

## Who is a Tanzanian citizen? An appraisal of the mechanisms of proof of Tanzanian citizenship

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### Abstract

*Historically, Tanzania is composed of a medley of people. The latter are made of different origins due to a number of factors. With such a composition, there is a need to create clear legally recognized mechanisms to prove one's citizenship. In the absence of singular and legally recognised document to prove Tanzanian citizenship a number of mechanisms have been resorted to. This paper seeks to analyse the most commonly used mechanisms. As it can be noted, the latter are featured with inherent weaknesses. In the light of the analysis the author desires and invites discussions on whether the long-awaited national identity cards will cure the defect.*

**Key words:** *Tanzania, citizenship, national identification, proof.*

### Getting started

Tanzanian citizenship has been a subject of controversy over years. This is owing to the absence of effective means of proving citizenship. As such proof of citizenship has occasionally been seen as a whip to people of various roles most common political opponents, members of minority communities, or vocal critics, etc. Rarely due to lack of effectively guaranteed mechanisms of proof of Tanzanian citizenship, government agencies dealing with matters involving determination of citizenship find themselves into contradictory decisions.<sup>1</sup> No wonder that citizenship finds itself prone to a privilege enjoyed at the pleasure of government of the day. This is done through such measures like stripping of citizenship status and rights resulting in statelessness; forced expulsion or forced population transfers<sup>2</sup>; and refusal to recognize or accord the rights of particular groups or individuals. In absence of

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<sup>1</sup> The Immigration Department is of a large concern here. In one application for a passport, two applicants were treated differently. While they were born of the same father and mother and in the same place of birth, one was told that he was not a citizen of Tanzania while another was issued a passport as a citizen of Tanzania. This scenario involved one Revocatus and her sister Lydia and it is further elaborated in subsequent parts of the article.

<sup>2</sup> Expulsion of Undesirables Act Cap 39, R.E 2002, s. 2(1).

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documentary proof, the problem is made worse. While this problem has been commonly experienced in various African countries<sup>3</sup>, two examples suffice to illustrate the case of Tanzania.

In 2001, Jenerali Ulimwengu, the then Chief Executive Officer of Habari Media was rendered stateless, purportedly on his Rwandan ancestry. This was a person who had served various government posts since the government of Mwalimu Julius Kambarage Nyerere, and even campaigned for the first two presidents who succeeded Tanzania's founding president. In a similar scenario, one applicant of a passport namely Revocatus Bhanza was declared a non citizen of Tanzania and thus required to apply for naturalisation, an event which invited a successful appeal to the Minister of Home Affairs by the applicant. In this event, Bhanza approached the Immigration Department for renewal of his passport dully issued by the same department. Bhanza was born in the United Republic of Tanzania and submitted evidence thereof. His father was registered to be a citizen of Tanzania two years after his (Revocatus) birth while his mother was born in Tanzania and produced affidavits of her birth plus her passport dully issued by the same department.

It is imperative to note from the above examples that while the Tanzania Citizenship Act Cap 357 R.E 2002 creates methods for acquisition of Tanzanian citizenship, the mechanisms used to prove the latter are prone to criticisms, and thus it is not uncommon to find that any one may fall to be a victim of statelessness in this continued situation. History serves to elucidate the foundation of this entire problem. It can thus be said that the problem of proof of Tanzanian citizenship, a problem which also faces other African states as noted above has a direct link to the history of colonial partition of the African continent. Following the partition under the advent of the Berlin Conference<sup>4</sup> new geo-political set up accompanied by new boundaries was created. Some of these boundaries cut across ethnic groups, states, and kingdoms and thus causing widespread social disruption and displacement.<sup>5</sup> The then

