POSITION PAPER ON

INTRODUCTION OF DUAL CITIZENSHIP IN TANZANIA

1.0 INTRODUCTION

There is a growing number of countries, which are currently changing their citizenship laws from a single nationality stance to recognising dual citizenship. The movement towards embracing dual citizenship is slowly gaining momentum as nations become aware that their national security may not necessarily be jeopardised by mere application of dual citizenship under the present circumstances of intense globalisation and technological advancements which have melted territorial boundaries and merged the world into a global village.

Thus, accepting dual citizenship may now be considered to be in the national interest, as it will facilitate flow of investment, transfer of technology and infusion of democratic values, while at the same time, permitting a nation to affirm its identity. It is, in any case, too late for the entrenchment of dual citizenship to be received, as it has become a fact of globalisation.[1]

This paper discusses the possibility of Tanzania introducing dual citizenship concept in its citizenship law. It proposes to analyse the whole concept of citizenship, examine the concept of dual citizenship and make a comparative study of dual citizenship systems. It will also analyse the current situation of citizenship in Tanzania by reviewing the state of the citizenship law and the reasons for proscribing dual citizenship in Tanzania. And finally, the study will analyses the need for dual citizenship in Tanzania in relation to globalisation, its consequences and the justification for its adoption.

2.0 GENERAL CONCEPT OF CITIZENSHIP

Besides dual citizenship, citizenship as whole is also the subject of interest in this study, both for natives (indigenous) as well as for naturalised persons. More often than not, 'citizenship' is considered synonimously with 'nationality,' with both terms being used interchangeably. While the former is the position or status of being a member of a

[1] Spiro, Peter J. "Dual Nationality: Unobjectionable and Unstoppable and the Meaning of Citizenship," 46 *Emory L.J.* 1411, 1997

usually specified state or commonwealth, nationality is the status of belonging to a particular nation.

In general, countries define citizenship based on one's descent, place of birth, marriage, and/or naturalization. This has caused the terms to acquire various definitions, but for our purpose, the following definition will suffice. Citizenship has been defined to mean a regime of rights, privileges and duties. In most cases, countries adopt a combination of two or all of these criteria. The first criterion is more inclusive and liberal in nature. In modern times, citizenship is conceived in a symbiotic manner where it is viewed as a form of relationship between the political sovereign-state and the individual.[2]

2.1. Methods for Acquiring Citizenship

Citizenship laws are often amended to keep in step with political changes. A considerable time lapses between the enactment of new laws and their actual implementation is not uncommon. Moreover, it is not unusual to encounter differences between a nation's laws and its actual practices, but almost in all countries there is common methods of acquiring citizenship. These methods are as follows: -

2.1.1. Citizenship by Birth

Citizenship is granted due to birth within that particular country. The legal term for this is ":*ius soli*," or sometimes "*jus soli*."[3] In most cases, there are few stipulations on citizenship being granted. In most countries, birth in the country automatically confers citizenship, regardless of the parents' citizenship or status.[4]

2.1.2. Citizenship by Descent

Citizenship of a nation is passed on to a child based upon at least one or both of his/her parents being citizens of that country, regardless of the child's actual country of birth. The legal term for this is "*ius sanguinis"* or "*jus sanguinis*".[5]

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[2] ibid.
[3] Latin for "right of the soil." [http://www.wikipedia.org/wiki/Jus_soli]
[4] United States Office of Personnel Management Investigations Service, *"Citizenship Laws of the World",* IS-1, March 2001.
[5] Latin for "right of the blood" [http://www.wikipedia.org/wiki/Jus_ sanguinis]

Though most countries adhere to the principle of citizenship by descent, they differ on some factors such as father's against mother's rights, the citizenship of one or both parents, the marital status of the parents, and some other factors. As a person reaches the age of maturity, the status of citizenship by birth or citizenship by descent may change depending on factors unique to the nationality or citizenship law of a country.[6]

2.1.3. Citizenship by Naturalisation

This is a formal process by which a person may acquire the citizenship of a country by going through a legal process of naturalisation.

Naturalisation process varies for different countries and citizenship is not guaranteed. Basic rules in the naturalisation process may include a period of residence, renunciation of other citizenship, and familiarity with the language and customs of the country.[7]

In some countries, citizenship by naturalisation and by registration is used simultaneously, like in the case of Tanzania where citizenship by registration was used in the earlier legislation of 1961 and Citizenship by naturalisation is used in the current legislation of 1995.

2.1.4. Citizenship by Registration

In some instances, a person may acquire citizenship by registration with the national government without meeting all naturalisation requirements for that nation. Usually, these persons possess blood ties to the country through immediate relatives who are citizens, or by marriage to a citizen of that country.[8]

2.1.5. Citizenship by Marriage

By some nations' laws, upon marriage, a person is entitled to become a naturalised citizen of his/her spouse's country without having to fulfil other naturalisation requirements. Though one has to note that the practice of

[6] ibid
[7] ibid
[8] Ibid

granting immediate, automatic citizenship to a foreign spouse is far less prevalent today than it was decades ago. These laws are often different for males and females.[9]

2.2. Loss of Citizenship

Usually loss of citizenship occurs voluntary or involuntary where the country's laws state that under certain circumstances, citizenship is automatically removed. The following are the common categories for loss of citizenship in many countries, which are divided into two parts, namely the voluntary and the involuntary loss of citizenship: -

2.2.1. Voluntary Loss of Citizenship

This occurs where the person voluntarily renounces his/her citizenship. Most countries have laws which specify how a citizen may voluntarily renounce citizenship, though voluntary renunciation of citizenship may be difficult for citizens of some countries.

2.2.2. Involuntary Loss of Citizenship

Usually each country sets out the reasons under which it will withdraw the citizenship of its citizens. Most countries' laws dictate the loss of citizenship upon a citizen's voluntary acquisition of another country's citizenship. The interpretation of what constitutes "voluntary" is not uniform.

However, in certain countries, it is not considered voluntary unless the person makes an explicit declaration of renunciation of citizenship of his/her country. Other countries, laws state that if a citizen obtains another citizenship and makes no effort to renounce it, his/her original citizenship is lost automatically.

[9] Ibid

2.2.3. Loss of naturalised citizenship

Usually occurs when the naturalised citizen resides for a specified time in another country, or if s/he obtained naturalised citizenship through fraud or false statements, or if s/he did not renounce previous citizenship.

3.0 GENERAL OVERVIEW ON DUAL CITIZENSHIP CONCEPT

The term 'dual citizen' and 'dual nationality' are synonymous, as are the words 'citizen' and 'national'. Therefore the terms have been used interchangeably. The issue of dual citizenship is both of theoretical and practical interest in today's world. The term dual citizen has acquired the wider definition and it is upon any country to give it a narrow meaning.

3.1. Meaning of Dual Citizenship

Dual citizenship has simply been defined to mean the simultaneous possession of two citizenships, where a person may be a citizen of two countries at the same time. It arises because there is no common international law relating to citizenship, as each country has its own citizenship laws based on its own policy.

