



Africa Development, Vol. XXVII, Nos. 1&2, 2003, pp. 153–172
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(ISSN 0850-3907)

Citizenship and Rights: The Failures of the Post-colonial State in Africa

Karuti Kanyinga*
& Musambayi Katumanga**

Abstract

Throughout Africa, economic and political reforms introduced to resuscitate 'development' have failed to facilitate growth. Inequalities and poverty have continued to deepen and there is unprecedented reproduction of parochial identities and local social conflicts. Social citizenship itself is in a crisis: there is mass-disempowerment and dispossession of ordinary citizens through loss of means of livelihood. The reforms have generally failed to promote and safeguard citizens' interests. This article examines how popular struggles for social citizenship and in particular struggles for protection of social-economic rights are organized and sustained and the challenges they experience in this regard. The new forms of interaction between the state, the peasants and the markets are also discussed. The article is based on findings of a study on Mwea rice irrigation scheme in Kenya.

The discussion concludes that the state remains an important actor in the local social-political and development space notwithstanding the reforms that have taken place. Politically and economically influential elites have control over local structures for development as well as popular organizations. This makes it difficult for consolidation of social citizenship. The crisis facing social citizenship therefore is bound to deepen if the reforms do not seek to democratize local level power structures simultaneous with democratization at the broader national level.

Résumé

En Afrique, les réformes économiques et politiques mises en place, afin de susciter le «développement», ne sont pas parvenues à faciliter la croissance. Les inégalités et la pauvreté ne cessent de s'aggraver, et on assiste à une reproduction de

* Institute for Development Studies (IDS), University of Nairobi, Kenya.

** University of Nairobi, Kenya.

particularismes identitaires et de conflits sociaux locaux. La citoyenneté sociale elle-même est en crise: l'on note une certaine dés-autonomisation des masses, ainsi qu'un appauvrissement du citoyen lambda, du fait du manque de ressources. Globalement, les réformes ne sont pas parvenues à promouvoir et défendre les intérêts des citoyens. Cet article analyse la manière dont les luttes populaires pour la citoyenneté sociale, et plus particulièrement, celles pour la protection des droits socio-économiques, sont organisées et soutenues, ainsi que les défis qui se posent à elles. Les nouvelles formes d'interaction entre l'État, les paysans et le marché sont également étudiées. Cette contribution est basée sur les résultats d'une étude portant sur un plan d'irrigation du riz Mwea, au Kenya.

Pour finir, l'article soutient que l'État demeure un secteur crucial dans le développement local et l'espace socio-politique malgré les réformes qui ont eu lieu. Les élites exerçant une certaine influence sur le plan politique et économique contrôlent les structures locales de développement, ainsi que les organisations populaires, ce qui rend difficile la consolidation de la citoyenneté sociale. La crise de citoyenneté sociale risque donc de s'aggraver, si les réformes n'engagent pas une démocratisation des structures locales de pouvoir, en même temps qu'une démocratisation nationale.

Introduction

The wave of democratization that swept the continent in the early 1990s, and the economic policy reforms that were adopted as the most important institutions for resource allocation, encouraged a commitment to the themes of 'citizenship' and 'governance' in African social and political discourses. 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 the 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 for 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 citizen-

ship', which concerns fulfillment of livelihood and provision of economic security for individuals and social groups.

Resolving the question of citizenship has become a major challenge to the nation-state project in Africa. It has led to tensions in ethnic relations (Osaghae 1996; Idowu 1999) and to arresting of the democratization processes (Kanyinga 1998a; Chege 1994; Ogachi 1999). Citizenship thus has obvious consequences for 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 its attendant rights, entitlements, obligations for individuals, and the relationship of these to the state, are a major concern in the constitutional reform debate currently taking place in Africa. Questions about majority versus minority rights and race, ethnicity, class and property rights, and identities constructed 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 or sustained manner. Political liberalization has been: implanting 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. In some instances, they have organized against repression and dispossession by the state. They have assembled to demand economic and political rights. On the other hand, the state without exception and in spite if not because of political changes, has responded with the repression and torture of organized opposition. Generally, the trend is towards contracting both the political and economic space on which the citizens can organize for the enjoyment of economic and political rights. The changes unfolding in the region and their contradictions, raise the need to discuss how to redress the imbalance between citizen rights and obligations on the one hand, and state obligations to society on the other hand. 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 perfect both the social-political and the economic space.