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<sup>3</sup>For example, on January 24, 1980, Nigeria's president, Alhaji Shehu Shagari expelled to Chad the majority leader of the opposition-controlled state legislature of the North-Eastern State of Borno, Al Haji Shugaba Abdulrahman Darman, alleging that he was Chadian not Nigerian while he was not. In 1995, Zambia's founding president; Kenneth Kaunda was stripped of his citizenship by his successor. In the same year, Coted' Voire's former Prime Minister, Alassane Ouattara was stripped of his Ivoirien citizenship and at the end of 1996 it was the turn of the Publisher of the only existing independent newspaper in Zimbabwe, Trevor Ncube to be rendered stateless by his country. On the other hand, in Kenya Somalis and Nubians are examples of groups facing difficulties in proof of their Kenyan citizenship. They are required to produce birth certificates of their grandparents, nearly of whom were born when there were no birth records.

<sup>4</sup>This was a conference held in Berlin in 1884-1885 which formally partitioned the African continent into the hands of a number of European countries whereas the then Tanganyika fell under colonial dominion of the Germans.

<sup>5</sup>See Boahen, A.A(ed.), General History of Africa, Vol VII, Africa Under Domination 1880-1935, First Edition, Heinemann, California, 1985, p.786.

Tanganyika (now Tanzania) was no exception to this. The latter is made up of a medley of people with different origin, language, and culture all of whom, where required, claiming to be recognized as bona fide citizens of Tanzania. When it comes to the issue of determination of a bona fide citizen of Tanzania in the strict sense of the political boundaries set up by the colonialists, problems are bound to arise. This is attributed to, among other factors, the failure to enforce the boundaries by the colonialists because governments accorded higher priority to other issues.<sup>6</sup> The interests of frontier populations were left to continue leaving the borders so permeable as if the international border had not existed.<sup>7</sup> Thus there were free movements from one state to another despite the borders. Some of people who crossed the borders from the newly created neighbouring states managed to settle permanently in our country. This expressed itself for example in labour market, a move which was spearheaded by the colonialists themselves.

Flatly speaking the border allocations did not take an adequate cognizance of the human factor. Such a failure, combined with an obsession for the use of externally derived legal concepts created difficulties and even crisis. One of those contradictions is the difficulty in applying the legal definitions of 'citizens' and 'aliens' as contained in the largely Western-oriented constitutions of most of the modern states while referring to the same state boundaries, so well known as 'artificial' lines.<sup>8</sup>

Even after an establishment of mechanisms of border control, however, there has been a problem with the volatile state of affairs in neighbouring countries like Burundi, Rwanda and the Democratic Republic of Congo which has been recurring and producing refugees immigrating into Tanzania. Similarly, globalization has also resulted into an influx of both people and technology into our nation whereby the latter makes forgeries very easy, a problem which is also noted even in developed countries.

### **The concept of citizenship**

In essence, the concept citizenship<sup>9</sup> is not defined in the Tanzania Citizenship Act. The latter, instead points out the means of acquiring it, that is, by birth, by naturalisation and by descent.<sup>10</sup> Even the Registration and Identification of Persons

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<sup>6</sup> Asiwaju, A.I.(ed.), *Partitioned Africans*, First Edition, C. Hurst & Co. London University Press, 1985.

<sup>7</sup> *Ibid*, p.225.

<sup>8</sup> *Ibid*, p.246.

<sup>9</sup> This is also known by other authorities as nationality. In some cases, however the word national means a person who owes loyalty to a country but lacks full membership in it. Preferably, I will be using the word citizen.

<sup>10</sup> Tanzania Citizenship Act s. 3.

Act Cap. 36, R.E 2002<sup>11</sup> which attempts to define the term does not give a desired definition. Instead, it falls back to the Citizenship Act which is in itself not clearly enunciated. It reads thus, 'a citizen means a person who is a citizen of the United Republic of Tanzania in accordance with the law for the time being relating to citizenship'. Thus, the definition of the concept has been largely obtained from authors and the position of international law. The latter is outlined in the *Nottebohm case*<sup>12</sup> which defines it as a legal bond having its basis a social fact attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties. With this, the concept citizenship manifests a legal linkage between the person and the state which grants such citizenship and it also means that such a person becomes more closely connected with that state than any other.

