

Review Paper

Globalization: The theory and practice of citizenship in Africa

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Deeply articulated with the nation state, citizenship has acquired different connotations. This paper highlights how some of the major changes in our world such as globalization and the human rights regime affect the relationships between nation states and their citizens. It also show the extent these major global changes are actually affecting this most national of institutions.

Keywords: Globalization, citizenship, nation state, migration.

INTRODUCTION

The concept of citizenship has been based upon the notion of the bounded society. Societies are typically presumed to be sovereign social entities, with a state at their centre that organizes the rights and duties of each member. Most major sets of social relationships are seen as flowing within the territorial boundaries of each society. The state possesses a monopoly of jurisdiction over the territory of the society (Urry, 1999). Therefore citizenship can only be linked to territory. This is an inevitable linkage, since it can only be discussed solely on the context of the nation state, which inherently requires a claim on territory.

Like any other arms of society, such as for example a tennis club or a political party, the state has the right to make rules governing membership. In the case of the state, membership is known as citizenship (Price, 1975). A citizen is therefore a person who is a legal member of and owes allegiance to a particular country he reside in which he enjoys full civil and political rights and will be ready to put his life at stake in defence of its territory when occasion calls for that. The notion of citizenship originated in the Greek polis with the intention of liberating a portion of humanity from tribal loyalties and fusing it into a voluntary civic community. Citizenship was founded on the definition of the human being as a creature formed by nature to live a political life.

The dominant modern idea of citizenship was definitely linked closely to the emergence of individuals endowed with entitlements or rights in relation to the government of territorial sovereign states. Thus the history of citizenship could be traced from the entitlements associated with the freedom from abuses of governmental authority especially arbitrary exertions of coercion to freedoms, that is, freedoms of a more affirmative character to participate directly or indirectly in the governing process, and finally to a series of entitlements associated with social democracy or the welfare state (Marshal, 1950).

Citizenship therefore confers certain rights on the individual and also imposes certain duties. These rights enjoyed by the individual are enshrined in the constitution of most democratic countries. Below are some of the important rights as outlined in chapter IV (section 30 - 42) of the 1979 constitution of the Federal republic of Nigeria:

- (1) Right to life
- (2) Right to dignity of the human person from torture or inhuman degrading treatment, servitude and forced labour
- (3) Right to personal liberty in accordance with a procedure permitted by law
- (4) Right to fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and its impartiality.
- (5) Right to private and family life, correspondence, telephone, conversations and telegraphic communications

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are guaranteed and protected.

(6) Right to freedom of thought, conscience and religion including freedom to change his/ her religion or belief and freedom to manifest and propagate his/ her religion or belief in worship, teaching, practice and observance.

(7) Right to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference

(8) Right to peaceful assembly or belong to any political party, trade union or any other association for the protection of his interests

(9) Right to freedom of movement and to reside in any part thereof

(10) Right to freedom from discrimination whether religious, racial political, ethnic, sexual or place of origin

(11) Freedom from compulsory acquisition of ones property except with adequate compensation,

(12) Freedom of access to law courts

Though regarded as inalienable, "most states make provision for the suspension of these fundamental rights during periods of national emergency such as war" (Price, 1975).

Rights go hand in hand with obligations, and the enforcement of both requires effective institutions, operating within a framework of legitimate governance. As with the old saying "sponge my back and I will sponge yours", the individual does not enjoy these right without giving something back in return. These rights which the citizen enjoys can fully be guaranteed only if the individual fulfils his duties and obligations to the state. Some of these duties or obligations are as follows:

(1) The most important duty is that the citizen must give allegiance or loyalty to the state for the state to function very well.

(2) The citizen has a duty to obey the law and to uphold the order of society. This is to avoid the state drifting into anarchy

(3) Sequel to the above, the citizen has a duty to assist the officers of the law in maintenance of the law and order.

(4) The citizen has a duty to defend his country in times of war.

(5) The citizen also has the duty to pay tax, respect national symbols as well as contribute in pursuance and maintenance of the state interest.

With globalization and its attendant interconnectedness and effects in virtually all facets of human life, "you may find occasional confused circumstances where a man may be the citizen of one country according to the laws of the country and the citizen of another country under the laws of the other (Price, 1975). It challenges our traditional sense of citizenship and passes the following question. To what extent does globalization affect citizenship? How far can membership of the nation-state still count as the basis of citizenship in an increasingly globa-

lizing world? Will the citizen of the future have no fixed nationality?