This paper analyzes the social-political and economic changes in the region and their implications for the articulation of rights of citizenship. The discussion observes 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 Approaches

'Citizenship' denotes membership in a community of common interests and the right to participate in the affairs of that community on an equal basis; citizens are thus 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. Marshall (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 citizenship a controversial and, therefore, intensely contested concept.

In the pre-industrialized European society in which the conception of 'citizen' assumed its modern form, the term applied to very few members of society.³ 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 the means of managing 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 dominant paradigm has been the Western perception of the duties and responsibilities of citizens and the state. In this view, the '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 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 the social contract under increased scrutiny. 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 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.⁴ More and more people are

being tossed 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 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 merely require the simple articulation of political-legal status. It also requires renegotiating the rights, entitlements and obligations both of the individuals, social groups, and of 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.⁵

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.⁶ 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 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 1978:317-19). 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 negotiation⁷, 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.⁸ Unequal access to resources and the 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 notes the failures of the Nigerian identity to assist the youth in their hopes and dreams: to them they get only shattered hopes and battered dreams. However they community they belong to is their heritage to which they hold on to in the wake of failed hopes. 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 dis-engage 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).⁹ 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.

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 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.¹⁰ 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 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 (Mamdani 1994:23). 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.¹¹ 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 against 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' (Mamdani 1990:19). 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 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. 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.

Rights Versus 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 avenues, 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 patron–age resource for mobilizing political support and/or loyalty of the local elite to the state.

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.

Citizenship and Political Liberalization

Although there is disagreement on the positive effects of political reforms underway in Africa today, there is consensus that re-configuration of state-society relations is one important change to have occurred in the continent. 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 dis-empowerment of citizens as well as a deepening of civil strife in several regions of the continent. However, many countries 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, Kamuzu Banda in Malawi in 1994, and more recently, Daniel Arap Moi in Kenya in 2002. 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 institutions of governance. 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 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 and 1997. 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. The fear to lose again to Moi and demands by ethnic constituencies to have a collective access to state power contributed to the opposition uniting against KANU and subsequently winning the 2002 general elections.

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 stragem seeks to promote rights of access to land for the landless it has undermined the rights of the minority white citizens.

The 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, and in recent years, Somalia, Siera Leone and Liberia. 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 reinvigorated 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 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. 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; Sierra Leone, Liberia and Somalia, 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: Transcending the Dualism

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 reared on a West-

ern conceptualization of citizenship and therefore seem inappropriate for Africa's competing identities.

Political liberalization has also not helped in reducing the tensions between competing forms of citizenship. Neither has it created opportunities for citizens to exact themselves in the economic and political arena in a meaningful way. Economic reforms and globalization have not fostered citizenship in any manner, instead they have eroded the basis for the enjoyment of economic right and contracted the space for enjoyment of these entitlements. Furthermore, the heightened market reforms have become hostile to citizenship—they have limited the space on which citizens can organize for their 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.

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.

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 differ-

entiations 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.

Notes

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.
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. 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.
4. Studies on adjustment reforms in Africa continuously show that state cut backs 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.
5. 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?"
6. Eke (1978) has also formulated a framework based on two competing puplies. Although the work focused on Nigeria it is relevant to the rest of Africa.
7. 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).
8. For an elaborate discussion on Ethnicity and Citizenship in Kenya see Ndegwa (1997; 1998). See also Halisi et al (1997).

9. 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)
10. 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).
11. 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).

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