On the other hand, Hawkins<sup>13</sup> defines a citizen as a person belonging to a particular city or country and having certain rights and duties because of this. The *World Book Encyclopaedia*<sup>14</sup> maintains that the concept means membership in a nation or in some other unit of government. Citizenship is also called nationality. Thus, it can be deduced that the concept means legal membership in a nation entitling all rights accorded to every member and having duties and full entitlements to protection by the state.

### **Acquisition of Tanzanian citizenship**

There are three ways through which one may acquire Tanzanian citizenship. These are citizenship through birth, descent and naturalisation. At the independence of Tanganyika, a person was regarded as a citizen of Tanganyika if he/she was born in Tanganyika, being a citizen of the United Kingdom, colonies or British protected person if one of his or her parents was born in Tanganyika as per section 1(1) of the Citizenship Ordinance 1961. However, after independence and just before the day of the union between Tanganyika and Zanzibar, a person was regarded a citizen of Tanganyika by birth if born in Tanganyika by one of the parents being a citizen of Tanganyika.<sup>15</sup> On the part of Zanzibar, any person born in the Isles before Union became a citizen of Zanzibar by birth except if parents were born from the mentioned states namely, Australia, Belgium, Canada, Ceylon, France, Italy, New Zealand,

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<sup>11</sup> Registration and Identification of Persons Act, s.3.

<sup>12</sup> ICJ Report, 1955, PP 4, 23;22 ILR, pp. 349,360.

<sup>13</sup> Hawkins, J.M, *et al* (Eds)., *The Mini Oxford School Dictionary*, Oxford University Press, 1988.

<sup>14</sup> *The World Book Encyclopaedia*, 1994 Edition, Volume 4, p.568.

<sup>15</sup> Citizenship Ordinance 1961, s.3. It is imperative to note that before independence a citizen of Tanganyika was defined by the British Nationality Act 1948 as one who was born within the Protectorate colony of Tanganyika by a parent citizen of the United Kingdom, colonies or being a British Protected person.

Portugal, Republic of Ireland, Union of South Africa, United States of America as per third schedule of the Zanzibar Nationality Decree of 1952.

Following the union between Tanganyika and Zanzibar, a citizen by birth under the previous citizenship laws and regulations maintained that status under the Tanzania Citizenship Act. To be sure section 5 of the Citizenship Act provides that any person born in the United Republic of Tanzania by one of the parents being a citizen of the United Republic is a citizen by birth. However, this articulation does not go without pointing out some exceptions to this rule. A person is not a beneficiary of this rule if, upon birth he or she was a foreigner serving diplomatic mission or if the person was born by an alien enemy or in the area otherwise occupied by the same enemy.

Citizenship by descent is slightly different from citizenship by birth. Under section 1(2) of the Citizenship Act a person born outside Tanganyika before independence being a citizen of the United Kingdom, Colonies or British Protected person, if the father is or was a citizen of Tanganyika by birth or naturalisation/registration would be regarded as a citizen of Tanganyika at Independence Day.<sup>16</sup> However, after independence and immediately before the union between Tanganyika and Zanzibar a person was regarded as a citizen of Tanganyika by descent if such a person was born outside Tanganyika and at the time of birth his or her father was a citizen of Tanganyika by birth or registration or by naturalisation. On the part of Zanzibar, a person born outside Zanzibar during the rule of His Highness the Sultan before or after 27<sup>th</sup> December, 1952, that is, the date of commencement of the Zanzibar Nationality Decree was to be regarded as a Zanzibar citizen if his or her father was a citizen by birth or registration or naturalisation.