Dual /multiple citizenship

Today, we are faced with the issue of dual and in some cases multiple citizenship meaning the simultaneous possession of two or more citizenship rights. International attitude toward dual citizenship vary. Some nations forbid it. Some encourage it. Most, officially deplore it, but tolerate it. In all, most nations permit dual citizenship in one form or another. This is a complete deviation from the earlier understanding of the concept of citizenship and its attribution to membership of a particular country. Dual nationality represents a far more significant transformation than one might think. For many people in Nigeria, having more than one passport shows the class that one belongs. It is also akin to a fashion accessory or a freedom of choice as to what passport they want to travel on.

One of the conditions an alien must satisfy before he can become a citizen of another country is to renounce his former citizenship and take oath of allegiance to his new country. But the mere fact that he asserts the rights of one citizenship dose not without more mean that he renounces the other. This is hardly fulfilled, as he cannot render equal duties to both.

Instead of loyalty to one country, dual or multiple nationals owe allegiance to each of the countries and are obliged to obey its law and regulations. Such persons usually have certain obligations. To the extent this can be practicable is still in doubt as this cannot be fully accomplished in certain cases without an infringement on the other because it is difficult for one to serve two masters very well at the same time without favoring one and displeasing the other.

The growth of dual nationality reflects a major historic transformation whereby citizenship moves away from exclusive allegiance to what has been called 'competitive nationality' (Urry, 1999). Some of the elements of exclusive allegiance are beginning to erode and it repositions the question of patriotism.

It is the duty of the individual to defend his country in times of war, "this duty is one that goes back to the earliest and most primitive societies" (Price, 1975). Although failure to fulfill such obligations may have no adverse effect on dual national while in one state because the other country would have no means to force compliance under those circumstances, dual national might be forced to comply with those obligations or pay a penalty if they go to the country of their other citizenship. This is however a deviation from the earlier understanding of the concept of citizenship and its exclusive nature.

Even though not binding among individual citizens of the world but to nation states, the Treaty of Westphalia states that: the one shall never assist the present or future Enemy's of the other under any Title or Pretences whatsoever, either with arms, Money, Soldiers, or any

sort of ammunition; nor no one, who is a member of this pacification, shall suffer any Enemy's Troops to retire thro' or sojourn in his country. With the increasing trend toward homogeneity and because of the inability of the state to control her citizens who is an integral part of the state, individuals, are now contravening this long-standing treaty as they offer themselves as machineries in trouble spots around the world.

In pursuance of national honour and economic breakthrough, citizenship in most countries is now up for sale. These countries lure some professionals in specialized fields with juicy packages to change their citizenship and acquire new ones.

It is not something new to see countries advertising or canvassing for membership among sportsmen and professionals in different fields. They are wooed with citizenship rights and juicy packages to change their citizenship or renounce their former citizenship.

Human right

With the growth of citizenship from local into a statewide institution in the modern era, the freedoms conferred on citizens in the polis and the medieval towns were radically expanded and freedom itself was converted from privileges into right. The state does no longer have total control over her citizens as "Universal Declaration of Human Right" protects them. This makes the individual a global citizen as things that affect him are taken seriously in the global community. Never before have issues affecting individual citizens of different countries become global issue than now.

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, "to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction".

The Declaration ends this way: "Nothing in this Declaration may be interpreted as implying for any state, group or persons any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein". This created a hole in the armor of sovereignty as it does not only infringe on the ability of the state to control and punish erring citizens adequately, it empowers and protects the citizen from its sin against the state as some nation states pledged themselves to achieve, in cooperation with United Nations, the promotion of universal respect for the observance of human rights and fundamental freedoms. In response to global demands, the new force of the idea

of Human Rights began to transcend national borders. The way and manner a country deals with its citizens is no longer the country's business, as it has become a global business (Nwaogu, 2004). This connotes global citizenship. This however does not imply membership of all the countries of the world. With this, it has become rather difficult to adequately punish erring citizens who flout their oath of allegiance without external interference.

Citizenship granted to foreigners has increasingly offered immigrants the rights and privileges once granted only to nationals. Another very significant factor is the constitutionalizing of the right to sue one's government as embedded in the Right of Access to Community court of justice enshrined in the Protocol on the Free Movements of Persons, the Right of Residence and Establishment (1979). This produces a certain distance between the citizen and the state. For instance a non citizen may have direct recourse to the community court of justice when they are maltreated by an individual or corporate person at the borders. It contests the notion that the sovereign is the people and the people are the sovereign – sovereign being the term for nation state in the language of international law. This right produces distance between the nation state and the suing citizen.

