the de-colonization struggles. Such a national ideology would have meant the continued liberation of the oppressed. These could be victims of post-colonial authoritarianism such as the politically oppressed and economically disposed nationalities.

¹⁰ Mafeje, (1999) offers the most elaborate critique on class and ideology of ethnicity in Africa. He notes that for lack of an emancipatory national ideology, African national leaders knowingly use ethnicity as a strategem for gaining or clinging to personal power (Mafeje, 1999: 23)

Political liberalization in the region has not fostered citizenship. In some instances, it has constructed new forms of identities that tend to compete and undermine the foundations of the nation state. The focus on political-legal rights has meant glossing over social-economic and cultural rights. However, neo-liberalism focus on political-rights is for obvious reasons. Its conceptualization of citizenship in terms of rights has tended to underline voluntary performance of duties by an individual, which in turn leads to shift of welfare responsibilities from the state to the individual members of the society irrespective of their abilities. In doing so, it makes the 'market' an important site for enacting citizenship: those who fail to source from the state can source from the markets. The neo-liberal thinking reduces individual claims to the state without creating substantive obligations of the state to the individual. The implication of this is that it undermines the social-economic basis of citizenship. Only those with ability to compete can procure fundamental economic rights for themselves. Those without the abilities have to remain under the mercy of others – they become subjects of the society. They have to depend on 'social philanthropy', which has also been increasingly constrained by the economic difficulties attending economic liberalization.

One important component neglected so far has been how social livelihood can be promoted. Threats to social citizenship are also threats to democratization because democracy entails enabling individuals to have meaningful lives and to enjoy both material security and access to basic needs and political rights. Enjoyment of full rights of citizenship therefore requires fulfillment of individual's basic needs and basic rights. Unfortunately, there has been no connection between struggles for political rights and struggles for basic service needs. In Africa, the process to construct social citizenship, based on both types of struggles, stalled immediately after de-colonization and particularly when the state elite embarked on nation-building project. Popular organizations were demobilized and the political space contracted in the name of development and nation building

CITIZENSHIP AND GOVERNANCE IN POST-COLONIAL AFRICA

There is one observation worth noting at this stage. The post-colonial state is an extension, in some ways, of the colonial particular form of rule that dominated colonial Africa. It was during the colonial period that central features of the contemporary state in Africa formed. Some of

these features have a bearing on the question of citizenship in contemporary Africa. The colonial state was forged by use of force: a 'regime of compulsion' preceded the formation of the colonial state. As argued by Mamdani (1996), it was founded on the coercion of indigenous people. Central to its organization and re-organization was the 'native question'. How the colonial state was forged had effects on relations of production: power relations were increasingly redefined. The state integrated the customary bases of power and traditional authorities into the evolving mode of rule. For instance, the colonial state made appropriation and expropriation of land an instrument of control. Land administration was integrated into the structures of indirect rule to flush out labor and to ensure political and economic security of the colonial administration and its ancillary (Neocosmos, 1992; Kanyinga, 1998). The colonial state also attempted to provide political and economic security to the settlers by creating the native reserves. This created the rationale for a dualized and segregated land use system: native reserves for occupation by resident ethnic groups; and 'scheduled areas' for the settler community. The settler area was created through the 'armed might of the state' and administered by sets of laws, which had one thing in common: expropriation to buttress the colonial mode of rule.¹¹ The native reserves remained distinct and separate identities in the colony – distinct from the settler areas.

Creation of the native reserves set up a stage for the construction of ethnic identities and therefore ethnicization of the society. Each ethnic group had control over a specified territory. A clear demarcation of ethnic identities began in earnest. Each reserve (see below) was governed by customs specific to that ethnic community.