Following the union between Tanganyika and Zanzibar, a person born outside the United Republic of Tanzania by any one of the parents being a citizen by birth, registration or naturalisation is a citizen of Tanzania by descent as provided for under section 6 of the Tanzania Citizenship Act subject to exceptions provided there. It must be pointed out at this juncture that dual nationality is acceptable to a period not exceeding 18 years. In this respect, upon reaching the age of 18 years, a child born outside the United Republic of Tanzania and thus possessing nationality of that other country is required to renounce that other nationality, contrary to this he or she loses his or her Tanzanian citizenship.<sup>17</sup> Exception on default of this condition can be remedied by the Minister responsible for citizenship matters. Upon renunciation of other nationality in a prescribed manner, such a person is issued with a letter of confirmation for Tanzanian citizenship.

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<sup>16</sup> It is important to note that under the British Nationality Act 1948 a citizen of Tanganyika was defined as one who was born outside the Protectorate Colony of Tanganyika by a parent citizen of the United Kingdom, Colonies or British Protected person.

<sup>17</sup> Tanzania Citizenship Act s. 7(1).

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Citizenship through registration also known as naturalisation was practised during colonialism and soon after independence before the amendment of the Tanganyika Citizenship Ordinance 1961. Accordingly any person who was born in Tanganyika before independence or in the United Kingdom and colonies or if he or she was a British Protected person would become a citizen of Tanganyika if he made an application for registration to that effect. The same process is availed to a person who is neither a citizen of Tanzania by birth nor by descent, to apply for naturalisation as a citizen of Tanzania by applying in a prescribed manner to that effect.

It is worthwhile to note that the citizenship laws and regulations have in several occasions been tested in courts. In *Attorney General and Two Others v Aman Walid Kabourou*<sup>18</sup> the Court of Appeal of Tanzania ruled among other things that the three types of citizenship outlined above are maintained in accordance with the Citizenship Act<sup>19</sup> read together with the British Nationality Act 1948. On account of citizenship by birth, three factors that determine citizenship by birth under the above two laws were held to be firstly, being born in Tanganyika by 8<sup>th</sup> December, 1961, secondly, being a citizen of the United Kingdom and colonies or being a British protected person on 8<sup>th</sup> December 1961 and thirdly, having at least one parent who was born in Tanganyika. Yet in an earlier case of *In re Abdallah Salim Ali Ab-salaam*<sup>20</sup> which interpreted section 1(1) of the Citizenship Act designating persons born in Tanganyika as citizens, provided that a person shall not be a citizen if neither of his parents was born in Tanganyika.

This position in *Ab-salaam* (High Court of Tanganyika now Tanzania) was overruled by the Court of Appeal of Tanzania in *Walid Kabourou*. It is argued that citizenship of the United Kingdom and colonies exists under the law of Tanzania only for the purpose of determining citizenship by birth within the scope of section 1(1) of the Act, and is not recognized as a parallel citizenship which a citizen of Tanzania continued to have after 9<sup>th</sup> December, 1961.

It is also interesting to point out that *Walid Kabourou* puts the burden of proof of citizenship to a party who alleges so while in the *John Sapuli and Two Others v. Rajabu Athumani Mrope and the Attorney General*<sup>21</sup> it was held that the burden of proof of citizenship lies with the petitioners. Since the *Walid Kabourou* case was decided by the Court of Appeal of Tanzania it overrides the latter case being a High Court of Tanzania's decision. The Court of Appeal's ruling is similar to the one in the Immigration Act<sup>22</sup> that the burden to prove that a given person is a citizen of Tanzania lies on the party who alleges so.

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<sup>18</sup> [1996] TLR 156.

<sup>19</sup> Citizenship Act ss. 2 and 10.

<sup>20</sup> [1967] HCD No. 174.

<sup>21</sup> [1985] TLR 148.

<sup>22</sup> Immigration Act s. 30.

## **Proof of Tanzanian citizenship**

This is the central focus of the analysis in this article. Having observed the law governing citizenship in Tanzania, it is interesting to discuss mechanisms of proof of the three types of citizenship. Of concern here is proof of citizenship by birth. The commonest means resorted to its proof include proof by knowing the place of birth, proof by names, by tribe and local language, by background information on primary education, by race and by voter's registration card.