In essence, dual citizenship has just been accepted in recent years and it is an issue that has attracted the attention of a lot of people in many countries; and many parliaments worldwide are interested in the subject, which unfortunately does not have a large enough literature. Accordingly, this study is based on the available limited literature.

As explained earlier, the criteria for acquisition of citizenship differs from country to country where a person may become a citizen of a given country for one or more of reasons. This situation allows a person to become a citizen of more than one country, giving rise to the to the concept of dual citizenship. A person may acquire dual citizenship on account of the following reasons: -

3.1.1. Dual Citizenship by Birth

It occurs when a child born in a country that grants citizenship by birth, to parents who are citizens of a country that grants citizenship by descent.

For instance, the U.S.A has a system that maintains that a child born abroad to American parents will acquire not only American citizenship but also the citizenship of the country in which the child was born. Similarly, a child born in the U.S.A of foreign parents may acquire both American citizenship and the citizenship of the parents.[10]

3.1.2. Dual Citizenship by Marriage

It occurs when a foreign citizen automatically acquires his/her spouse's citizenship upon marriage.

In some countries, the spouse does not loose her/his former citizenship by voluntarily acquiring the foreign citizenship; therefore, the original citizenship is not lost and automatically s/he acquires the citizenship of the spouse's country upon marriage.

However, most countries provide that citizenship will be lost upon the "voluntary" acquisition of another citizenship. In the case of citizenship by marriage, some nations consider that, simply by marriage, their citizen do not voluntarily acquire foreign citizenship and that, their original citizenship is not lost. But if she voluntarily renounces her original citizenship, she becomes eligible to the spouse's citizenship.

In the case of Tanzania for instance, once a foreign woman marries a man who is a citizen of Tanzania, she has to undertake certain procedures to become a citizen of Tanzania, one of which is to formally renounce her original citizenship. [11]

3.1.3. Dual Citizenship by Naturalisation

It occurs in circumstances where a country allows its citizens who obtain foreign citizenship to retain their original citizenship, while the country from which they acquire their second citizenship does not require them to renounce their former citizenship.

[10] LRCT, the Draft Idea Paper on the Introduction of Dual Citizenship in Tanzania, DSM, 2004, p.3
[11] Section 11 of the *Tanzania Citizenship Act, No. 6 of 1995.*

3.1.4. Dual Citizenship by Default

It occurs when a person is naturalised elsewhere without the knowledge or approval of the country of origin. Under such circumstances s/he might be considered by his/her country of origin to still retain his/her original citizenship. Dual citizenship by default may also occur if the country of original citizenship is not notified that another citizenship has been acquired. Under such circumstances, both citizenships may be maintained or officially documented. It is believed that there are may be such cases even in Tanzania.

3.1.5. Dual Citizenship by Treaty

It occurs where countries have agreements or treaties for recognition of dual citizenships among their citizens.

While the concept of dual citizenship is acknowledged, not all countries recognise that their citizens may possess simultaneous citizenship of their countries and with others. This is the position obtaining in Tanzania where the possibility of acquiring and maintaining dual citizenship on the basis of the five criteria listed above does not exist, except perhaps for person below the age of majority.

3.2. Resolving Dual Citizenship

It may occur that individuals may have dual citizenship not by choice but by mere operation of different and sometimes conflicting laws of the countries in which they have citizenship. Where this occurs, the following are the procedures which may be applied to resolve the dual citizenship problem so that the individual concerned may remain with the citizenship of one country of his/her choice: -

3.2.1. Majority Divestiture

This option allows a person with dual citizenship, upon reaching the age of majority (i.e., age of legal adulthood), to decide which citizenship to keep. Many countries have this provision in their Constitution, Charter, or their citizenship laws.

For instance, a child born in Tanzania by foreign parents but who is subsequently adopted by the citizens of Tanzania may have dual citizenship of his/her adopted parents as well as that of his/her adopted parents. Upon reaching the majority age of 18 years, the young adult has to decide which citizenship to keep as the law would not allow him/her to retain dual citizenship.

3.2.2. Generational Requirement

This consists of limiting the principle of citizenship by descent to the first or second generations of individuals born and residing abroad.

3.2.3. Registration

In countries where non-native children must be registered at their parent's country's consular office shortly after birth, omitting this requirement can make it difficult for the child to later acquire the citizenship of either country.[12]

3.2.4. Delayed Conferment of Citizenship

Persons, not born in the country where their parents are citizens, can be given the right to acquire their parents' citizenship upon renunciation of any other citizenship which they may have acquired.

3.2.5. Diplomatic Restrictions

Children of diplomatic representatives are normally prevented by citizenship laws from acquiring citizenship by birth of the country in which their parents are serving.

3.2.6. Restriction By Law

A country may forbid its citizens to become naturalized in a foreign state, except with the original nation's permission. When permission is granted, the person loses his/her former citizenship.

[12] United States Office of Personnel Management Investigations Service, *"Citizenship Laws of the World",* IS-1, March 2001.

3.2.7. Administrative Option

A country may grant conditional freedom of expatriation and automatically release from its allegiance, persons who become naturalized citizens of another country.

4.0 A GLOBAL CONCERN: COMPARATIVE STUDY ON DUAL CITIZENSHIP SYSTEM

Among the 16 countries, the U.S.A tops the list with a total estimated of people living abroad with the population of 16.78 thousands, the United Kingdom comes next with 12 thousands and Canada is on the third spot with 8.51 thousand of people living abroad.[13] The rest of the 14 countries are as follows; Australia, Finland, Ireland, Italy, Netherlands, Israel, New Zealand, Cyprus, Sweden, Switzerland, France, Greece and Portugal.

An estimated 10 to 25 per cent of the total of people living abroad about 45 thousands in these 16 countries could apply for overseas citizenship.[14] The following is the review of the citizenship laws of some countries, among which recognise dual citizenship either as whole or in some form. The review also covers countries which are currently considering the possibility of adopting dual citizenship and those which have completed discussions on the recognition of dual citizenship.

4.1. UNITED STATE OF AMERICA

In U.S.A, citizenship is based upon *Title 8 of U.S. Code 1401 – 1409 of 1986*. Historically, many Americans have held dual (or even triple) citizenship, usually because of their birth in the United States conjoined with one or more foreign citizenships derived by descent from their foreign-born parents.

In addition, some naturalised American citizens, although they have renounced their foreign citizenship in their naturalisation oath, they nevertheless retain their foreign citizenship because their country of origin do not recognise, as a matter of law, or practice, their citizens' renunciation. They thus maintain dual citizenship although the U.S.A government does not endorse dual citizenship, since it does little to prevent or discourage its occurance.[15]

[13] http://www.immigration.com/newsletter1/dualpio.html
[14] Ibid.
[15] Peter H. Schuck, U.S. Citizenship *"Contemporary Challenges and Future Directions,"* Tomasi, 1998, Cap.10.