It is this phenomenon of a segregated mode of rule that is responsible for the contemporary crisis of discontinuity between the state and society. As argued by Mamdani (1996) how the colonial state approached the 'native question' reproduced a "bifurcated state" – a state for the citizens (the colons living in scheduled areas) and a state for the subjects or the natives who were confined to the reserves. The citizen state was organized on the principle of a clear separation of powers between and among the judicial, legislative, executive and administrative organs of the state. Abuse of power could therefore be checked through a balance of power between the state

¹¹ Elsewhere, I have attempted to trace the origins of the land question in Kenya and argued that it has roots that reach into the colonial period. The post-colonial state land policies are simply an extension of what the colonial government did (Kanyinga, 1998).

organs.

In the native reserves, a customarily organized tribal authority ruled the subjects. Customary power was transformed to act as an agent of the colonial state. The chief as the head of the new customary authority had the powers to pass rules; execute laws; administer the territory; and settle disputes among subjects. The chief's authority thus was like "a clenched fist" without limit of power (p.23). A regime of extra-economic coercion characterized especially by forced labor and forced contributions lay behind this separate authority.

The subjects were starved of civil and political rights. They could only gain these rights if they graduated into citizens through assimilation of citizen values and culture.¹² They were not allowed to organize outside the confines of the native reserves. This prevented connectivity between and among the different struggles that emerged to articulate de-colonization. It also ethnicized political struggles. The struggles became increasingly identifiable with the native reserves of their leaders. Oppression and detentions of leaders impeded attempts to make these struggles 'national' (Mamdani, 1990).

The colonial state was a state of 'exclusion': it divided the society between those who had rights of citizenship and those who did not – the urban and the rural respectively. "The rights of free association and free publicity, and eventually of political representation, were rights of citizens under direct rule, not subjects indirectly ruled by customarily organized tribal authority" (p.19). Those who did not have rights became 'subjects of the state'. They were citizens of their respective native reserves in the rural Africa. The native reserves did not have rights to grant to the citizens. These were already acquired by virtue of having been born in the clans that comprised the ethnic group.

The post-colonial state did not reform the "bifurcated state". It adopted some of the colonial structures with little alterations. Sometimes these were re-defined to suit the purpose and to exact the particular form of control that the post-colonial elite adopted to consolidate political

¹² Exactly when did the settler become a citizen is a question that has revoked a lot of controversy because Mamdani locates the answer on rights (see Mamdani, 1998; Thornton, 1998; Neocosmos, 2000).

leadership. A class question immediately evolved to shape and define these relations. The poor came to get a better sense of ethnic citizenship than did the rich. The poor depended on ethnic citizenship, for instance, to acquire land through customary right. The rich used their wealth.

In addition to the entry of the class question, the civic sphere was de-racialized. Everyone whether native or settler was recognized as a citizen in the civic realm. However, “the distinction between the civic and the ethnic remained, since only the native was acknowledged as an ethnic citizen. Civic rights continued to be defined as individual rights in the civil and the political sphere” (Mamdani, 1998:3). The main contradiction here again was that individual rights were acknowledged as universal while the native was supposed to have group rights.

The post-colonial state ‘de-racialized without democratizing’ the state and its institutions. The state was de-racialized through “Africanization”. The state was not transformed and therefore the boundaries between the citizen and the subject remain as it were but without a substantive race or color character.¹³ The native or ethnic citizenship was not detribalized: the state only made an attempt to “re-organize decentralized power” in the name of nation building which resulted in increased centralization of authority. In the process of de-tribalizing the state reproduced a despotic form of authoritarianism characteristic of the colonial situation. Rural Africa remained a subject of the state – with very little connection to the state except by participating in elections that had no meaning to their problems of livelihood. Substantive citizens became the new African middle class and others residing in the urban areas where there existed a separation of powers.