National courts where judges use international human rights instruments either for interpretation or adjudication similarly have granted rights to refugees and undocumented immigrants. In cases that are decided in international human rights courts, over half concern immigrants and refugees. The other largest share mostly concerns women – often they are immigrants and refugees – and female abuse issues, notably genital mutilation. International courts are another location where rights are being granted to undocumented immigrants, producing a kind of partial legal persona and blurring the clarity of the distinction between undocumented immigrant, immigrant, and citizen. This situation brings about undocumented social contract between the state and the undocumented immigrants.

Regional affiliation/unions

The changing nature of citizenship is reflected in states membership of regional affiliations. This global spread of economic liberalism has eventuated in new notions of citizenship and therefore makes it a little difficult to identify who belongs and who does not belong to a particular state.

The nation state no longer have absolute claim over the individual as belonging to a particular state as individuals now have dual or even multiple citizenship because of states membership of regional organizations (Nwaogu, 2004). Economic Community of West African States ECOWAS and European Union, EU; South African Development Commission SADC are examples of such regional organizations. Citizens of these regional affiliations can move in and around in member countries un-

hindered and without molestation, a right formally the exclusive right of the individual members of a particular country.

On the 29th of May 1979, the Protocol on the Free Movement of Persons, the Right of Residence and Establishment was adopted by ECOWAS member states. This legal instrument confers on citizens of West African nations the right to move freely and to establish for the purpose of engaging in income earning employment. Without the free movement of persons, the achievement of regional integration would be illusory.

Free movement is a term that encompasses the five rights granted to ECOWAS citizens. They are:

- Right to Entry
- Right to Stay
- Right to Residence
- Right to Establishment

Right of access to community court of justice: As a citizen of ECOWAS you have avenues for seeking redress whenever you feel wronged in the exercise of your rights in matters relating to free movement of persons and goods. You may have direct recourse to the community court of justice when you are maltreated by an individual or corporate person at the borders. The role of the court is to assist in removing the obstacles impeding the realization of the objective of ECOWAS. This a limitation of the rights of the member states by willfully undertaking an international treaty.

Right to entry: As a national of a member state, you can cross a land border and travel by air between ECOWAS member state without a visa.

Right to Stay: As a citizen of ECOWAS you are free to stay up to 90 days in the territory of a member state without any formality.

Right of residence: Any citizen of an ECOWAS member state admitted free of visa requirements into the territory of another member state may reside therein if he so wishes.

Right to establishment: As a national of an ECOWAS member state, you are free to establish in another member state and carry out any industrial, commercial, cottage – type or liberal activity.

You are entitled to the same treatment as is granted to nationals in the following areas:

- Job security;
- Possibility of participating in social and cultural activities;
- Access to training and refresher courses;
- General educational establishments and professional training centres accessible to their children
- Access to social, cultural and health centres

Globalization tends to weaken citizenship. It is against this background that the impact of an increasingly globa-

lized world economy on citizenship must be understood. The essential argument is that economic globalization is weakening territorial ties between people and the state in a variety of ways that are shifting the locus of political identities, especially of elites, in such a manner as to diminish the relevance of international frontiers, thereby eroding, if not altogether undermining the foundations of traditional citizenship.

Nation states are becoming increasingly integrated with one another. This increased integration has tended historically to be economic and commercial in nature, at least at first. But the case of the European Union, suggests that once economies have become merged to a significant degree – for example, through the adoption of a shared currency – the pressure towards fuller, political integration becomes difficult to resist.

Migration

Migration is one of the most important processes shaping the contemporary world. As both a mechanism and a result of globalization, it is critical to the economic, cultural, and political change affecting relationships at the local, national, and global level. Of the many questions raised by migration, the issue of how migrants are (and are not) incorporated into the receiving societies is one of the most important.

Nevertheless, the case of the undocumented immigrant makes clear the ambiguity of citizenship, the extent to which it is an incomplete institution. In the 1960s, in the United States of America, supported by erudite lawyers, undocumented immigrants whose employers had kept their wages would have judge after judge grant them the rights to their wages for work done. In so doing, these judges locate partial legalities in the subjects that are undocumented immigrants they are creating or constituting a legal persona, a very elementary persona, but one that blurs the line between the legal resident, the citizen, and the undocumented.

In the future we are likely to see even more of a blurring of the immigrants vs. citizen subject. Immigration is here to stay with us. Demographic declines are forecast, especially for Europe a 75 million loss of people over the next sixty years in the European Union, as it is constituted today and even sharper for Japan. In the United States, the forecast is of 34 million fewer by the end of this century. So, either will adjust our social system to much smaller population, or immigration is the likely solution. The latter seems fashionable. The US Diversity lottery visa is a typical example of filling the gap through granting of immigrants visa to people of Africa, Asia and East European origin.