### **Proof by knowing the place of birth**

Proof by knowing the place of birth is used in proving citizenship by birth. In this regard the commonest and legally recognized means used here are by producing an affidavit of birth or a birth certificate. Despite the fact that these are effective means of test if they are authentically effected, they suffer a number of weaknesses. Among other factors that aggravate these weaknesses include the current life of migrations. The latter have produced new permanent abodes to people. This can be well illustrated in such large cities like Dar es Salaam, Mwanza, Mbeya and Arusha. That being the case, knowledge on the place of birth of a person has proved to rely largely on oral testimony of the person under concern. In that similar vein, issuance of birth certificates and affidavits largely is exercised in the district where the applicant resides.

While the issuance of birth certificates was exercised by the registrar of births and death, the exercise is now under the Registration Insolvency Trusteeship Agency (RITA).<sup>23</sup> Before these changes; the practice of issuance of birth certificates was largely based on the local area of birth of the applicant. It was also mandatory to involve the Immigration Department which has to help to inquire into the legal status of citizenship of the applicant by issuing a letter of approval to that effect. Although this exercise involved delays in issuance of birth certificates, it is not wrong to point out that it proved to be helpful in case of analysing legal status of citizenship of an applicant.

Currently, birth certificates are issued at speedier means by RITA. This involves transferring of services in residential areas with an accumulation of people as it was on the Saba Saba Trade Fairs Grounds in June/July 2008. While it is not disputed to provide services at speedier means, of interest here lies on how such services are provided. Controversy rises largely on issuance of birth certificates to late registered

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<sup>23</sup> This is a government agent under the Ministry of Justice and Constitutional Affairs created under the Law of Government Agency No. 30 of 1997 and came into force on June 2006. For more information of RITA visit the web: [www.rita.go.tz](http://www.rita.go.tz).

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persons.<sup>24</sup> With these, the main evidence required by RITA include affidavits, clinic cards, baptismal certificates if applicable, school leaving certificates, letter from relevant government authorities such as Ward Executive Officer (WEO) and Village Executive Officer (VEO). This paper has come to note, however that a voter's registration card has been the main document relied upon.

It has further come to knowledge that no effective measures are ever taken to question citizenship status of the applicant. The Immigration Department which could at least facilitate in counterchecking citizenship status of the applicants is left aside. Neither is any strong measure undertaken to countercheck the same. With voter's registration card, an applicant in that category is required to fill in form BD 15A while documentary evidence on birth of parents are not provided and instead they are left to be determined by the applicant himself or herself. The seventh and tenth columns of a birth certificate provide for nationality of parents. The columns therefore are used to determine nationality of parents as it was insisted also in the case of *Walid Kabourou*. Relying on the information filled in by the applicant, therefore, a father or mother or both parents of the applicant are labelled 'citizen of Tanzania' or otherwise depending on the places of birth of the parents filled in by the applicant.

Under this situation, the authenticity of a birth certificate issued in this manner is left to the integrity of the applicant. Where the applicant provides false information, then it follows that he or she will likely enjoy all rights strictly reserved for citizens of Tanzania in the absence of further scrutiny of the genuineness of the birth certificate.<sup>25</sup>

Above all, the situation is made worse in cities like Dar es Salaam where it is difficult to prove birth records of migrant applicants. With all these, proof of Tanzania citizenship by producing a birth certificate as it is practised, will still remain questionable.

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<sup>24</sup> That is, those ranging from ten years and above according to the categorization by RITA. I have decided to select this group because it is largely the one under the effects of migrations and also in many cases lacks such important documents like clinic cards and other relevant reports on place of births.