Local power structures

The problems facing citizenship in post-colonial Africa cannot be blamed on state politics alone. At the local level and in rural Africa in particular citizens experience the same forms of authoritarianism they experience at the level of the state. Local structures for development and popular organizations are under the control of state elites and/or local power elites either acting for the state or on their own. In this regard, the system of patron-client relations mediates local power relations and acts as the avenue through which the citizens at the local level can relate to

the state. The local power structures that have been established through the state framework are the main avenues for dispossession of the peasants and demobilization of popular organization. In the meanwhile, political parties and civil society organizations have evolved as social-political structures, which both the local and the national elite use to bargain for a share of political power at the state level. Service provision by the state has also emerged as an important patronage resource for mobilizing political support and/or loyalty of the local elite to the state. The three important mechanisms, which the citizens can utilize to reconnect themselves to the state thus are under the control of elite who utilize them to promote individual interests.

One major limitation of political liberalization in the region and in regard to rural Africa is that it has failed to create a viable mechanism for citizens' participation in public affairs. Political liberalization was implanted on unreconstructed state form. Ordinary citizens did not negotiate with the state on what changes were necessary to make the state receptive to their needs. Neither was there a negotiation of the social contract. A comprehensive review of constitution should have preceded these changes. However, the change was controlled and pursued from above. This meant little change in the institutions of the state. How this change was pursued has remained the an important limitation to the struggle for democratization. Peasants and workers in urban areas are being dispossessed and oppressed every day if media reports are anything to go by. Demonstrations against the state's inability to insulate ordinary citizens against economic hardships occasioned by IMF/World Bank reforms are a common feature in the region. Survival strategies of all social groups are in a precarious balance.

Political change in the Eastern and Southern Africa

The majority of countries in the region are undergoing fundamental structural changes. Although there is disagreement on the positive effects of this change, there is consensus that re-configuration of state-society relations is one important change to have occurred in the region. Again this may not be seen as a fundamental change given the trends towards authoritarianism that have evolved through multi-partyism and given the continued marginalization and disempowerment of citizens. However, the majorities of countries in the region have now adopted multi-party forms of democracy and have experienced, no matter how limited, expansion of

political space. Multi-party elections helped in sweeping away the 'old guards' such as Kenneth Kaunda in Zambia in 1991 and Kamuzu Banda in Malawi in 1994. One contradiction in this development, however, is that it did not evolve meaningful democratization. It evolved and/or resuscitated certain forms of identities that immediately began to challenge the governance process in the region. Julius Nyang'oro (1999) has captured this contradiction by pointing out that:

“Zambia is quickly becoming an example of how the “good guys” can quickly turn into less desirable characters in the contradictory development towards democracy. In eight short years, the Movement for Multi-Party Democracy (MMD), the ruling party in Zambia, has been largely discredited because of what most observers see as the declining commitment to political liberalism on the part of MMD government”

This is true of several other countries in the region. In Kenya, contradiction that attended political liberalization provided an opportunity for Moi and the then one party, Kenya African National Union (KANU), to win the multi-party election of 1992. Repeal of the constitution to allow for competitive multi-party elections before undertaking a comprehensive constitutional reform, which would have comprised a reform of the state form, provided an opportunity for Moi and KANU to win. It resuscitated ethno-regional political rivalries such that the election results reproduced a pattern of ethnic relations and geo-political distribution of ethnic groups in the country. Access to state power and to state resources for individual benefits and for distribution to the 'included' ethnic communities was a major factor shaping the outcome of that election and the subsequent one held in 1997.

In 1993, Tanzania did away with socialism and embraced multi-partyism. A national multi-party election was held in both Zanzibar and mainland Tanzania in 1995 and the ruling Chama Cha Mapinduzi (CCM) won thereby locking out the opposition political parties. As noted by Luanda (1996) among others, multi-partyism in Tanzania occasioned tensions in the society. It caused resurgence of religious identities and their struggle for impact on the secular state: the Muslims are questioning the secular basis of the nation-state project while Christians are skeptical about the state's inability to maintain and protect a secular constitution. This is in addition to tension over the Union question – Zanzibar and the mainland (Luanda, 1996).