As a matter of practice, dual citizenship is recognised in the U.S.A. The Supreme Court of the U.S.A had occasion to observe that dual citizenship is a "status long recognised in the law" and that "a person may have and exercise rights of citizenship in two countries and be subject to the responsibilities of both. The mere fact he asserts the rights of one citizenship does not without more mean that he renounces the other."[16]

However, the *Immigration and Nationality Act* (INA) does not define dual citizenship or take a position for or against it. There has been no prohibition against dual citizenship, but some provisions of the INA and earlier U.S.A citizenship laws were designed to reduce situations in which dual citizenship exists.[17]

U.S.A perceives dual citizenship as a result of the fact that there is no uniform rule of international law relating to the acquisition of citizenship. Thus, each country has its own laws on the subject, and its citizenship is conferred upon individuals on the basis of its own independent domestic policy. Therefore, individuals may have dual citizenship not by choice, but by automatic operation of the different and sometimes conflicting laws.

The laws of the U.S.A, not less than those of other countries, contribute to the situation because they provide for acquisition of U.S.A citizenship by birth in the U.S.A and also by birth abroad to an American citizen, regardless of the other citizenships, which a person might acquire at birth. For instance, a child born abroad to U.S.A citizens may acquire at birth not only American citizenship but also the citizenship of the country in which it was born. Similarly, a child born in the U.S.A to foreigners may acquire at birth both U.S.A citizenship and the foreign citizenship of its parents.[18]

The laws of some countries provide for automatic acquisition of citizenship after birth or upon marriage. In addition, some countries do not recognise

[16] Based on the U.S. Department of State Regulation on Dual Citizenship (7 FM 1162) decision was made in *Kawakita v. U.S., 343 U.S.* 717 (1952)
[17] ibid
[18] htt://www.usa.or.th/services/visa/acs/Dual_Nationality.htm

naturalisation in a foreign country as grounds for loss of citizenship. Thus, once a person from those countries is naturalised in the U.S.A, s/he keeps the citizenship of the country of origin despite the fact that one of the requirement for U.S.A naturalisation is renunciation of other nationalities.[19]

However, as mentioned above the current citizenship law of the U.S.A does not specifically recognise dual citizenship, though the automatic acquisition or retention of a foreign citizenship does not affect U.S.A citizenship. Under limited circumstances, the acquisition of a foreign nationality upon one's own application may cause loss of the U.S.A citizenship.[20]

In order for loss of citizenship to occur, it must be established that the naturalisation was obtained voluntarily by a person of 18 years of age or older with the intention of relinquishing U.S.A citizenship. Such an intention may be shown by the person' statements or conduct,[21] but in most cases it is assumed that Americans who are naturalised in other countries intend to keep their U.S.A citizenship as well. As a result they have both citizenships.

Moreover, the U.S.A law does not contain any provision requiring U.S.A citizens who are born with dual citizenship or who acquire a second citizenship at an early age to choose one citizenship or the other when they become adults.[22] However, as afore mentioned, while recognising the existence of dual citizenship and permitting its nationals to have other citizenships, the U.S.A Government does not endorse dual citizenship as matter of policy because of the problem, which it may cause.

4.2. CANADA

The law of Citizenship in Canada is based on the *Canadian Citizenship Act of 1947* and the *Citizenship Regulations of 1977*. The law provides that all persons who were citizens of Canada before February 14, 1977 remain citizens of Canada. The law also provides three kinds of citizenship, which are, by birth, by

[19] ibid.
[20] Section 349(a)(1) of *the Immigration and Nationality Act* [8 U.S.C 1481(a)(1)].
[21] *Vance v. Terrazas,* 444 U.S. 252 (1980).
[22] *Mandeli v. Acheson*, 344 U.S. 133 (1952).

descent and by naturalisation. In Canada, dual citizenship is recognised, as stated in the *Citizenship Act of February 15, 1977*.[23]

4.3. SWEDEN

Citizenship in Sweden is based the *Swedish Nationality Law*. One can become a Swedish citizen through birth, adoption/descent, legitimisation and/or naturalization.

Dual Citizenship in Sweden was not recognised but there were exceptions to that restriction. For instance, a child who obtains a foreign citizenship through birth abroad or by having parents of different nationalities may retain dual citizenship. However, if the child was born abroad and has never resided in Sweden, Swedish citizenship will be lost at age 22 unless an application to retain Swedish citizenship is made. Any Swedish citizen can retain dual citizenship, as long as dual citizenship was not obtained through a conscious desire to voluntarily obtain a foreign citizenship.

Currently, Sweden has incorporated the concept of dual citizenship in its Citizenship Act. According to Statistics, as of March 2003, 916 United States (U.S.) citizens have obtained Swedish citizenship since the new law granting dual citizenship came into effect in July 2001.[24]

4.4. GERMANY

In German citizenship is based on the *German Citizenship Law.* Citizenship is conferred mainly on two principles, namely the principle of descent of parents (*jus sanguinis*), and, after January 1, 2000, the principles of citizenship by birth were confers (*jus soli)*. In addition, the German citizenship may also be acquired through registration and naturalisation.

In principle, dual citizenship is not recognised in Germany, but there are exceptions to this restriction where German citizens living abroad who acquire another citizenship can escape the automatic forfeiture of their German

[23] United States Office of Personnel Management Investigations Service, *"Citizenship Laws of the World",* IS-1, March 2001.
[24] http://www. parentnetsweden.com/Infopages/Resourses/Immigration_directory/Dual.htm

citizenship by obtaining a decree from German authorities permitting them to retain their German citizenship. Also, after January 1, 2000, dual citizenship is allowed until age 23.[25]

4.5. INDIA

Citizenship in India is based on the *Citizenship Act of 1955.* Despite the variety of states, peoples, and languages in India, the law recognises only Indian citizenship where one could be recognised as the citizen of India by birth, descent and/or naturalisation.

Recently, the Indian Parliament passed a Bill[26] to approve and grant dual citizenship to people of Indian origin that would enable both Bharatvasis and Bharatvanshis to contribute together to the cause of India's development. Although the Bill has been passed out the rules, regulations and requirements are still under process.

The Bill defines "overseas citizen of India" to mean a person who: -

a) Is of Indian origin being a citizen of a specified country, or
b) Was a citizen of India immediately before becoming a citizen of a specified country and is registered as an overseas citizen of India by the Central Government.
c) An overseas citizen will not be entitled to the rights conferred on a citizen of India and will not have the right to equality of opportunity in matters of public employment, will not have voting rights and also will not be eligible to be a member of either the Lok Sabha or the Rajya Sabha.

Besides conferring overseas citizenship, the Bill has a new Section 14A on the subject of issue of national identity cards, stipulating that the Central Government may compulsorily register every citizen of India and issue the national identity card; and the Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority.

[25] Op.cit
[26] The *Citizenship (Amendment) Bill of 2003*.

The Bill on the other hand has provisions to simplify procedures like: -

a) Facilitate the re-acquisition of Indian citizenship by persons of full age who are children of Indian citizens and former Indian citizens.
b) Granting of overseas citizenship of India to persons of Indian origin belonging to 16 specified countries and Indian citizens who choose to acquire citizenship of any of these countries at a later date.

On the other hand, the Bill makes acquisition of Indian citizenship and naturalisation more stringent and prevents illegal migrants from becoming eligible for Indian citizenship. And for those who have taken foreign passports, the grant of dual citizenship will remove the obstacles in travel to and from India with no multiple visa requirements.