<sup>25</sup> In issuing passports by the Immigration authorities, for example, where reasonable doubt on the birth certificate of an applicant arises, the Immigration Authorities make such a confirmation with the RITA to see whether the respective certificate was duly issued by them. Reality still remains that where the certificate was issued with such wrong information, then it follows that the authenticity of the document will remain questionable. The process of verification, it has been found out also that is so daunting and slow in the absence of connectivity of information on issuance of the certificates between the Immigration Department and RITA as it was formerly effected.

In recognition of difficulties in accessing birth certificates to every person born in the United Republic of Tanzania, an affidavit of birth fills in the gap.<sup>26</sup> Research leading to the writing of this article has proved that swearing or affirming affidavits of birth before magistrates or advocates is not properly effected. An applicant of an affidavit is in many cases required to supply full names, dates of birth, addresses, relationships and such other information of witnesses. In some of my physical visits to primary courts, for example, some applicants I noted were given blank printed affidavits to fill in the information. Worse enough, signatures were even executed by the applicants themselves.

On the other hand, affidavits of birth sworn or affirmed before advocates suffer also some weaknesses. Firstly, most of advocates draft them on business bases. For example, no forms are ever filled in by clients so as to allow counterchecking of the correctness of the information supplied and for future records. It is not surprising therefore that a few minutes of departure and return to the office by the same client may notice deletion of all information. In this regard, for example, one of my respondents had this to narrate. 'I left from the advocate with an affidavit of birth prepared by him to the Immigration Headquarters to apply for a passport only to find that my name had been wrongly spelt. When I returned to the advocate for corrections, there was no record anymore and thus I had no record anymore and thus I was required to re supply the information.' Secondly, it is very rare for advocates to interrogate their clients on the basis of proving citizenship of their clients. Thirdly, as it is evidenced in courts, information is even not given by the real parties swearing or affirming. Instead, it may be found that it is a mere informer who supplies the information and even signs on behalf of those named in the affidavit. In this situation, proof of Tanzanian citizenship by birth using an affidavit of birth remains also a weak mechanism of proof of Tanzania citizenship by birth.

Having seen the involvement of a voter's registration card as a documentary evidence to support an application of a birth certificate, let me turn to the document commonly relied upon in its separate section.

### **Proof of citizenship by voter's registration card**

Proof of citizenship by producing a voter's registration card is propelled by the fact that, it is only a citizen of Tanzania who is supposed to be in its possession<sup>27</sup>. Nevertheless, this would have been the case if the exercise would have properly taken into cognizance of the concept citizenship. It is different altogether as it can be observed hereunder. The issuance of voters' registration cards followed an establishment of the Permanent Voters' Register which was effected under the

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<sup>26</sup> Also noted at page 3 in Form (CT 5 (Ai) Revised Edition 2004 for passport application.

<sup>27</sup> National Election Act, Cap 343 R.E 2002 s.13.

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amendment of the Constitution of the United Republic of Tanzania.<sup>28</sup> The cards came into use since the beginning of the year 2005.

With regard to citizenship of a holder of the voter's registration card, it is interesting to note that a voter's registration card is issued without labouring into identifying the citizenship status of the applicant more so in densely populated areas like Dar es Salaam. In this case, a person without any support of documentary evidence approaches an officer responsible for registration and provides an oral testimony on places of residence, birth and such other required information. Through physical visits in three registration posts in Temeke municipality I ever made, I proved that it was very easy for an applicant to provide wrong information.

In this circumstance it is not surprising to find that a handful of non-Tanzanians possessing voters' registration cards. The growing need of the cards as identities in accessing various services like bank loans tempts to welcome even those who are not Tanzanian citizens to register in order to get the cards. In short, therefore it can be rightly construed that a voter's registration card is not a safe document to rely upon as an evidence to prove Tanzania citizenship.

### **Proof by names**

The author of this article has come to note that, names have also been used as a means of testing of Tanzania citizenship. They are linked to tribes. Whereas it is not uncommon to find some names which once mentioned reflect a given tribe, relying on them as a sole means of test of citizenship is a weak method in itself. This has been a practice with the Immigration Officers in satisfying themselves as to citizenship status of a person. A number of criticisms can be advanced.

