Abstract

The right to nationality is a fundamental human right. Indeed, it stands to be a right to have rights. It creates a gateway towards other rights. Protection of this right is in its equivalence essential. One of essential means to protect this right is to ensure that there are effective rules and standards of proof of nationality. The Tanzanian citizenship legal regime places the burden to prove one’s nationality in the hands of the same person who claims to be a Tanzanian citizen. The law does not further provide as to what constitutes proof of nationality. This burden of proof was brought to test in the case of Anudo Ochieng Anudo versus United Republic of Tanzania where the burden was shifted to the United Republic of Tanzania. This article highlights the essentiality of the right to nationality, the challenge of proof of nationality in Tanzania given the prevailing position of burden of proof and the implication of the shift of burden of proof in the case of Anudo.

Key words: Nationality, Proof, Citizenship, Tanzania

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1 LLB (Hons) (OUT); PGDLP (LST); LLM (OUT); PhD Candidate (OUT); Advocate, Notary Public and Commissioner for Oaths; Assistant Inspector of Immigration. Email: mubangakiganda@gmail.com
1.0 Introduction:

Proof of nationality² constitutes an essential element in protecting the right to nationality. The latter is endorsed under both International and African norms to be a fundamental human right, hence its insistence of protection. More particularly, universality in the right to nationality, avoidance of arbitrary deprivation of nationality and the right to recognition as persons under the law are enshrined under the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC)³ in particular. In Tanzania, the right to nationality is directly provided for in the Law of the Child Act.⁴ In order to protect this right, states are enjoined to act against practices that render people stateless. At this juncture, the 1954


The right to citizenship is indeed a foundation of rights bestowed on citizens. The importance of this right can be felt deeply when one is deprived of one’s citizenship. Wanyeki has this to note:⁷

“There is something deeply painful about being assumed not to belong. Or being forced to make choices about one’s identity to belong to. Or to have one’s belonging snatched away. Lacking citizenship (itself a human rights violation), renders one vulnerable to more human rights violations. We need to settle the question of who is an African by tossing out limiting notions of our states and ending the priority given to descent over naturalization.”

Sir Walter Scott, the Scottish novelist, poet, historian and biographer⁸ had these wise words worthy reproducing regarding the importance of citizenship:

“Breathes there the man with soul so dead, who never to himself hath said, this is my own, my native land! Whose heart hath never within him burned, as home his footsteps he hath turned, from wandering on foreign strand? If such there breathe, go mark him well; For him no Minstrel raptures swell; High though his titles, proud

² The term nationality has been used synonymously with the term citizenship. Thus in a number of treaties the right to citizenship is also known as the right to nationality. There has been differentiation of the terms citizenship and nationality where nationality has been defined as the juridical relationship which may arise for consideration under international law and citizenship referring to the juridical reference under municipal law. In other words, nationality determines the civil rights of a person, natural or artificial, particularly with reference to international law, but citizenship is intimately connected with civic rights under municipal law. However, as noted at page 18 in Manby, B (2016) Citizenship Law in Africa: A Comparative Study, Third Edn, Johannesburg, Open Society Foundations, with the coming of the era of democracy based on universal suffrage, as well as decolonization and self-determination the idea that all those with the nationality of a state have the right to participate in its government—a distinction between nationality and citizenship has been unacceptable. Thus, in this article the term citizenship will be used synonymously with the term nationality in its form of legal status rather than in broader participatory sense.

³ See articles 15 and 6 of the UDHR, article 24(3) of the ICCPR, articles 7(1) and 8(1) of the CRC, article 6 of the ACRWC. The latter does not mention directly the right to nationality, rather it combines the right to nationality with the right to registration of birth with a hope that registration of birth carries in it with right to claim nationality depending on the laws of a given country.

⁴ 2009 in particular section 6(1) which stipulates: “a child shall have a right to name, nationality and to know his biological parents and extended family” and section 6(2) which prohibits deprivation of the above rights subject however to provisions of any other written laws.

⁵ This Convention, among others provides for an international framework for recognition of stateless persons, the definition of a stateless person and obliges state parties to do away with statelessness status of individuals in their territories by such measures like naturalizing them.

⁶ This Convention on the other hand provides for, among other things an international framework on conferral and withdrawal of citizenship in order to avoid statelessness. It gives in effect article 15 of the UDHR by articulating the right to nationality not to be arbitrarily deprived.