The Indian Government argues that persons of Indian origin have settled in more advanced countries of the world and they have skills and expertise in vital sectors. Therefore, the facility of dual citizenship would foster development in these sectors by way of investments and transfer of skills and resources. The need for people living abroad to build emotional and cultural bonds with their Indian counterparts at home will now be strengthened and will facilitate the diaspora's contribution in India's social and economic development.

And finally, the Government argues that by recognising dual citizenship it will help to bring about and establish links of the younger generation of the diaspora with India, as they may be keen to keep in touch with their roots.[27]

4.6. GHANA

In Ghana dual citizenship is not recognised. However, there has been consideration to embrace the concept of dual citizenship which is now very close to be recognised in its laws. Citizenship law in Ghana is based on the *Constitution of Ghana of 1992*. Every person who was a citizen of Ghana before the date of the Constitution remains a citizen of Ghana.

[27] http://www.immigration.com/newsletter1/dualpio.html

In Ghana one can acquire citizenship by birth, descent, marriage and/or by naturalisation. As mentioned above, dual citizenship is not in principle recognised in Ghana but there are some exceptions in practice.

For instance, a child born abroad, who obtains the citizenship of the country of birth, may retain dual citizenship until the age of 21, when one citizenship must be chosen or else Ghanaian citizenship will be lost.

A Ghanaian citizen who marries a foreign national and is required to renounce Ghanaian citizenship may regain it upon the dissolution of the marriage. Thus, a form of dual citizenship exists.[28]

Currently, a dual citizenship Bill has bi-partisan support in Ghana's Parliament as the majority leader of the house and chairman of the business committee[29] has presented a Citizenship Bill to Ghana's Parliament for discussion.

The first of its kind in African history, this bill will, among other innovations, provide for dual citizenship and grant the "right of abode" to Diasporan Africans. The aforementioned legislative proposal that seeks to replace the *Ghana Nationality Act of 1971*[30] has the support of several members of parliament.

Contributing to the discussion, the NDC-South Dayi,[31] described the bill as "far-reaching" and said it is good that dual citizenship has been considered. He noted that there are many children who were born outside Ghana to Ghanaian parents. He added, "Such children can now see clearly where they want to belong".[32]

Speaking in favour of the provision for dual citizenship, the Minority Spokesman on Finance,[33] said a number of Ghanaians residing abroad, who are prepared to make significant contributions to the national economy, can now do so, since it gives them the opportunity to maintain their citizenship. In his contribution, the

[28] United States Office of Personnel Management Investigations Service, *"Citizenship Laws of the World",* IS-1, March 2001.
[29] Dr. Kwabena Adjei.
[30] Act No. 361 of 1971.
[31] Dr Alex Ababio.
[32] http://home.att.net/~asenta/breaking_news.html
[33] Dr Kofi Konadu Apraku.

minority leader of the House, [34] called for a special dispensation for Africans in the Diaspora who want to acquire Ghanaian citizenship under the "right of return".[35]

The MP for Offinso South[36] also said that the Bill would give recognition to the dual citizenship of Ghanaians outside the country, thus encouraging them to support the national development effort more positively. On several occasions many Ghanaian organizations, among others, are those living in the U.S.A including the National Council of Ghanaians Associations have voiced their support for a dual citizenship legislation.[37]

4.7. KENYA

In Kenya, citizenship is granted under the *Kenyan Constitution*. One can acquire the citizenship of Kenya by birth, descent, registration and/or by naturalisation. In principle, dual citizenship is not recognised except for persons under 21 years old.

However, dual citizenship will now be allowed under the new constitution, as the matter will shortly be presented to the Parliament after discussion and approval by the Bomas. Among other things, it has been agreed that Kenyans who are living abroad will not be entitled to parliamentary representation.

However, delegates who were discussing the Bill resolved that no provision for recognition of dual citizenship should be expressly provided for in the constitution. It was agreed that Parliament will be vested with the authority to enact legislation providing for conditions in which Kenyan citizens may not lose their citizenship by acquiring another country's citizenship.

Parliament will also be required to enact legislation providing for conditions under which Kenya's citizenship may be granted to citizens of other countries. It was

[34] Mr. J.H. Mensah.
[35] Act No. 361 of 1971.
[36] Mr. Francis Kwasi Buor.
[37] Op.cit.

further agreed that a person who loses Kenyan citizenship by acquiring another country's citizenship will be entitled to recover his/her citizenship on application.

Finally, the consensus of the committee was that the Constitution of Kenya should recognise dual citizenship, while by the Parliament will have the power to set rules for eligibility to dual citizenship. The committee also proposed that dual citizenship should be granted to a Kenyan citizen married to a citizen of another country. It recommended that a Kenyan citizen who acquires another country's citizenship should be granted dual citizenship[38].

4.8. MALI

Citizenship in Mali is based on the *Code of Nationality of 1995.*[39] Malian citizenship may be acquired by birth, descent, marriage and/or naturalisation. In Mali Article 38 of the Code of Nationality recognises dual citizenship.[40]

4.9. NEW ZEALAND

In New Zealand, citizenship is based on the *Constitution of New Zealand of 1949.*[41] New Zealand is a member of the British Commonwealth, thus, New Zealanders born before January 1, 1949, have had a variety of citizenship status under the British and New Zealand law.

New Zealand citizenship may be acquired or granted to persons through birth, descent, registration and naturalisation. Except for citizenship by birth, any person may apply for a grant of New Zealand citizenship after having resided as a permanent resident in New Zealand for a least three consecutive years. This applies mainly to spouses of New Zealand citizens.

Moreover, the Constitution of New Zealand of 1949[42] provides that the Minister can authorize the grant of New Zealand citizenship to any person who was born outside of New Zealand from January 1, 1949, to January 1, 1978, and whose mother was a New Zealand citizen other than by descent.

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[38] htt://home.att.net/~asenta/breaking-news.html
[39] *Regulation No.95-098 of 1995.* This regulation replaced No.62-18 of February 3, 1962.
[40] htt://home.att.net/~asenta/breaking-news.html
[41] Dated January 1, 1949
[42] Section 10 on Grant of Citizenship.

However, the New Zealand citizenship can lost into two ways, either by voluntary loss of citizenship or involuntary. Given that the New Zealand recognises dual citizenship, those concerned with the possibility of dual citizenship should not assume that naturalisation by another country causes their previous citizenship to be lost by default.

4.10. NIGERIA

Citizenship is based on the *Constitution of the Federal Republic of Nigeria of 1989*. Those born before or on the date of independence, October 1, 1960, whose parents or grandparents were born in Nigeria and who were legally residing in Nigeria at the time, are considered citizens of Nigeria. The Nigerian citizenship may be acquired through birth, descent, registration and naturalisation. In Nigeria dual citizenship is only recognised for Nigerian citizens by descent.

As many of Nigerians are currently residing outside their country and have in many cases acquired citizenship of the countries where they reside, concern has been expressed that the constitutional provision concerning dual citizenship needs to be addressed. It was once argued that the Nigerians government should consider to make a difference and to contribute their quota to the Nigerians who are now living abroad on their motherland, so that they might be able even to seek elective offices in Nigeria.