With the growth of Christianity and Islamic faith, local names that reflect a given tribe are disappearing. This is made more so due to growth of the younger generation who wish to be identified in foreign based names. This simple illustration can justify this criticism. If X who was the great grand father of M was not given a Christian name and retained the name Kalimanzira<sup>29</sup> whereas his latter generations were Christian followers, then with the unnamings of Kalimanzira to grandsons replaced by Christian names, then the Kalimanzira name is bound to disappear. The common style of First names, Middle Names and Surnames may be found with Christian names only. As a result, the gist of relying on names withers. Nevertheless, some identification of names by grandfathers was effected by looking at commonly used names. One old man from Sukumaland whom I approached as my respondent had this to narrate.

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<sup>28</sup> Constitution of the United Republic of Tanzania, Art. 5(3) (a).

<sup>29</sup> A name which commonly identifies that a person named after it originates from Kigoma region.

I do not remember exactly when I arrived in Ushiroambo from Rwanda. It appears to be after the Second World War. My name was by then Habyarimana. To be easily identified by those whom I lived together I named myself Maganga.

This is one incident which lowers down the quality of relying on names as proof of citizenship. Moreover, in borderline areas, local names are found to be similar in many cases due to, integrations among the dwellers of those areas. It is thus, not uncommon to find Kabuye in both Tanzania and Rwanda, Buchumi in both Tanzania and Burundi, Mwitwa in Kenya and Tanzania and such other similar names. Some, especially women acquire new surnames upon marriage. It is therefore not safe to rely on names as a pure mechanism of proof of citizenship. In some cases, too much reliance on names may import an implication of tribalism and segregation contrary to the law of the land.<sup>30</sup>

### **Proof by tribe and local language**

This has been another mechanism used to prove that a given individual is a citizen of Tanzania or not. Tribe and local language go together. In this aspect, where a person identifies himself to belong to a certain tribe and the same being conversant in the tongue of the respective local language, then a tendency has been to regard such a person as a citizen of Tanzania.

This practice has expressed itself during the course of the author's research at the Immigration headquarters where, some passport applicants who are not in the category of naturalized person are occasionally asked to identify their tribes and answer questions in accordance with their respective local languages. An Immigration official conversant in a local language in question commonly conducts such dialogues. While I admit that tribe and local language are common mechanisms that identify the place of origin of a person, yet the mechanisms cannot be taken as legal means to prove that a given person is a citizen of Tanzania. In the first place, Tanzania is made up of a medley of people with different origins. As such local languages have in many cases been a mixture of languages, some of which being those spoken outside our country. An example of this can be drawn from the Ha tribe and its Kiha language. History<sup>31</sup> ranging from the 18<sup>th</sup> century shows that the Kiha is a mixture of Kirundi, Kiganda, Kihaya, Kihangaza and Kinyawanda syllables. This point emphasizes the fact that there is no clear – cut language and therefore it is very easy for a foreigner originating in a nearby country to cope with such local language and hence be tempted to be identified as a member of that tribe.

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<sup>30</sup> Constitution of the United Republic of Tanzania, Art. 13(1)-(5) strongly advocates against any form of discrimination pursuant to the notion that all human beings are equal before the law.

<sup>31</sup> Chubwa, P., WAHA Historian na Maendeleo, First Edition, TMP Book Department, 1979 and Tanzania Daima News Papers of both 13<sup>th</sup> December, 2008 and 20<sup>th</sup> December, 2008.

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An example can be made of a parent in service of the government of the United Republic of Tanzania, a Nyamwezi by tribe who resides in Dar es Salaam and gives birth to a child in the same city. The child having grown up in the same city to his adulthood finds himself or herself unable to speak Kinyamwezi despite the fact that he or she is a Nyamwezi by virtue of the tribe of his or her parents. Thus it becomes unjust to treat such a person as a non-citizen of the United Republic of Tanzania with such a failure to speak in his or her tribal language. In addition, if a foreigner settles in a given community for a long time he or she may adopt the tongue of the local community and thereby becoming uneasy to identify him or her to be a foreigner. As such, this mechanism is also an inadequate means to prove one's citizenship.