⁸ 1773-1832 in The Lay of the Last Minstrel, ed.Margaret A Allen, canto sixth, 1, lines 16, p.123
his name, Boundless his wealth as wish can claim; Despite those titles, power, and pelf, The Wretch, concentrated all in self, Living, shall forfeit fair renown, And, doubly dying, shall go down To the vile dust, from whence he sprung, Unwept, unhonour'd, and unsung."

Citizenship determines the legal status of individuals within a state and shapes their relationship with the government, setting out the parameters of an individual’s civil, political, social, economic and cultural rights and competence.  

Protection of the right to nationality is bound to fall prey when called for proof of one’s citizenship status at a point when there is a lack of means to effectively prove one’s citizenship. This can render individuals whose citizenship status is in doubt to be stateless. Of more possibility is when individuals are either undocumented or even when documented, their documentation not constituting proof of their citizenship. More complication to this arises where their domestic laws oblige them to bear the burden to prove their citizenship.

In practice, proof of citizenship in most African countries has been facing a challenge. The challenge has been due to, among others, practical impossibility of obtaining identity documents such as birth certificates, passports and national identity cards, and imposition of legal burden of proof of nationality to individuals who suffer this impossibility or weaknesses in obtaining such identity documents.

On March 22nd 2018, the African Court on Human and People’s Rights in Arusha passed a judgment in a nationality case against the United Republic of Tanzania; the case of Anudo Ochieng Anudo versus United Republic of Tanzania. This case has brought to test the practice and law on protection of the right to nationality in Tanzania. This article discusses this test in the context of the burden of proof underpinning the Tanzanian citizenship legal regime and its decisional shift in the case of Anudo.

2.0 Anudo Case and the Burden of Proof under the Tanzanian citizenship Legal Regime

Anudo Ochieng Anudo was a project manager with a German NGO working on access to clean water. In 2012, when he was processing formalities of marriage, he approached Babati Police Station. The authorities suspected of his Tanzanian citizenship and as a result retained his passport. His nationality was withdrawn and he was then deported to Kenya. The Kenyan side expelled him in return, rejecting that he was not Kenyan. Anudo could not enter the United Republic, and thus remained in the “no man’s land” between the Tanzania-Kenya border in Sirari.

On September 2nd 2013, Anudo sent a letter to the Minister of Home Affairs and the Immigration Services Department requesting to know why his passport was confiscated by the Police. Following investigations conducted by the Immigration Department, he was formally informed that he was not a Tanzanian citizen and that his passport was obtained using fake documents. The passport had been cancelled and on September 1st 2014, he was deported back to Kenya where he was on November 6th 2014 arraigned before Court and declared him to be in an irregular status. Following the Court’s decision, he was expelled back to Tanzania and stayed in the “no man’s land” in stateless status.

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9 Under international law a stateless person is one who is not considered as a national by any state under the operation of its law. In other words, a stateless person does not possess nationality of any country.

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13 Application No.012/2015. The case will hereinafter be referred to as Anudo case in this article.
Before the Court, among others Anudo contested for the right to nationality and the right not to be arbitrarily deprived of his nationality. He submitted that he was a Tanzanian citizen by birth and claimed that his both parents were Tanzanian citizens by birth. In evidence of this claim of nationality, he claimed to hold a birth certificate showing that he was born in Tanzania, had a Tanzania voter’s card and passport number AB125581, all issued by relevant authorities.

The Court argued, among others, that Anudo’s citizenship was being challenged 33 years after his birth during which period he held himself as a Tanzanian. It also considered the fact that Anudo’s parents’ citizenship was not disputed by the United Republic. As such the Court concluded that Anudo was arbitrarily deprived of his nationality contrary to article 15(2) of the Universal Declaration of Human Rights. Of particular reference, under this article, was the deliberation on who had the burden of proof of nationality under the circumstances. The Court shifted the burden on the Respondent State to prove, on the contrary, on the basis of legal documents that were issued by the same. How then was this a turning point under the Tanzanian citizenship legal regime?

At this juncture, we find section 44 of the Immigration Act relevant. It goes thus:

“Section 44. Where in any proceedings under or for any of the purposes of this Act, any of the following questions is in issue, namely:

(a) whether any person is or is not a citizen of Tanzania; or
(b) whether any person's presence within Tanzania is lawful, the burden to prove that, that person is a citizen of Tanzania or that his presence in Tanzania is lawful shall lie upon the party contending that, that person is a citizen of Tanzania or as the case may be, that his presence in Tanzania is lawful.”