Section 28 of the 1999 Constitution recognised citizenship by birth, which cannot be denied, even upon acquisition of another citizenship. This is the basis of the dual citizenship under the Nigerian Citizenship Law.

4.11. RUSSIAN FEDERATION

Citizenship laws are based on the *Law on Citizenship of 1992*. The Russian citizenship may be acquired through birth, descent, registration and naturalisation.

In principle Russian recognises dual citizenship since its citizen may be permitted, on petition, to be in simultaneous citizenship of another state with which the Russian Federation has a pertinent treaty.

4.12. SOUTH AFRICA

In South Africa, citizenship is based on the *South African Citizenship Act of 1995.* [43] South African citizenship may be acquired through birth, descent and naturalisation. A South African citizen who is an adult shall cease to be a South African citizen if s/he acquires the citizenship of another country by voluntary and formal act. However, South African law recognises dual citizenship if the person requests permission of the Department of Home Affairs to retain or acquire another citizenship.

When a person acquires the citizenship of another country automatically by virtue of marriage, s/he shall not cease to be a South African citizen. The South African citizenship can only be lost by either voluntary renunciation of South African citizenship as permitted by law or involuntary. The following are grounds for involuntary loss of South African citizenship: -

a) Person acquires a foreign citizenship without permission.
b) Naturalised or registered citizen continually resides outside the country for seven years or more.
c) A person who also has citizenship of any other country and serves in the armed forces of such country while that country is at war with the Republic.

4.13. SWITZERLAND

Citizenship laws are based on the *Swiss Citizenship Law of 1952*.[44] The Swiss citizenship can be acquired through birth, descent and naturalisation, and dual citizenship is recognised.

[43] Act No.88 of 1995. As amended, with an effective date of October 6, 1995. The *South African Citizenship Act of 1949* has been repealed.
[44] Dated September 29, 1952. As amended in 1984 and 1990.

4.14. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(ENGLAND, WALES, SCOTLAND, AND NORTHERN IRELAND)

["*British*" refers to "*of the United Kingdom*"]

In British, citizenship is regulated by the *British Nationality Act of 1984.* Due to Great Britain's historic relationship with its former colonies and the British Commonwealth,[45] certain groups of peoples fall into special categories.

Citizenship requirements and special considerations for these groups are frequently different than for those considered to be foreign nationals and, to a degree, are different from category to category. Persons included in these special categories are: -

a) British Dependent Territories Citizens,
b) British Overseas Citizens,
c) British Subjects,
d) British Protected Persons,
e) Commonwealth Citizens, and
f) Citizens of the Republic of Ireland.

Moreover, after January 1, 1983, British citizenship could be acquired through birth, naturalisation and descent but subject to some conditions. Unless it is required for other reasons, British citizens need not renounce their citizenship upon obtaining a foreign citizenship. And those who have voluntarily renounced their British citizenship they are entitled to re-acquire the same.

5.0 DUAL CITIZENSHIP IN RELATION TO GLOBALISATION

Citizenship is an idea in transformation which globalisation and world unification are challenging countries' definitions of citizenship. This long-term trend makes a pragmatic focus on the welfare aspects of "people flow" problematic. The key impact of migrants on

[45] The Commonwealth is a free association of sovereign, independent states, numbering 53 at the end of 1999. Most of the membership consists of former colonies and territories of the United Kingdom. There is no charter, treaty, or constitution; the Commonwealth association is expressed in cooperation, consultation, and mutual assistance for which the Commonwealth Secretariat is the central coordinating body. The associated countries includes; Antigua and Barbuda, Australia, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Canada, Cameroon, Cyprus, Dominica, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Pakistan, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, St. Kitts and Nevis, St. Lucia, St. Vincent and The Grenadines, Swaziland, **Tanzania**, *(emphasis is mine)* Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, Vanuatu, Samoa, Zambia, Zimbabwe.

developed societies goes far wider to reshape how citizens relate not just to migrants, but also to each other.[46]

Globalisation works in mysterious ways and ensures that an increasing number of people live outside the territory where they were born. For the great majority of such inhabitants currently living abroad, 'home' is the place where they live, even if their ethnic roots lie elsewhere. However, to become a citizen in their chosen home is difficult, because there are differences in the requirements from one country to another, ranging from the conservative imposition of assimilation, to much more liberal approaches.

This profound transformation of a citizenship concept still conditioned by national affiliation into a form of supra-national belonging. It is an attempt to rise to the challenge of the unprecedented effects of globalisation, by creating some basic common ground of rights and duties beyond national borders. The modern concept of citizenship is changing; there comes the idea of dual citizenship.

In its recent report on globalisation, the *World Commission on the Social Dimension of Globalisation* observed that globalisation is a force with many positive aspect that can be harnessed for humanity's collective being, but some of its element have to be tamed for the sake of our common civility and existence. The Commission recommends introduction of multilateral framework for cross border movement of people and suggests measures to stimulate such process of skills circulation could include the acceptance of dual citizenship by both host and sending countries.[47]

However, there are questions which have frequently been asked such as *'Can one be loyal to more than one state?'* For a long time this seemed highly improbable and unrealistic. Nations worldwide did their best to cultivate such mistrust where law prohibited dual citizenship, not only nationally but also internationally, by mutual agreement. However, increased international migration and globalisation have had the effect of reversing this situation over time. Old objections based on nationalist fears of conflicting loyalties in the hypothetical event of war, have given way to a much greater preoccupation with the human rights of the individuals concerned.

[46] Elena Dingu-Kyrklund: 4 - 12 - 2003
[47] World commission on the Social Dimension of Globalisation, p. 97

More than 40 countries worldwide recognise dual citizenships in some form.[48] Such countries include, but not limited to, United Kingdom, Spain, Australia, Hungary, Israel, Canada, Slovak Republic, Italy, Republic of South Africa and Togo. Thus, in principle those countries have already incorporated the concept of dual citizenship in their citizenship laws. Other countries are about to follow while others have already finalised the recognition of dual citizenship. The most recent ones are India, Mexico, Philippines and Kenya to mention just a few.

Many scholars argue that it is impossible to pledge allegiance to two countries at once while others argue that dual citizenship is just a natural consequence of globalisation of the planet. As the President of the Dominican American Society of Queens, had occasion to observe, he stated that: -

> *"This movement is part of the global movement, part of the transnationalisation where people feel they have vested interest in different countries. You never lose the love and appreciation for the land you left, and at the same time, you gain that kind of affection to the land you go to."* [49]

The idea of dual citizenship is a worldwide phenomenon, which has come out strongly with globalisation. The idea is growing in the modern world and has implications for the nature and functioning of the nation state in the future. Dual citizenship is being driven more and more by economic forces rather than political ones. Globalisation of the world economy seems to be making borders dissolve.[50]

The globalisation movement has further spurred interest in dual citizenship. Beneficiaries of International and Regional Integration, such as SADDC and the East African Community's dream that they would be happy to see executives, businessmen, professionals and others move freely from one country to another and harvest the rewards of regional and multinational integration.