Uganda has resisted pressure towards a multi-party form of democracy. This has to be understood in the context of the process of re-configuring state power that began in earnest with the consolidation of the National Resistance Movement (NRM) in the late 1980s. NRM reviewed the constitution in 1988 and held a general election for its constituent assembly in 1994 with a view to establishing a new framework for negotiating a new constitutional dispensation. A new constitution was put in place in 1995 and another Constitutional Review Committee was established in 1998. A national referendum was held this year subsequent to these phases, to resolve whether or not multi-partyism should be re-introduced. In spite of whatever disagreements one may pose, Uganda has been a case of continued dialogue with citizens – and inclusion of citizens in the governance process - even though the NRM government has been setting the agenda for the dialogue and even though the state has excluded political parties from the process.

Zimbabwe also remains one country under the leadership of the ‘old guards’. The quest to sustain President Mugabe and ZANU-PF in political power amidst growing opposition from the Movement for Democratic Change (MDC), which after the June 2000 national election became Zimbabwe’s first viable opposition political party, has reproduced authoritarian tendencies leading to poor governance and economic dis-empowerment. This has in turn meant a shaky base for state legitimacy. As a result of this, the state elite have resuscitated the notion of citizens’ economic rights on which they have anchored the land question. While this stratagem seeks to promote rights of access to land for the landless it has undermined the rights of the minority white citizens.

The Eastern and Southern Africa region also has had a bountiful share of political and economic problems. Civil conflicts have occupied much of the post-colonial life of Mozambique and Angola. Conflicts between the military and the political society and to some extent the traditional authority have been an important feature of the Southern Africa states and Lesotho in particular. Elections under political liberalization have not helped to arrest these conflicts. In some cases they have exacerbated state and society tensions. Political change has generally not resulted in bringing fundamental changes in the social-economic context. Moyo (1999) observes that there

is a lot of skepticism about the real significance of such elections particularly because the 'link between the outcome of multi-party elections and the determination of who governs has remained tenuous'. Secondly, the elections have 'resulted neither in new leadership nor new power relations' (Moyo, 1999). In some cases, this has resulted in marginalization of minority groups or groups that did not provide political support to the elite who accede to political leadership under multi-party elections. In other cases, the change has aroused questions about identities and their relations to economic power. As already mentioned, the state in Zimbabwe has mobilized the 'racial component' of citizenship to address the land question with a view to gaining political support amidst a growing opposition. In the Eastern Africa region, the Asian question also reflects on political discourses on account of their control of the economy in the region. What are the rights, entitlements and obligations of certain racial groups – the minority - are issues that the debate on rights has aroused all over the region.

Notwithstanding the above, political liberalization has expanded the space for citizens struggles. Civil society in the entire region has been re-invigorated and its role in the democratization process cannot be denigrated. It is the civil society, including religious organizations, that has provided opportunities for individuals to exert themselves in the governance debate (see Nyang'oro, ed. 1999). The limitations of political liberalization especially in regard to fostering citizenship have revived a debate that was abandoned in the early 1960s when most countries in the region became independent. Constitutional debate has become another important component of the struggle for good governance and democratization. The content of the debate and protagonists continue to differ over the choices to make. This owes much to the fact that given that political liberalization, in almost all instances, occurred without settling the constitutional questions. Accordingly, the debate focuses on conventional basic human rights – civil and political rights of individuals and social groups - which statism stifled. The debate continues to gloss over economic, social and cultural rights and social livelihoods, which are the fundamentals of social citizenship. In countries such as Kenya, the context of the debate is not shaped by issues such as what rights should be provided to the citizens. It is shaped by disagreements over how to pursue the process. Whose interests will the constitutional reform and choice serve is undoubtedly a major preoccupation among all the protagonists in the constitutional debate. Civil conflicts in Lesotho; Democratic Republic of Congo (DRC) and

conflicts in Angola, no matter how one looks at them, are simply constitutional conflicts and, therefore, conflicts over citizens' rights and the obligations of the state to the society.