Overtime, this has been the practice, under the Tanzania citizenship regime, where an individual whose citizenship is in doubt bears the burden to prove her citizenship. The burden has been heavy laden following the lack of a single document that can stand on itself to prove Tanzanian citizenship with an exception of a certificate of naturalization or registration duly issued. The following part explores the challenge.

3.0 The Challenge of Proof of Tanzanian Citizenship

The Constitution of the United Republic of Tanzania does not specifically provide for the right to nationality. However, on providing for rights enshrined under it, there are differentiations in rights conferred to every person and those specific for Tanzanian citizens. For example, while the right for equality of human beings and the right to life are provided for every person, the right to freedom of movement and participation in public affairs are exclusively conferred on citizens of Tanzania. Mention of Tanzanian citizen continues in delineating on who can vie for positions such as presidency. Article 39 (1) (a) provides that only a Tanzanian citizen by birth is entitled to be elected to hold the office of the President of the United Republic of Tanzania. Reference in interpreting or determining on who is a Tanzanian citizen by birth, under this article, is referred to the Tanzanian written law on citizenship law.

Similar reference to Tanzanian written law on citizenship is followed by statutes that contain matters of citizenship. Section 6

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15 1977 as amended
14 Articles 12 and 14 respectively
15 Articles 17 and 23 respectively
(1) of the Law of the Child Act\textsuperscript{16} which provides for the right to nationality, among others, subject this right to Tanzanian written law on citizenship. The Registration and Identification of Persons Act\textsuperscript{17} follows the same trend by defining a citizen to mean a person who is a citizen of the United Republic in accordance with the law for the time being relating to citizenship.\textsuperscript{18} The Non-Citizens (Employment Regulation) Act\textsuperscript{19} similarly refers directly to the Tanzania Citizenship Act\textsuperscript{20} when defining a non-citizen to mean a person who is not a Tanzanian pursuant to the Tanzania Citizenship Act. All these references reveal two important considerations: one, the significance of citizenship in determining one's rights, and two, the highly elevated position and dependence accorded to the Tanzania Citizenship Act. The latter case implies that any shortfall in the Tanzania Citizenship Act in matters of determination and proof of Tanzanian citizenship have enormous negative implications to an individual. In other words, the Tanzania Citizenship Act is expected to be as perfect as possible in protecting the right to nationality.

The Tanzania Citizenship Act itself provides for three means/categories of attainment and acquisition of citizenship that is, by birth, descent and by naturalization respectively. The types are interpreted according to five historical periods, that is, the period before independence of Tanganyika (before December 9th 1961); during sultanate empire for Zanzibar (before Zanzibar Revolution on January 12th 1964); after independence of Tanganyika and before Union (from December 9th 1961 to April 25th 1964); after the Union of Tanganyika and Zanzibar to date (from April 26th 1964). These categories are further explained as follows:

(1) Citizenship by Birth:

There are five main periods considered when determining Tanzania Citizenship by birth namely,

(a) Citizenship by birth before Tanganyika Independence (Before December 9th 1961).

A person was regarded as citizen of Tanganyika if he or she was born in Tanganyika before Tanganyika's independence, if at the date of his or her birth was a citizen of the United Kingdom, colonies or British protected person, and if one of his or her parents was born in Tanganyika. The first law applicable here was the Tanganyika (Constitution) Order in Council.\textsuperscript{21} Later, section 1(1) of the Citizenship Act\textsuperscript{22} made a further recognition. Under the Tanzania Citizenship Act\textsuperscript{22} such a citizen is recognized as a citizen of Tanzania by birth before the Union of Tanganyika and Zanzibar under section 4 (1) read together with section 30 of the Act.

(b) Citizen by birth from the date of Independence of Tanganyika until before Union of Tanganyika and Zanzibar (From December 9th 1961 to April 25th 1964)

A person who was born in Tanganyika on the day of Independence of Tanganyika and during the period before the Union was recognized to be a citizen of Tanganyika by birth if he or she was born in Tanganyika and one of his parents was a citizen of Tanganyika. This is different from the above where the requirement is birth of one’s parent while in this circumstance is

\textsuperscript{16} No.21 of 2009
\textsuperscript{17} Cap 36 R.E 2012
\textsuperscript{18} See section 3
\textsuperscript{19} 2015
\textsuperscript{20} Cap 357 R.E 2002
\textsuperscript{21} 1961
\textsuperscript{22} Cap 312 of 1961
\textsuperscript{23} Cap 357 R.E 2002
being a citizen of Tanganyika by then. The law applicable under this part is section 3 of the Citizenship Act. Under the Tanzania Citizenship Act such a citizen is recognized as a citizen of Tanzania by birth before the Union of Tanganyika and Zanzibar under section 4(1) read together with section 30 of the Act.

