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When does an Indigene/Immigrant become a Citizen? Reflections on the Nation-State in Contemporary Africa

Did the nation precede the formation of the modern state in Africa? Or was the state created before the nation was born? These two related questions are central, in my view, to understanding the nature and substance of conflicts in contemporary Africa. The modern states in contemporary Africa were created at a time when different peoples were being reconstituted/invented as 'tribes' under colonial enlightenment. These two processes – the making of *Bula Matari* and the invention of peoples as 'tribes' – are arguably, still unfolding in the continent[1]. It is this situation of flux, I want to argue, that is the key to unlocking the riddle of incessant conflicts in Africa.

Whose State; What Nation?

The state that was created under colonial enlightenment was an exclusive project that served the needs of (a) The colonising 'other'; (b) The interest of the pre-capitalist ruling groups. The configuration of forces under this dispensation did not allow for the development of a civil society. Civil society, where it evolved, was exclusively the preserve of the settler 'other' and the few privileged groups in coastal Freetown and the *Quatre Commune* in Senegal. This exclusive paradigm came under enormous strain during the period of decolonisation. Questioned, challenged, but never jettisoned, decolonisation turned out to be a deracialising project that substantially left Bula Matari – the structures of the colonial state – intact.

No characterisation seems to capture the logic and essence of the colonial and post-colonial states as much as the notion of a bifurcated state[2]. For in its day-to-day operation the colonial and post-colonial and post-colonial states are in reality the commingling of the modern, westernised apparatus of state and the pre-capitalist governing institutions that were reduced to subordinate status under colonial enlightenment. But the logic of the incorporation of the pre-capitalist ruling groups into the governing structure of the colonial and post-colonial had nothing to do with the genius of a Lord Lugard or any social engineering feat of a *Pax Colonica*. Indirect rule or control through indigenous structures had historically being a time-honoured practice of conquerors. What it does suggest in our case – and this is important in our understanding of the post-colonial trajectory – is the efficacy of pre-capitalist governing institutions. Just as capitalism was unable to destroy the pre-capitalist socio-economic formations so colonial social engineering was incapable of

marginalising the culture and governing institutions of the conquered peoples. This failure completely to destroy the indigenous political structures paved the way, in my view, for their resurgence and their salience in certain instances in the post-colonial era.

Let me take the example of the dual legal system: the so-called customary law and the western cannon: British, French and Portuguese. This duality reproduced the fundamental tension in the notion of the bifurcated state: a specific legal code for those in the modern westernised enclave and another for those in the so-called traditional customary domain. The divisions between the civic and the ethnic are key to understanding the notion of citizenship as a lived reality in post-colonial Africa. Thus the one is supposedly civic, universal and progressive; the other ethnic, particularistic and backward. The one encapsulates the notion of citizenship in formation; the other replicates the ethnic, the indigenous, as a fully formed *sui generis* category. The domain of the citizen is supposedly open to outsiders because of its alleged egalitarian character but the domain of the indigenous/indigeneity is forever sealed like a Chinese wall, closed to outsiders, condemned to a status of perpetual tenants with limited rights.

In theory citizenship is available to all nationals in every African country. Indigeneship is however restricted to 'natives,' those with 'roots' in particular space/community. All indigenes are citizens but not all citizens are indigenes! This is true of most Africans (black) in South Africa; of all Igbos in non-Igbo areas in Nigeria; all Hausas in non-Hausa areas; and all Yorubas in non-Yoruba areas. It is also true for descendants of immigrants/non-indigenes in Côte d'Ivoire, Tutsis in the Eastern Congo, and Tutsis and Hutus in Rwanda and Burundi. There are 149 chiefdoms in Sierra Leone to which Sierra Leoneans can lay claim to assert their indigenous status. The irony of this kind of political identity is that there are no Chiefdoms in the city of Freetown. Thus the Krios in Freetown, the Fullahs and the Lebanese, are completely excluded from this notion of indigene identification.

Posed this way it becomes possible to connect larger state processes with local events: land ownership and political rights, residency and civic rights. The challenge however remains: to unravel the complexity of identity and political and social rights.

The Immigrant/Non-Indigene Dialectic

To what extent is indigeneity an African phenomenon not salient in times of crisis but present and alive in everyday life? Is citizenship a product of colonial modernity alien to Africa? How do we begin to make sense of the Yoruba notion of *alejo;* the Hausa concept of *dan waje*; the tenancy relations for non-indigence in the Mano River states of Sierra Leone, Liberia and Guinea-Conakry; and the usufruct rights between nomads and sedentary communities in Africa? Key to understanding this dialectic is the permanent

non-changing status of the immigrant/non-indigene: you are born an immigrant/non-indigene and you remain one irrespective of residency or citizenship.

The history of the last five hundred years has produced a movement of peoples all over the continent and within countries that should allow us to construct a tentative typology of immigrants and non-indigenes. There are those that are considered 'aliens': 'Caucasians' and Arabs, whose presence in Africa is closely connected with foreign occupation. There is also a second category of 'aliens', mainly Jews, Greeks, Syrians and Lebanese, who entered the continent at the turn of the twentieth century and have remained in the private sector.

The resident migrant 'others' are a creation of the colonial economy. Here we have Malians in Senegal, Mozambicans in South Africa, Burkinabes in Côte d'Ivoire, Togolese and Benenois in Nigeria, migrants from French-speaking African countries in the Congos. (Note: Ghanaians expelled Nigerians in 1971; the Nigerians retaliated in 1982; Senegalese did the same to Mauritanians in the early 1990s; and Ugandans to Rwandans in 1992).