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[48] See Appendix 1 to see countries, which recognise dual citizenship.
[49] Carlos Suarez: http://www.usvisanews.com/memo1051.html
[50] This is the conclusion of economist Kenichi Ohmae, author of *The Borderless World* and *The Invisible Continent: Four Strategic Imperatives of the New Economy.* Many elite businessmen in the U.S. think the same as Ohmae.

5.1. General Consequences of Dual Citizenship System

The consequence of dual citizenship has the pros and cons in its operation. Thus it behoves any one with dual citizenship or with the possibility of claiming such a status to investigate the specific situation very carefully and analyse its consequences.

In essence, some countries still find it difficult to adopt dual citizenship as it is against their policies, though others think citizenship is still important and are working on policies to do just that. One of the reasons why these countries find dual citizenship, to be important is because that it benefits the home country. Today, the number of a country's citizens living abroad is the most important factor when evaluating a nation's power.

In essence, recognition of dual citizenship can increase real love to citizens for their country by promoting patriotism in the minds of compatriots. It is also no more than letting the law conform to reality. For instance, the good example is Israelis. They have been seen across the world rushing into their country's aid during the 1967 war between Arabian States and Israel.

However, before rushing to introduce dual citizenship in Tanzania, one may argue that it is better to make thorough review of the concept to identify the cons and pros of the system, so as to avoid all possible risks if any. The followings are the merits and demerits of dual citizenship, as identified by various countries.

5.1.1. Merits of Dual Citizenship System

Dual citizenship appears desirable as it confers benefits both to the country as well as affirming individual rights. A person with dual citizenship has greater flexibility in his or her choice of where to live and work. The benefits of providing for dual citizenship can be immense, especially for third-rate economies like Tanzania.

Moreover, in reality compatriots consider themselves as dual citizens regard less of the prohibitions by their Governments. The dual citizens have always a greater love for their home countries.

5.1.2. Demerits of Dual Citizenship System

On the other hand, dual citizenship is not particularly desirable in many countries, though it is generally considered and accepted that when the dual citizens are in the other country of which they are citizens too, that country has predominant claim on them. Taking the example of U.S.A and South Africa, the dual citizens of those two countries owe allegiance to either the U.S.A or South Africa, for that matter and the other foreign country.

They are required to obey the laws of both countries and either country has the right to enforce its laws on the person, particularly if s/he is within its jurisdiction at any given time. It all is really a matter of giving to Caesar what is Caesar's, and giving to the other country what is the other countries'[51]

However, this has been placing dual citizens in a problematic situation where their obligations to one country are in conflict with the laws of the other country. An example is the problem of conflicting military obligations where the country has the system where it is compulsory once a person is a citizen of that particular country to work in military in case of emergency.

Dual citizenship makes it easier for individuals to move between countries for business, employment, social and cultural purposes. Citizenship may be an instrument of state control, but it is also an important form of individual identity and free association. Restriction on dual citizenship thus comprises restrictions on identity, as are other forms of restriction.

For those born with dual citizenship to the parents of different nationality, a rule against dual citizenship status forces the child to choose between the two. In the absence of any significant cost to society in the

[51] Karl Lyimo, The Case for Dual Citizenship in Modern-Day Tanzania, '*Duality is a Lifeline in Times of Uncertainty'* Friday,' September 05, 2003, © 2002 Business Times Limited.

maintenance of dual citizenship, forcing that choice and the loss it may present to the individual seems unjustifiable.

In addition, a person's dual citizenship may even hamper efforts to provide diplomatic and/or consular protection when that person is abroad his/her country of origin,[52] because the country where s/he is currently residing would claim not to be interfered with in its internal affairs when dealing with its citizens.

Other countries require their citizens to use their passports when entering or leaving their countries unless there are exceptions. At the same time, those citizens if they have dual citizenship may be required by the other country of which they are citizens to enter and leave that country using its passport. Thus, that conflicting requirement of passports may lead to confiscation of their passports or even fine.[53]

There is no question that dual citizenship can make it easier to travel, work and own property in other countries. But passports are not credit cards to be collected and used interchangeably whenever it is convenient. Immigrants may sincerely profess their love for both their native and adopted countries, but dual citizenship will not in other circumstances help but water down patriotism. And shared national loyalties, sooner or later, would come into conflict.

6.0 ANALYSIS OF CURRENT STATE OF CITIZENSHIP LAW IN TANZANIA

All matters on citizenship in Tanzania are based on the *Tanzania Citizenship Act of 1995*[54] and *Immigration Act of 1995*[55]. Tanzanian citizenship may be acquired by birth, descent, marriage and/or naturalisation/registration.[56]

[52] htt://www.usa.or.th/services/visa/acs/Dual_Nationality.htm at p. 2 of 3.
[53] Section 215 of the *Immigration and Nationality Act* [8 U.S.C 1185] has the same Implication.
[54] Act No.6 of October 1995.
[55] Act No.7 of 1995.
[56] Op.cit sections 4-6, 8-11.

In principle, dual citizenship is not recognised in Tanzania as no Tanzanian can have the citizenship of another country. If s/he so wishes to take up the citizenship of another country, s/he has to renounce first his/her Tanzanian citizenship.

However, there are instances by operation of law, which allow Tanzanians to retain dual citizenship. For instance, a child born abroad and obtained the citizenship of the country of birth may retain dual citizenship until age of 18. At the age of 18, one citizenship must be chosen or Tanzanian citizenship will be revoked. The following are the criteria for acquiring Tanzanian citizenship as provided by the citizenship law.

6.1. Criteria for Acquiring Tanzanian Citizenship

As mentioned above *Tanzania Citizenship Act of 1995* provides for the criteria of acquiring the Tanzania citizenship as follows: -

6.1.1. Citizenship by Birth

Simply born within the territory of Tanzania, either before or after independence does not automatically confer citizenship. A person can only be a citizen if s/he was born in Mainland Tanzania or in Zanzibar before Union Day, was immediately before Union Day a citizen of the Republic of Tanganyika or of the People's Republic of Zanzibar.[57]

6.1.2. Citizenship by Descent

In the following circumstances a person can acquire a Tanzanian citizenship by decent: -

a) If a person born outside Tanzania before the Union Day who was living in Tanzania, and whose at least one of her/his parents was born in Tanzania, or
b) If a person born outside Tanzania but her/his father was eligible for Tanzanian citizenship, or
c) If a person born in Tanzania, at least one of her/his parents is a citizen of Tanzania.[58]

[57] Section 4 (I) of the *Tanzania Citizenship Act, No. 6 of 1995*
[58] Ibid sections 5 & 30.

d) If a person born outside Tanzania, but her/his father is a citizen of Tanzania.