(c) Citizen who was born in Zanzibar before Revolution (Before January 12th 1964)

A person who was born in the Isles before Revolution and thus considered as a Zanzibar subject was regarded as a citizen of Zanzibar as per section 3(1) of the Zanzibar Nationality Decree. Following the Presidential Decree which passed the Existing Laws Act of 1964 to amend, recognize and allow pre-existing laws to continue to apply, a person who was born during this period continued to be recognized as a citizen of Zanzibar after the Revolution.

Before the enactment of the Zanzibar Nationality Decree, the Nationality and Naturalization Decree was used to recognize a citizen of Zanzibar by birth. Under the Tanzania Citizenship Act, such a citizen is recognized as a citizen of Tanzania by birth before the Union of Tanganyika and Zanzibar under section 4(1) read together with section 30 of the Act.

A citizen of Zanzibar cannot be regarded as such if his or her parents were born from any of these states; Australia, Belgium, Canada, Ceylon, France, Italy, New Zealand, Portugal, Republic of Ireland, Union of South Africa, United States of America as per section 1(2) read together with the third schedule of the Zanzibar Nationality Decree.

(d) Citizen who was born in Zanzibar on or after the Revolution and Before the Union of Tanganyika and Zanzibar (From January 12th 1964 to April 25th 1964)

A person who was born in Zanzibar on or after the Revolution and before the Union of Tanganyika and Zanzibar was recognized as a citizen of Zanzibar under section 3(1) of the Zanzibar Nationality Decree. Under the Tanzania Citizenship Act such a citizen is recognized as a citizen of Tanzania by birth before the Union of Tanganyika and Zanzibar under section 4(1) read together with section 30 of the Act.

(e) Citizen born in the United Republic of Tanzania on or after the Union of Tanganyika and Zanzibar (From April 26th 1964 to date)

A person born in the United Republic of Tanzania on or after the Union of Tanganyika and Zanzibar is recognized as a citizen of Tanzania by birth if one or both of his parents is a citizen of Tanzania as per section 5 of the Tanzania Citizenship Act.

(2) Citizenship by Descent:

A citizen by descent is recognized as such when born outside Tanzania and his determination of citizenship depends on the period he or she was born as well as the citizenship of his or her parents.

(a) Citizen born outside Tanganyika before Independence (Before December 9th 1961)

A person born outside Tanganyika before Independence if at the date of his or her birth was a citizen of the United Kingdom, colonies or British protected person was recognized as a citizen of Tanganyika by descent if his father was a citizen of Tanganyika by birth or registration/naturalization. He or she was recognized as such under section 1(2) of the Citizenship Act.

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24 Cap 512 of 1961  
25 Cap 39 of 1952  
26 No.1 of 1964  
27 Chapter 134, 1911
Under the Tanzania Citizenship Act, such a citizen is recognized as a citizen of Tanzania by descent under section 4(3) read together with section 30 of the Act.

(b) Citizen born outside Tanganyika on or after the date of Independence of Tanganyika until Before the Union of Tanganyika and Zanzibar (From December 9th 1961 to April 25th 1964)

This also is recognized as a citizen of Tanganyika by descent if his father was a citizen of Tanganyika during his or her birth. He or she is recognized as such under section 1(2) of the Citizenship Act. Under the Tanzania Citizenship Act such a citizen is recognized as a citizen of Tanzania by descent under section 4(3) read together with section 30 of the Act.

(c) Citizen born outside Zanzibar the before Revolution

This is recognized as a citizen of Zanzibar if his or her father was a citizen of Zanzibar as per section 4 of the Zanzibar Nationality Decree. Under the Tanzania Citizenship Act, such a citizen is recognized as a citizen of Tanzania by descent under section 4(3) read together with section 30 of the Act.

(d) Citizen born outside Zanzibar on or after the Revolution and Before the Union

This was recognized as a citizen of Zanzibar if his or her father was a citizen of Zanzibar as per section 4(2) of the Zanzibar Nationality Decree. Under the Tanzania Citizenship Act such a citizen is recognized as a citizen of Tanzania by descent under section 4(3) read together with section 30 of the Act.