CONCLUSION: EMERGING THEMES AND GAPS

Studies on citizenship in Africa tend to privilege the notion of dualism and competing forms of citizenship. These studies also concern what limits the construction of national citizenship and its political-legal aspects in particular. Some of them have attempted to show the character and substance of ethnic citizenship where demands for promotion of community interests are played out (Ndegwa, 1997: 613). Solutions offered in regard to the crisis of citizenship, especially the irreconcilability of the two forms of citizenship, are less appealing – they are raised on a Western conceptualization of citizenship and therefore seem inappropriate for Africa's conditions.

The crisis facing citizenship can be resolved by addressing the institutional context of the state. Literature does not show how this can evolve and under whose leadership given that ordinary people face authoritarian power structures at both the level of the state and at the level of the society itself. Civil society organizations that would guide this process have become increasingly ethnicized and are mirror images of the state in many ways. Local elite who represent national state elite at the local level also controls them. Another problem is that literature focuses more on the state and its form of politics thereby glossing over what happens in the civil society or at the base of the society. This has also contributed to an emphasis on political-legal rights of citizenship. There is little attention on politics and contradictions in the civil society yet citizenship is in crisis at both the level of the state and the society. There is relatively little attention on how citizens can address constraints to both their livelihood strategies and political rights. The civil society has its own peculiar features, some of which are the result of its interaction with the state while others have evolved from the different social-economic conditions in Africa. How citizens are reconditioning themselves at the level of the state and civil society amidst different constraints is an issue that requires more attention than is provided in the current literature.

The forthcoming book by Adebayo on *Constitutionalism and Citizenship in Contemporary Africa* is one attempt at filling the gaps in the knowledge on both the constitution crisis and

citizenship. Articles here focus on the dialectics of interaction between the state and the society in the context of the constitution-making processes that are unfolding in different parts of the continent. The emphasis again is on what to do with the 'state forms' in Africa. It is not about how to mobilize citizenship in a programmatic way or how to release citizens from an anti-democratic situation located in both the state and the society.

IDRC supported research on *Protection and Promotion of Citizen Rights in Kenya: the Utility of the Basic Rights Framework* has already demonstrated that ordinary people have evolved different strategies to articulate social economic rights. They identify with other institutions, rather than the state, to promote their rights. There is no connection between local and national struggles for basic rights and basic needs. Moreover, groups that are economically endowed view rights differently from the groups that depend on state development for survival (Ngondi-Houghton and Wanjala, 2000). This study does not show how these differences can be resolved to enable a programmatic approach to rights of citizenship.

Two social science research bodies in Africa have or are in the process of developing research projects with an element on citizenship. The Council for the Development of Social Science Research in Africa (CODESRIA) in Dakar, Senegal, has launched a research project on "Scientific Collaboration and Research on Development of Political Life, the Economy, Society and the City in Africa".¹⁴ This is a broad program covering four subjects: the trajectories of the state; society; economy; and the city. On citizenship, the project aims at settling questions such as: what forms of citizenship emerge at the intersection between the public and the private spheres? What practices are there between the practice of voting and the constitution of the new subjectivities? These questions are raised within the context of "trajectories of the state". At the same time, the African Association of Political Science (AAPS) in Harare, Zimbabwe has developed a research project on "African Politics in the new Millennium: Facing the Challenges". Among the subjects for the proposed project is "Nations, States, and Citizenship in Africa".

In these studies, the state is still the object of analysis. Some of the studies concern an

¹⁴ This is a project funded by the French Ministry of Foreign Affairs for the 1999-2002 period. Research Proposals

interrogation of political and economic reforms in the continent with an emphasis on what effect these reforms have had on the state and the society. But studies on political liberalization, so far, show that there has been limited impact on the inner workings of the state. Political liberalization has also not helped in reducing the tensions between the competing forms of citizenship. Neither have they created opportunities for citizens to exact themselves in the economic and political arena in a meaningful way. On the other hand, economic liberalization and globalization have not fostered citizenship in any manner. They have eroded the basis for enjoyment of economic right. Civil service reforms, retrenchments of the workforce in the private sector and heightened market competition have undermined the potential of individuals to procure livelihood. The poor and vulnerable groups are the main culprits in this regard. Institutions to insulate them from the vagaries of the market, given the failure and/or withdrawal of the state from service provision, have not been put in place.