Resident non-indigene status is more of an intra-state phenomenon. Here I refer to the presence of other national groupings in towns and cities in other parts of the country. For instance Igbos in Northern and Western Nigeria; Hausas in Eastern and Western Nigeria; Yoruba in the north; other Sierra Leoneans in the diamond areas of Sierra Leone; the Fullahs all over Sierra Leone; and the Jollas in Dakar.

Then there are the resident 'citizen aliens'. The Tutsis in Rwanda and Burundi; the Bayamulenge and Bayamasisi in the Congo; the Fullahs all over West Africa; and the Bayawanda in Uganda fall under this category. Lest we forget, the wars that raged on the continent in the 1950s and 1960s were first of all wars of liberation against colonial oppressors: Algeria against French settlers; Kenya against the British planters; Angola, Mozambique and Guinea-Bissau against Portuguese colonialism; and the war in Southern Africa against racist minority regimes. These wars were about national liberation and they collectively revealed the way and manner in which the nationalists or those who claimed to speak for the nation were beginning to imagine the nation-state to be. These imaginings were not only exclusive but were also scripted in a way that would privilege what was believed to be African. And African in this view was anything but Western or white. These imaginings would be put to test in the immediate post-colonial period.

The crucial variable in the struggle for national liberation was the land question. Conquest and alienation of a land by those considered 'foreign' shaped the consciousness of those who took up arms to defend the motherland/fatherland. Ownership of land determined who belonged to the nation-state and who should be excluded. In this reading land alienation by outsiders excluded those whose land had been expropriated. Taking over the land, through violence or negotiations, was the route to an inclusive paradigm and a just settlement. The

land question defines the immigrant as well as the non-indigene. Here, race seemingly has no meaning.

The immigrant/non-indigene dialectic restricts the rights of people based on their perceived internality or externality to an area. It is an endless gate-keeping with no signs of coming to an end. Thus whereas one can naturalise as a citizen one cannot become an indigene by naturalisation. Indigeneity excludes genera-tions from exercising their basic social, political and even in some instance, economic rights.

The Unsettled Citizenship Question: A Post-Colonial Puzzle?

Those who proffer explanations regarding contemporary Africa through the prism of ethnicity do have a point; those who reduce post-colonial politics to ethnicity (tribalism?) miss the point. The challenge, its seems to me, exists at two levels: (a) To problematise the ideology of ethnicity within the framework of political economy; (b) To link this exercise with the notion of political, civic, and economic rights. If we dismiss ethnicity à la Mafeje as the ideology of tribal entrepreneur, don't we risk throwing the baby with the bath water? How do we explain its continued salience? Its virulence and its refusal to just go away as modernisation theorists and other apologists had posited? How do we explain its popularity among different social categories belonging to the same national group? Why do the Igbo trader, the Igbo professional, and the Igbo worker in Lagos/Kano subscribe to the same thesis of Igbo marginality within the Nige-rian nation-state? How do we explain the popularity of the 1994 genocide in Rwanda? What linkages existed between the professional Hutu who was a genocidaire and his/her compatriots who were workers/peasants? Can this be reduced just to identity, that is Hutuness? These questions compel us to think seriously not only about how ethnicity/ethnic ideology shapes the political pro-cess but more importantly why it continues to inform politics in the continent.

I want to suggest that ethnicity is the form in which the citizenship question poses itself in Africa; that the wrangling over political rights and the talk about economic and political marginality in Côte d'Ivoire, Sudan, the Great Lakes, are really about citizenship. The Anyanya rebellion in the 1950s, the conflagra-tion in the Congo in the 1960s, the Nigerian civil war, the Chadian crisis in the 1970s, were all about citizenship: the right of groups actively to participate in the nation-state project *sans* discrimination. It needs be remembered that the pogroms against Igbos in Kano City in 1966 were the immediate catalyst for the declaration of the independent state of Biafra. The Igbos were simply told to leave Kano City, where they had lively all their lives, and return to their 'native land'. Their sojourn in Kano in the *Sabon Gari* quarters was a painful reminder that they were indeed non-indigenes who could be asked to leave at any time. Some twenty-some odd years later, Tutsis who had fought with Museveni in the NRM were asked to leave Uganda where most of them were born or which they knew as home, for a place, Rwanda, that only existed in their collective

imagination. It was a painful reminder of their alien 'otherness' that even though continuous residency had granted them some respite during the period of struggle and immediately after, the new parliament after 1986 would turn down their request for Ugandan citizenship. The Igbo and Tutsi examples teach a singular lesson: non-indigeneity is a permanent non-transitory status of quasi-citizenship. It is both intrastate and inter-state.

If non-indigeneity is a halfway house between citizenship and 'foreignness', descendants of immigrants occupy a special position of in the continuum of exclusion. Confined largely to the technocratic/economic/financial sphere as in South Africa or to the commercial sector as in East and West Africa, these groups currently operate within a parameter outside the realm of competitive electoral politics.

Social Citizenship/Indigenship or Conflict? Concluding Remarks

I want to end this short piece with a series of questions. Is social citizenship a possibility in the context of seemingly contradictory African notion of indigeneity? How do we reconfigure the citizenship discourse to engage meaningfully with the different forms and patterns of exclusion prevalent in the continent? Put differently, how do we tropicalise citizenship discourse in Africa? Amending citizenship laws as they did in the Congo would be one possibility. But can we seriously legislate against a practice that is extremely popular and widely defended in the realm of culture as a way of life? These questions bring us back to the two questions posed at the beginning of this exposition: the nature of the African state and the historicity of the nation. The citizenship question cannot be resolved without a reconstitution of the African nation/state, as it is presently constituted.

Notes

1. For more on *Bula Matari*, see Crawford Young, *The Colonial State in Comparative Perspective*, Madison, University of Wisconsin Press, 1994.
2. Mahmood Mamdani, *Citizen and Subject*, Princeton, Princeton University Press, 1996.

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