(e) Citizen born outside Tanzania on or after the Union:

Such a person is recognized as a citizen of Tanzania by descent if during his or her birth his or her father or mother was a citizen of Tanzania as per section 6 of the Tanzania Citizenship Act. It must be noted that before the enactment of the Tanzania Citizenship Act, determination of citizenship of a person born outside Tanzania was based on father’s citizenship while after its enactment, determination of the said citizenship is up to now based on both father and mother. It must also be noted that a person born outside Tanzania cannot acquire citizenship by descent if one or both of his or her parents are citizens of Tanzania by descent.

(3) Citizenship by Naturalization

This is a category of citizenship acquired by resident foreigners who qualify under the law to be naturalized as citizens of Tanzania. According to the Tanzania Citizenship Act, there are four groups of foreigners who can apply for naturalization as citizens of Tanzania. These are; Resident foreigners aged 18 years and above; a person born outside Tanzania to a father or mother who is a citizen of Tanzania by descent, a minor child below 18 years and a resident woman married to a citizen of Tanzania.

The Tanzania Citizenship Act however, has its historical gaps that create fertile conditions for exclusion and non-recognition as Tanzanian citizens. Kamazima28 has this to note:

“The definition of who is a Tanganyikan in 1961 and a Tanzanian in 1995, ignored the past history of the region, hence allowing citizenship problems shaking Tanzania today to occur. The Tanzania government’s declaration of four citizens ‘aliens’ in 200129 and queries of citizenship

28 Kamazima, S.R (2018) “Towards the understanding of citizenship problems shaking contemporary Tanzania and strategies to evade similar dilemmas in the future” International Journal of Advanced Scientific Research and Management, Vol.3 Issue 1 at page 26

29 The four were the then Tanzania's High Commissioner to Nigeria, Timothy Bandora; the then Chairperson of the National Sports Council and the Director of Habari Corporation, Mr. Jerahia Ulunwengu (both claimed to be Rwanda nationals); the then former outspoken...
status of some Tanzanians; the operation of illegal immigrants conducted in country between 2001 and 2002 and Rev. Mitikila’s claims over the former presidents (Nyerere and M'Kapa) citizenship status, have roots in conditions similar to those in Kagera region. The fact that the presidential appointee, the Minister for Home Affairs, has the final say on approving or disapproving citizenship registration or naturalization, creates more questions on who is defined a Tanzanian, and in what context. There is need, therefore, for the review of the citizenship laws in the country to accommodate and appreciate conditions that surrounded the establishment of Tanganyika and Zanzibar, and later Tanzania as defined today.”

The Tanzania Citizenship Act does not provide for general proof of citizenship. It is only in cases of doubt of citizenship that the law gives mandate to the Minister to issue a certificate thereof. In practice, however, there are no rules in place that account for effecting this provision. In addition, even if the certificate can be issued, the provision still requires that further evidence of an individual’s citizenship prior to the clearance by the Minister may be required. In other words, the certificate is not, in no way, a conclusive proof of citizenship. It goes thus:

“The Minister may, in any cases which he thinks fit, on the application of any person with respect to whose citizenship of the United Republic a doubt exists, whether on a question of fact or law, certify that, that person is a citizen of the United Republic; and a certificate issued under this section shall, unless it is based on false representation or concealment of any material fact, be conclusive evidence that, that person was a citizen on the date of the certificate, but without prejudice to any evidence that he was such a citizen at an earlier date.”

A passport is also another document that is considered in proof of nationality. In practice, however, a passport is not considered in Tanzania to be a final conclusive document to prove Tanzanian citizenship. Zakaria narrates his experience in his article “When a Tanzanian is not Tanzanian”

“I got a shock of my life this week when officials of the Ministry of Home Affairs told me that possessing a Tanzanian passport did not mean I was a Tanzanian. I can assure you if you cut my veins, as the blood starts to flow out, the red blood cells will be singing, “Tanzania nakupenda (a Swahili word meaning, I love Tanzania) with all my heart.” How dare, not one person, but three of them, suggest that just because I had a Bongo land ‘pas’i (Swahili word for passport) did not automatically or manually make me a Tanzanian?.........My first passport was issued in October 1986. It was so bulky one needed a bag to carry it. It did no (sic) fit in any ordinary pocket so it was a relief when the government decided to reduce its size in 1992. In 2000, the authorities changed the Tanzanian passport again and another change in