Research Direction

Although there are disagreements on how to interpret the present conjecture in the Eastern and Southern Africa region, there is growing consensus that both political and economic reforms have unleashed certain important forces that are re-shaping the context of social-political and economic actions. One important aspect of these changes has been their contradictory character. The movement towards liberalization of the local political space in many countries “has gone hand-in-hand with an essentially undesirable outcome, namely, resurgence in popular ethno-cultural, religious, and regional identities which pose a direct threat to contemporary post-colonial state project” (Olukoshi, forthcoming). At the same time, economic liberalization has evolved constraints to livelihood strategies on the part of ordinary people whom the state has failed to insulate from the vagaries of market competition and globalization in general. As argued by Ndegwa (1998), ‘economic and social rights of citizenship have been fundamentally affected by economic adjustment forces; political rights have widened but economic rights have contracted’ (Ndegwa, 1998).

These observations imply a deepening crisis of citizenship. They imply a gulf between the current forms of the state and the ordinary people. They are indicative also of a widening

disconnection between civil and political rights on one hand, and economic rights on the other. This disconnection is a major challenge to the process of good governance and democratization because civil and political rights cannot be sufficiently protected and promoted outside of social-economic and cultural rights. Political change in the region cannot be viewed independent of the social-economic structures and conditions, which shapes the material conditions of citizenship. Citizenship will not be realized without addressing both the material and social contexts of its existence. This raises the need for studies to focus on how to establish connectivity between struggles for political rights and struggles for social-economic or basic needs so that these struggles can become better vehicles for the articulation of citizen concerns.

Economic liberalization has contracted the space for the enjoyment of economic rights. The markets and the urge for profits in the private sector are hostile to citizenship; they limit the extent to which the citizens can organize for their livelihood. These limitations have occasioned formation of certain negative social-economic identities, which in turn are a challenge to the democratization process. Identities based on race, for instance, are rapidly emerging thereby bringing into fore the question of minority rights. Asians in East Africa and the whites in Zimbabwe and Kenya are an important element in both economic and political discourses in these countries. Their dominating influence over the economy has witnessed a debate around their citizenship – they tend to be seen as ‘outsiders’, non-natives, and/or ‘paper citizens’. While there are several studies on the relationship between ethnicity, class and the state in Africa, studies are yet to explore the relations and ties between race, class and citizenship in the region. Studies have not addressed the question of minority rights and identities, and minority based on race in particular. Relatedly, there is very little knowledge on race, citizenship and social interaction. Asians, whites, and other racial minorities are not seen as having fully integrated in to the post-colonial society; they are not part of the everyday social processes and therefore tend to be an isolated social group yet they dominate the main economic structures. Implications of this on citizenship should be explored. It is important to address these issues so as to build a full understanding of citizenship and change in the region. Minority identities are rapidly forming in the region owing to the ongoing changes and therefore need some attention by way of research.¹⁵

¹⁵ There are instances where some political activists have been deprived of citizenship, which some governments define on basis of birth so as to exclude them.

This discussion has also pointed out that the elite dominates all the social-political and economic mechanisms through which citizens connect with the state. Civil society organizations, in spite of their viability in this regard, seem to promote elite interests at the local and the national level. Local power structures also significantly impede citizens from organizing for their livelihood; rights of citizenship are limited at all levels. Decentralization strategies have failed to include citizens in the local governance processes. Reforming the state without addressing the constraints posed by local level power structures, therefore, is not sufficient for revitalizing citizenship. One may even argue that the donors' support to civil society organizations in the last one-decade has provided opportunities for social domination of ordinary citizens by local and national elite because this support is channeled through elite organizations.