Added to this, modern technology of transportation and communications have made movement of people and goods across national boundaries difficult if not almost impossible for nation states to control and therefore make it a little difficult to differentiate between a citizen, perma-

Table 1. International Tourist Arrivals 1950 - 1999.

Year	International tourist arrivals (millions)	Year	International tourist arrivals (millions)
1950	25	1983	290
1955	47	1984	317
1960	69	1985	328
1965	113	1986	339
1970	166	1987	364
1971	179	1988	395
1972	189	1989	427
1973	199	1990	459
1974	206	1991	465
1975	223	1992	503
1976	229	1993	519
1977	250	1994	554
1978	267	1995	569
1979	283	1996	600
1980	286	1997	620
1981	288	1998	636
1982	286	1999	657

Source: World Watch Institute. Culled from: Nwaogu, K P p 54.

nent resident, non permanent resident and non citizens and even illegal immigrants (Nwaogu, 2004). This is more evidenced in the developing countries of Africa where they lack capacity to properly demarcate and police their boundaries against illegal immigrants who end up claiming citizenship rights without the laid down process. In West Africa, one can hardly differentiate between a citizen and non citizen. In Nigeria for instance, it is rather difficult to differentiate between a citizen from Fulani tribe and an illegal immigrant from Niger Republic because of religious, racial and cultural homogeneity. Because of the inability of government to keep track, no one knows for sure how many individuals around the globe are also citizens of other lands.

The construction and configuration of national boundaries especially in Africa and Asia by the colonial masters is also a big problem. "The construction of national state borders often being much more recent than other ethnic histories, an ethnic "nation" can be living in the neighboring countries. Colonialism created many such borders separating a given tribal or ethnic people as we have the Yoruba tribe in both Nigeria and Benin Republic divided by the land boarder. The political parties in one country may want to have more of those ethnics now living in the other country in order to win their elections, and so they facilitate the illegal entry of same-group members living on the other side of the border and give them documents. This has been called "documentary citizenship", where the only thing that makes one a citizen is the fact that he she gets this document" (Falk, 2005). In Nigeria for example, it is suspected that the north has always gained electoral advantage over the

south due to this factor. That is the unlimited influx of people from Niger, Chad and Mali into Nigeria from the northern boundaries.

Between 1950 and 1999 movements across boarders increased from less than 50 million to 657 million (Table 1 and Figure 1).

The figures for 1999 - 2008 though not available would have shown a sharp increase. This is because of poor economic climate in the third world countries necessitating the mass movement of immigrants abroad for greener pasture.

Modern society sees it as the right of the sovereign nation to control the flow of human traffic to and fro its territory, hence the right to give, extend, withhold or deny visa to an intending immigrant. "In most African countries, there is no proper demarcation of boundaries, making it rather difficult to identify who is a citizen and who is not. And with the increase in movement of people across national boarders from 50 million in 1950 to well over 675 million people in 1999, most governments lack the capability to adequately police their territorial boundaries against foreign intruders and immigrants", (Nwaogu, 2004). Added to this, some individuals do not need visa or permit to enter into some other countries of the world. They enjoy free entry and exit to these countries. For instance, citizens of West Africa do not need a visa to enter member countries as a result of multi-lateral agreement among these countries.