### **Proof by race**

In search to identify citizenship status of a person, race has also been a mechanism resorted to. Race covers such features like skin colour, hair texture, shape of head, eyes, nose and lips. It must be held in the beginning that looks do not mean much. From the beginning of this writing it has been pointed out that Tanzania is a composite of a number of people with different mixtures of genetics. While race cannot be ignored in characterizing the origin of a person, yet it is not a safe mechanism to rely on in the real history of our nation. Skin colour, hair texture, shape of head, eyes, nose and lips sometimes may mislead as to one's citizenship status.

Writing on the exercise of sorting out Tanzanians from illegal immigrants in Kagera region by the Immigration Authorities, Karugendo attacked the mechanism used<sup>32</sup>. These included appearance with a long nose and fluency in local languages. In the history he identifies that almost every person born in the region has an origin in Rwanda, Burundi or Uganda. It is wrong to rely on such mechanisms since long nose and fluency in such local languages are a characteristic feature of the origin, a history which is not easily deniable.

Similarly, a state like ours which was colonized, participated in liberation struggles, hosted a number of refugees running away from their volatile states whereby intermarriages were the order of the day, then race loses its strength as a mechanism to prove that one is a citizen of Tanzania. Imagine of a person who came to the then Tanganyika from Rwanda in 1897, married a woman of an Arabic race born in Tanganyika and gave birth to a child whose race resembled that of his father and such a race being genetically inherited to his great grandson and daughters born in Tanzania, then it can be wrong to regard them as non-Tanzanians due to their race, otherwise elements of discrimination might arise. It is by this reason Nyerere tried to reconcile races by analysing that irrespective of one's race as long as one owes

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<sup>32</sup> Tanzania Daima News Paper, 20 May, 2008.

allegiance to Tanganyika, then he or she is a complete and equal citizen of Tanganyika.

At other circumstances a foreigner, an Indian, for example, may be naturalized and subsequently give birth to children who possess their parents' race. In this circumstance race in identifying citizenship of a person weakens. Thus, although race is an added factor in identifying the origin of a person, yet it is not a safe mechanism to categorize or identify who is a citizen of Tanzania in the real sense of the meaning of the term citizen.

### **Proof by tracing the educational background**

The educational system in Tanzania begins with primary education. In higher levels of education the reliability of the origin of a person evidenced by leaving certificates weakens. It is expected that educational background and particularly primary education reflects places of origin of a person. While there is some truth in this belief it remains a mechanism under criticism. In the first place, a foreigner may join primary school, advance to higher learning institutions and obtain certificates thereof. In such a situation, the certificates may tempt the authorities to believe that he or she is a citizen of Tanzania in the absence of other mechanisms. Thirdly, in the current growing globalized world, education is made accessible without regard to boundaries. In this case even children may study primary schools outside their local areas let alone advanced levels of education.

Fourthly, education authorities do not put much strength in identifying citizenship status of students as such, certificates awarded do not serve much in identifying as to whether a given person is a citizen of Tanzania or not.

### **Conclusion**

Notably, while the citizenship law requires one to prove his citizenship, the law fails to outline how that should be done. As a result authorities required to prove citizenship status of a person are prone to rely on a number of mechanisms which are not at all creatures of the law. Closely scrutinized, the mechanisms have some weaknesses as analysed in the previous discourse. The author appreciates involvement of various mechanisms in proving citizenship with a caution on the above analysed hurdles. Looking into the ever used mechanisms to prove Tanzanian citizenship plus their associated weaknesses, the author leaves and invites further research on the upcoming supply of national identity cards in line with the problem at hand.