6.1.3. Citizenship by Marriage

A foreign woman who marries a citizen of Tanzania can at any time during the lifetime of the husband be entitled, upon making an application in the prescribed form, to be naturalised as a citizen of Tanzania.[59]

And a woman who has, previous to her marriage to a citizen of Tanzania, renounced, or been deprived of, her status as a citizen in accordance with the law for the time being in force is not entitled to be naturalised as mentioned above but can be naturalised with approval of the Minister. [60]

6.1.4. Citizenship by Naturalisation

A person can qualify to acquire citizenship of Tanzania by naturalisation upon fulfilment of the following conditions as provided in the *Tanzania Citizenship Act of 1995*[61]*: -*

a) S/he has resided in Tanzania throughout the period of twelve months immediately preceding the date of the application; and
b) During the ten years immediately preceding the said period of twelve months s/he has resided in Tanzania for periods amounting in the aggregate to not less than seven years; and
c) S/he has an adequate knowledge of Kiswahili or the English language; and
d) S/he is of good character; and
e) In terms of his/her past and potential contribution to the national economy, scientific and technological advancement and to the national social and cultural welfare, he would be a suitable citizen of Tanzania;
f) S/he intends, if naturalised, to continue to reside permanently in Tanzania.

[59] Ibid section 11(1).
[60] ibid Section 11(2).
[61] Section 9(1) and Second Schedule of Act No. 6 of 1995

However, if there are any special circumstances of particular case the Minister on his/her discretion may allow: -

a) A continuous period of twelve months ending not more than six months before the date of application to be reckoned as though it had immediately preceded that date;
b) Periods of residence earlier than eight years before the date of application to be reckoned in computing the aggregate mentioned above of not less than seven years

6.2. Reasons for Tanzania to Proscribe Dual Citizenship

Tanzania has passed through three phases government. It is during the first phase of government in the wake of independence that the country decided to proscribe dual citizenship in its legislation, making it illegal for one to be a Tanzanian citizen and a citizen of another country at one and the same time.

There must have been good reasons for this but they cannot go beyond speculation that there are some reasons, which are unreasonable today, though they may have been reasonable then as is aptly demonstrated in the case of some countries which have adopted dual citizenship in the recent past. This is the area in which the Commission will have to find out the reasons lead to proscribing dual citizenship in Tanzanian legislation and make critical analysis as to whether they are still valid, taking in to account current environment in the economic, political and other relevant factors.

Reasons for proscribing dual citizenship may have simply been political. But then, politics is the art of the possible; and what may have been impossible forty years ago will not necessarily be so today. In other words, there is a strong case for dual citizenship in modern-day Tanzania. Indeed, as mentioned above, there are many countries in the world that entertain dual citizenship as a matter of routine.

6.3. The Need for Dual Citizenship in Tanzania

The status of dual citizenship in Tanzania is that it is not recognised. Tanzania does not provide for this and it is among 127 countries of the world that expressly

prohibit dual citizenship. Conversely, 43 countries, 9 of which are Africans are now accepting dual citizenship. African countries which recognise dual citizenship are South Africa, Benin, Burundi, Chad and Mali while Ghana, Kenya, Uganda and Rwanda are currently seriously considering to recognise dual citizenship.

It is alleged, without sufficient proof, that there are at least 600,000 Tanzanians abroad (the higher range is close to 1.2 million Tanzanians). These Tanzanians said to be remitting approximately 63% of all foreign exchange inflows into Tanzania annually, including aid-in-kind. This remission is in the form of monetary aid to family members, personal and other investments.[62] These are some of the issues which the Commission will have to find out in the study to ascertain whether it is justifiable to introduce dual citizenship based on economic reasons.

Tanzanians who are living abroad have been arguing that Tanzania is wrong on dual citizenship by missing the main focus regarding the issue of dual citizenship in two fronts.

First, the government seems to have focused on foreigners gaining Tanzanian citizenship, instead of weighing the merit of Tanzanians abroad that would like to retain their Tanzanian citizenship if and when it becomes necessary for them to assume citizenship of another country.

Second, they believe that given the world and times we are living in today, dual citizenship should be enshrined in Tanzanian citizenship law and allow the possibility of enacting provisions to prevent possible abuse, as is the case in other countries.

They are arguing further that the world environment and attitudes have changed considerably since the Hague Convention, which was signed in 1954,[63] and especially over the last 10 to 15 years. Currently, there is vastly enhanced

[62] Karl Lyimo, The Case for Dual Citizenship in Modern-Day Tanzania, '*Duality is a lifeline in times of uncertainty'* Friday,' September 05, 2003, © 2002 Business Times Limited.
[63] http://www.bhootan.org/amnesty/amnesty_09012000.htm

mobility of people and increased incidence of people living and working in foreign countries for extended periods. Tanzanians, like others, are often required to acquire citizenship overseas in order to: -

a) Obtain employment particularly in well-paying jobs restricted to citizens,
b) Protect themselves from suspicion and frivolous legal problems against legal systems more amenable to their citizens,
c) Reap maximum benefits from welfare systems of the host nations commensurate with the taxes the Tanzanians pay, or
d) Reside with non- Tanzanian citizen spouses.

They are also of the view that Tanzania government should not only permit dual citizenship but also actively facilitate the ability of its citizens to pursue these goals, not only because these pursuits are for the benefit of the country, but also because there is no evidence that such endeavours compromise patriotism.

There is greater acceptance in the modern, internationalised world, that individuals may be citizens of more than one country and satisfactorily meet duties as citizens in relation to each. It is also evident that dual citizenship has not harmed nations that allow it, and that the benefits of dual citizenship extend beyond the individuals concerned.

Therefore, they find that the time is ripe for Tanzania to recognise the potential and importance of these Tanzanians and join the vast majority of the rest of the world that acknowledged the importance of its citizens that may not be resident in their country.

As a matter of reality they find that it was the decade of economic decay and persecution, lack of higher education opportunities, and a myriad of other reasons that have forced them to seek fortunes in foreign lands. And this trend is not unique to Tanzania. Even though they have invested their earning potential elsewhere, a demonstration of their commitment to the motherland is the continued support for their families in Tanzania, and they are saying that most of them have even gone further and planned their retirement in Tanzania. This has

turned out to be a blessing for Tanzania as its sons and daughters have excelled and rose to positions of authority and immense wealth.

They therefore argue that, instead of shunning these worthy citizens, Tanzania should think about embracing its brothers and sisters living abroad as partners and fellow citizens in the struggle to build a prosperous country. As a matter of fact, Tanzanians abroad are said to do more for their country while abroad than they probably would were they living in Tanzania.

In essence, some Tanzanians living here and abroad have shown interest on the introduction of dual citizenship. Most of them, particularly those living abroad have been submitting articles and argued at various forums in favour of the concept. They have been exchanging ideas through Internet so as to make sure they regain their lost Tanzanian citizenship. The following is a statement by an anonymous person arguing in favour of dual citizenship, which was found on the Internet: -

> *"Times have changed and so should Tanzania. The world is in the era of globalisation, which guarantees the freedom of movement so, why should Tanzania take so long to introduce and allow its nationals to hold dual citizenship. What does Tanzania benefit by stripping its nationals of their citizenship when they take up citizenship of their host countries where they live for betterment of their lives. I think Tanzania is doing a great mistake by punishing its nationals by stripping of their Tanzanian citizenship (sic) just because one has taken up citizenship of another country of various pertinent reasons. Though they (have) taken up citizenship of their host countries, 'THEY ARE FIRST CITIZENS OF TANZANIA AND THEN THE HOST COUNTRY' and they will always remain Tanzanians as they (have) roots to Tanzania."*

6.4. Justification for Recognising Dual Citizenship in Tanzania

There are several justifications for having dual citizenship system in Tanzania, and among them is that a sizeable number of Tanzanians living abroad and other groups are interested in getting dual citizenship, or the right to preserve

alongside their original citizenship of Tanzanian and also the citizenship of their host countries which recognise dual citizenship. And by the logic of things, other groups like Non-Governmental Organisations (NGOs) and political leaders have also started to speak in the same vein.