Conclusion

The decline and changing role of the state as a result of

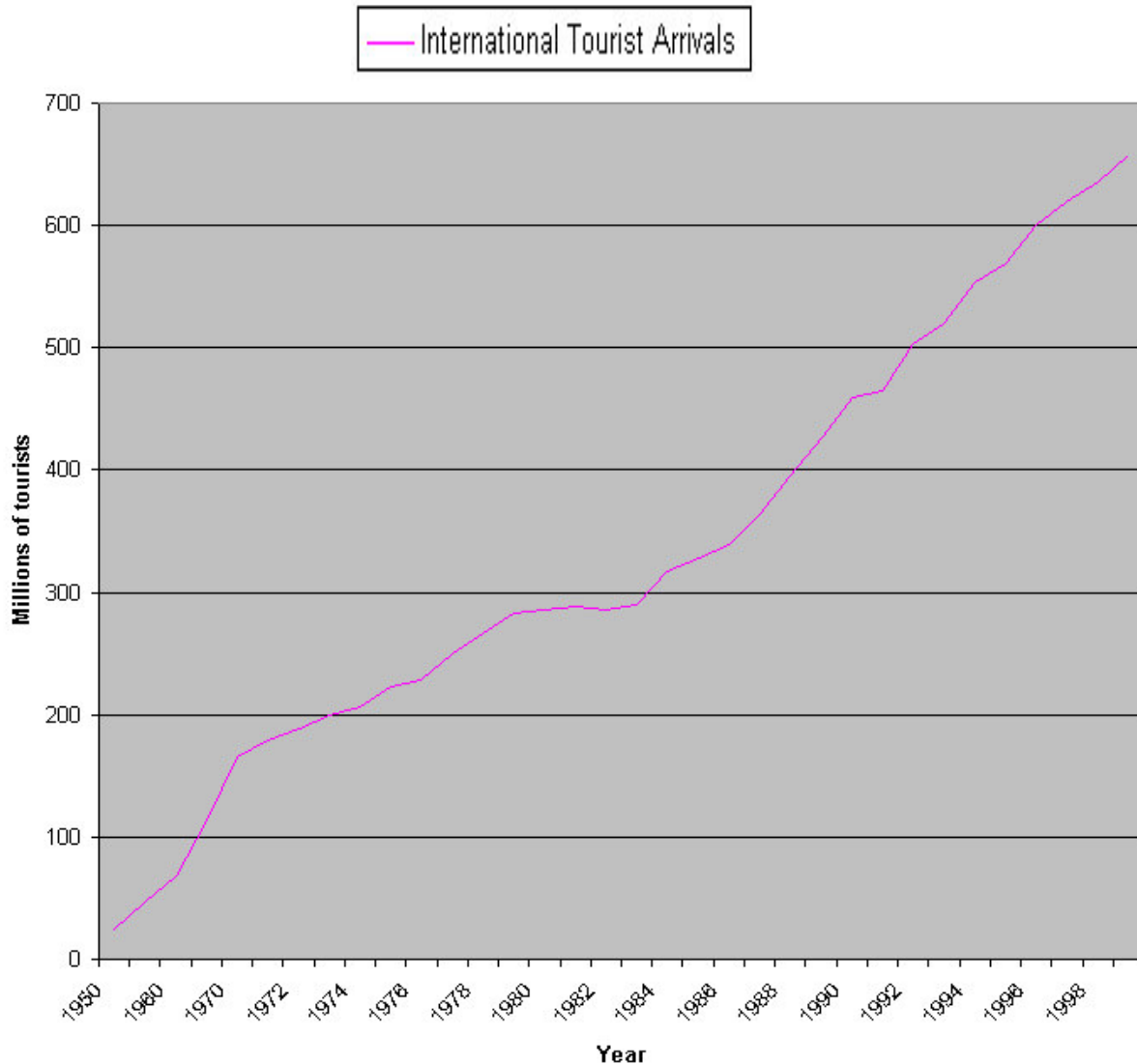


Figure 1. International Tourist Arrivals 1950 - 1999 Graph.
Source: World Watch Institute Graph by Tom Hale, July 2003.

globalization is partly connected with the nature of citizenship. Most of all, globalization produces a decline in citizenship and social responsibility by weakening the relationship between the citizen and the nation state.

It seems obvious that while it may have been possible in the past to understand the phenomenon of citizenship by concentrating almost exclusively on the relations of the individual and the state, such a vantage point is no longer sufficient. Elements of citizenship are being created at many levels of society, from the most local through the most global.

Citizenship can be localized as in the exclusive membership of a nation state, it can also be regional as in the

case of EU and it can also be supranational as in United Nations. For instance, anti-globalization activists who travel to protest at meetings of the IMF or the WTO do so as citizens of the global community. They engage in informal citizenship practices, as they protest at the venues of these meetings. The effect is a diminution of the exclusive nature of citizenship.

Globalization came with economic liberalization and restructuring. This has eroded the economic and social rights of people in many countries, but falling barriers to communication have also expanded international awareness of rights and facilitated the creation of civil society networks on a global scale as people are forming trans-

national alliances and defining entirely new rights within supranational arenas which is a complete negation of the principle of citizenship espoused in the Treaty of Westphalia. For example, women have been able to forge strong international alliances to insist upon recognition of reproductive rights. Environmental movements have championed the ideal of 'sustainable development', which implies that generations yet unborn have entitlements to live in an undiminished natural environment. The rights are increasingly articulated at an international level, although they may affect even the most local and personal spheres of daily life.

Globalization therefore is diminishing the relevance of international borders by eroding and undermining the foundations of traditional citizenship. Some of the elements of exclusive allegiance are beginning to erode but citizenship still remains deeply connected to the nation state and there is little disagreement that as a formal institution, it is still largely national.

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