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CCM Publicity Secretary in Zanzibar, Ms. Mouldine Casto (claimed to be Zambian) and the then CCM Chairman, Kagera Region, Mr. Analogous Amari (claimed to be Ugandan). These were not the first to be questioned of their citizenship. In 1990’s Hon. Iddi Simon, the former Minister of Industries and Trade and Member of Parliament for Ilala Constituency in Dar es Salaam was alleged a Burundi citizen; the Hon. Armando Dennis Ngagazwa, the former Minister for Lands and Minister in the Prime Minister’s Office in 2000 and Member of Parliament for Kilombero Constituency was alleged to be Burundian citizen; in 1995 the Hon. Joseph Mwanga, Minister for Education and Member of Parliament for Mlima Constituent was alleged a Kenyan. Others include the Hon. Hashim A.J. Sagagaa former MP for Dodoma Urban who was alleged an Yemen citizen in 1996; Hon. Dr. W.A. Auma Kateutore, the then opposition Whip in the Parliament and MP for Kilombero Urban Constituent was alleged Burundi citizen and the late, Abdurrahman Kimama, the then Speaker of the East African Legislative Assembly in 2000 was alleged a Somali.

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30 Section 21 of the Tanzania Citizenship Act Cap 337 R E 2002
31 Tony Zakaria, “When a Tanzanian is not a Tanzanian” Business Times Friday, January 4-10, 2008
2004....more painfully, we had to apply afresh as if we never owned passports before. We had to present evidence of birth of self, parents and provide sworn testimony that we were original Bongo flesh (Bongo is used to refer to Tanzania) or original stock, eh I mean parents....Am I not Tanzanian enough? If a passport is not sufficient proof of nationality, why should the planned Bongo identity card be any different? Will the attitudes change in the offices where visas and passports are issued...Any visa or passport laws that are responsible for unduly inconveniencing the public should be scrapped. A passport like nationality are not privileges, but rights that should be readily given and respected.”

Indeed, a passport is in practice not considered to be conclusive proof of citizenship. This is in contrast with section 11 of the Tanzania Passports and Travel Documents Act32 which stipulates:

“The holding of a passport or travel document shall be prima facie evidence of nationality or domicile of the holder and of his entitlement to state protection.”

While section 44 of the Immigration Act requires an individual whose citizenship is required to be proved to bear the burden to prove the same, the law does not proceed to lay down rules to constitute this proof. As a result, proof of citizenship has continued to rely on various documents and practices that in themselves leave wide discretions in the hands of the executives who decide on whether citizenship is finally determined and proved. To prove one’s citizenship, Mubanga33 analyses mechanisms and documents relied on, such as certificate of birth, passport, national identity card, academic certificates, voter’s registration card, race, tribe, language tests, names and oral interviews all of which have their inherent weaknesses and pitfalls.

Proof of Tanzanian citizenship is further made challenging due to ineffective mechanisms of identification and registration of persons. While registration of persons for national identity cards is going on under the National Identification Authority (NIDA), analysis of the rules and procedures in the exercise is required, especially in deciding as to who is a Tanzanian worthy a card identifying her as such. In undertaking this exercise, the following documents are required: birth certificate, primary school leaving certificate, passport, secondary school leaving certificate, driver’s license, health insurance card, social security fund card, voter’s identity card, tax payer’s identity number (TIN), Zanzibar resident card, and a letter from hamlet chairman.34

In a nutshell, the law and practice regarding proof of Tanzanian citizenship effectively leave any person whose citizenship is in doubt under a fragile risk of being left stateless in the absence of effective means to prove one’s citizenship.

4.0 Conclusion

The right to nationality is a fundamental human right that needs to be protected. One of essential considerations in protecting this right is by promulgating clear rules and standards of means to prove it. These rules and standards are lacking under the Tanzania legal citizenship regime. The lack of these rules and standards will have a negative impact to individuals whose nationality status falls to be in issue and also cause difficulties and pitfalls to officers who are responsible in determining

32 Cap 42 of 2002
citizenship. The burden of proof of nationality should go in tandem with provision of means to prove nationality in order to avoid statelessness. The case of Anudo leaves much to illuminate in the existing jurisprudence of the African human rights bodies in nationality cases and particularly in the Tanzanian citizenship legal regime.