The need to give serious consideration to the introduction dual citizenship has arisen as a result of massive international migration, and desire of people who migrated from one country to another, wishing to preserve their links with the country of origin while at the same time, preserving their new citizenship.

One may suggest that dual citizenship can be problematised as a kind of conceptual triad or triangle. There is the country of origin, or the sending country, which sends immigrants to the host country, sometimes called the receiving country. And this is the case of dual citizenship that is observed in such countries as the United States, United Kingdom, Canada, Germany, Sweden, Italy and many others. This is the variety of dual citizenship that political scientists are most acquainted with.

In the light of the fact that introduction of dual citizenship has been suggested as one of the mechanism for sharing the benefit of globalisation, Tanzania could opt to adopt the system while at the same time examine how other countries have managed to handle dual citizenship and entrench it in their citizenship laws.

As globalisation intensifies dual citizenship is becoming the order of the day, citizenship of a particular state is becoming less relevant. This is why there are no passport requirements for European Union citizens travelling or working within the European Union. Yet, there are benefits for both Tanzania and the individual, if Tanzanians were allowed to take up the citizenship of one other country while retaining their original citizenship. This would mainly apply to Tanzanians living abroad.

They would find obliged to make remittances to Tanzania, which could substantially boost their contribution to the national economy and Tanzania's development. They would also have a greater sense of belonging (to Tanzania)

and yet retain the security they need to live abroad. This could conceivably compel them to invest more in their country.

Many Tanzanians who went abroad are now resident in Canada, Britain, Australia and the U.S.A and some of them are in better conditions economically. Some had had turn their backs on Tanzania, but with no real desire to sacrifice their citizenship. Yet they could have had it both ways, if dual citizenship were recognised and everybody would be happy.

Tanzania could borrow a leaf from Ireland as there are millions of Irishmen who have become citizens in the U.S.A, Britain and Australia and yet they keep strong links with their country of origin. Their contribution, in patriotically driven investment, has made a substantial contribution to making the Republic of Ireland Europe's fastest-growing economy today.

7.0 RATIONALE OF THE PROJECT

Basing on the three principal objectives of the *National Development Vision, 2025*, which are among others to develop and build a strong, resilient and competitive economy that can effectively withstand global competition, the Commission acknowledges that there is an ever-increasing need for recognition of dual citizenship in Tanzania and urge for legal reform on the Citizenship and Immigration laws.

This recognition would make Tanzania's economy to become competitive in the regional and world markets, with the capacity to articulate and promote national interests and to adjust quickly to regional and global market shifts. In this regard, the Commission proposes to make critical analysis of the major issues which influence the direction and substance of citizenship laws and evaluate which one of them should be given more weight in deciding whether or no Tanzania should adopt dual citizenship. The criteria to be examined are economic issues, security, allegiances, ethnicity, social and cultural issues.

The Commission will also address public perception on dual citizenship and analyses the harm if any to the country and individuals in case dual citizenship is adopted in Tanzania.

The importance of dual citizenship in Tanzania is self-evident taking into account the current growth of international and regional integration. As explained earlier, due to globalisation where people can invest anywhere and make business transaction with any country, people need easy access within the economic region and the whole world at large. Therefore, by introducing dual citizenship in Tanzania might increase the country's access to international resources in a manner that protects the national security while at the same time cherishing the ethnicity, culture and allegiance of its nationals both at home and abroad.

Basing on the mandates conferred to the Commission, the Commission will finally come out with recommendations to the Government on the way forward after analyising the merits, demerits and possible risks of recognising dual citizenship in our laws. The Commission will also propose for the simplified and clear legal framework so as to meet the growing socio-economic and political demands for dual citizenship in the world and Tanzania in particular.

The Commission will have the task to address the following issues to all stakeholders during the process of undertaking the project: -

a) Whether there were justifiable reasons of proscribing dual citizenship system in Tanzanian legislation, and whether they are still valid today and whether they can be accommodated together with the existence of dual citizenship,
b) Whether there would be any impact in the spheres of the economy, security, allegiance, culture, social and ethnicity in case dual citizenship is enshrined in Tanzanian citizenship and immigration laws,
c) Whether there are specific and direct advantages to the country, and individual Tanzanians in particular by introducing the concept of dual citizenship in our country and to what extent,
d) Whether there are possible risks which have to be specifically identified and suggest ways by which to restrict their impact during the process of formulation of legal frame work concerning the subject matter,
e) What is the approximate number of the Tanzanians who are living abroad and what is the extent of their remittances or contributions to the economy of Tanzania,

f) What is the approximate number of the Tanzanians who are living abroad who had to renounce their Tanzanian citizenship and reasons for doing so.

8.0 CONCLUSION

From the above, one may conclude that allowing dual citizenship to compatriots living abroad would be of great benefit to Tanzania and it is necessary in enhancing individual's interest. However, Tanzania seeks to realise patriotism, nationalism and strengthen national cohesion of all the people in society, taking into consideration current economic and political environment and other relevant factors.

Thus, adoption of dual citizenship should be subject to the current economic and political environment, as mentioned above, and should no longer be delayed. Nowadays more and more countries are allowing dual citizenship. It is time for Tanzania to remove unreasonable restriction on its citizens and by viewing dual citizens as double agents or people who have double personality.

Currently, some of Tanzanians who went abroad are in a better position to help their country. A substantial number of them have made strides in socio-economic development than they were able to do in the past. There is one hitch, however. Practically most of them had acquired new citizenship in their countries of forced adoption. While many of their new home countries, such as the U.S.A and Canada, allow dual citizenship, Tanzania does not. This does not encourage the ex-Tanzanians to come and invest in their land of birth if this would mean that, they must first renounce the citizenship of the countries that took them in at the time of greatest need and nurtured them into prosperity.

It is really a matter of prudent choice for Tanzania between two alternatives. Either to continue with the one-track minded denial of dual citizenship, or to embrace the changes that time and increasing globalisation are forcing upon nations, including acceptance of the concept of dual citizenship

The Commission will have to make a thorough review of the concept of dual citizenship. This review should, firstly cover countries which recognises dual citizenship, particularly African countries to see how the system is are they working, what problems are they

have encountered and possible dangers to be avoided when introducing the system by collecting views form the public concerning the subject matter, especially their attitude about dual citizenship and if it would be proper for Tanzania to introduce dual citizenship. Finally, the discussion paper will incorporate opinions of all stakeholders and the Commission's recommendations concerning possibility of introducing dual citizenship in Tanzania will then be prepared for Government's consideration. Together with this paper, attached the planning base of the whole project as Appendix 2.

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