There is need for studies to address two issues in this regard. The first one concerns analysis of viable institutional mechanisms for effective relationship between the state and the citizens and between citizens and the local power structures. The second one concerns the vulnerability of local struggles and citizen organizations. The ease with which the state and local elites captures these organizations require attention in order to out how best citizens can be insulated from state and elite infiltration. Significantly, the discussion has pointed out the existence of different struggles for rights. Some of these have consolidated into social movements but the broad economic and political context in which they operate makes their sustainability a difficult challenge. Some of these movements die out because of internal contradictions. Their internal character and conditions for sustainability should be studied because an answer on how they are organized and how they can be sustained amidst poor political and economic conditions can shed some light on how to consolidate good governance and democratization in the region.

Studies on competing citizenship have demonstrated tension in the nation-state project. These studies also assume that there is less tension in ethnic citizenship. However, ethnic citizenship is animated by differentiations that limit full enjoyment of citizenship even at the local level. A thorough understanding of internal features - and nature of coherence - of all forms of identities that have accompanied political liberalization and economic decline in the region need to be carried out in order to fully understand what limits or facilitates the process of good governance.

Moreover, there is need to fully understand how evolving identities can be mobilized constructively for the good of the society.

Some Research Questions

Several questions have been raised in different sections of the paper. The paper has already shown that political liberalization has certain important limitations on the democratization process and enjoyment of social citizenship in particular. On account of this, there is need to settle the question of how citizens in the region are organizing for their livelihood and for their own empowerment amidst these challenges. What are the main social processes through which the citizens can insulate themselves from the state, the markets and local power structures? How are citizens organizing themselves outside of the state and in spite of the presence of the state – and with what limitations? How does the state impact on people's livelihood? How does this impact differ from one type of economic activity to another – e.g. the pastoralists, peasants, and the small business people among others? These questions are important given that the state is still relevant to the livelihood of many individuals. Despite the tendency towards withdrawal from service provisioning, the state still remains an important political force and point of reference with regard to the social-economic survival of individuals and social groups.

It is also important to ask how citizenship can be mobilized for effective engagement in order to improve on governance. Evolving forms of identity that have constructed in the wake of the political change in the region have certain adverse implications for organization of democratization and for adequate protection of rights of citizenship. Racial and ethnic minorities tend to be susceptible to maneuvers that accompany identities based on numeric strength. One important question worth raising in this regard is how can minority rights be promoted and protected in the wake of ethnic and/or racial differences over control of economic resources in the region? Relatedly, how can ethnic and racial divisions be configured so as build a state that is accessible to all groups? There is need thus to focus attention on how to manage cultural and ethnic plurality in the region as a basis of understanding how nationhood can be safeguarded.

The region has also witnessed a resurgence of 'exclusive' governance processes. Some of these are an outcome of electoral systems and their emphasis on the 'winner takes it all'. Social groups

outside of the winners' ethnic group have been excluded from the state process: they become victims of development and politics. How can citizens be re-connected to the processes of decision making in order to improve on the conditions of their existence amidst these exclusive tendencies? What is the nature of 'struggles for inclusion' existing in the civil society? How are these struggles internally differentiated and how can they be inter-connected to improve their impact on citizenship?

This is by no means an exhaustive list of questions raised in this paper or questions in regard to citizenship and governance in the region. Significant, however, is the need to start exploring what is happening at the local level or rural Africa where the power of the state is anchored. Citizens are re-inventing strategies to access the state and to make it responsive to their aspirations. These efforts are yet to be captured by research given the tendency to look at what is taking place at the national level. Furthermore, some of these strategies remain fragile owing to the economic difficulties in the region. Relations between local democratic initiatives and the local fragile economies, therefore, should be explored in order to understand fully understand the direction of these democratic struggles.

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