

An Exploration of Gender and Statelessness in Zimbabwe's New Dispensation: Opportunities and Problems

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Abstract

In 1954, the United Nations (UN) ratified a Convention for the protection of stateless persons. Subsequently, in 1961, another Convention aimed at reducing statelessness in all countries was ratified. This article addresses the question of whether and under what conditions statelessness has been created and the extent to which gender dynamics have been played out through citizenship laws in Zimbabwe. Informed by the moral responsibility theory, the article argues that in fulfilling its moral duties, the Zimbabwean state took some actions without considering the wider consequences of plunging citizens and people of foreign ancestry, in particular Malawians and Mozambicans into statelessness. The analysis showed that citizenship laws in Zimbabwe have historically been politicized against people of foreign ancestry, favouring masculinity and discriminating *against* women. The article concludes that collaboration and coordination between government and various stakeholders are important aspects to be considered if politicized and gender discriminatory citizenship laws are to be done away with in contemporary Zimbabwe.

Keywords: gender, stateless persons, Malawians, Mozambicans, Zimbabwe

Introduction

Zimbabwe falls within the bracket of a fragile state because an estimated 72% of its population lives below the USD\$1.90 a day (World Bank 2015).

By the time of conducting the 2018 harmonized elections, Zimbabwe was already faced with liquidity challenges, coupled with increasing food prices, unabated allegations of corruption by some government officials, poverty and rising unemployment. At the time of writing this article, an estimated 7.7 million people are faced with hunger and poverty owing to the 2019-20 poor agricultural season (*Pindula News* 2020). These socio-economic and political dynamics occur in the face of the Zimbabwean dollar, which is fast losing value each day (Scoones 2020). This state of affairs contributes to state inefficiency in service delivery to citizens, and more so to people of foreign ancestry. Put simply, state fragility contributes greatly to statelessness by design or default (Ncube, Chimbwanda & Willie 2019). Accordingly, matters pertaining to stateless persons are usually considered trivial in cases where the incumbent government is faced with fragility, yet government is a major player in creating or reducing statelessness in terms of the 1961 Convention.

This article, therefore, concerns Malawians and Mozambicans living in Zimbabwe who were born elsewhere but have lived in the country. Some were born in Zimbabwe, but their parents, even grandparents, were born in Malawi or Mozambique, so they remain undocumented and unaccounted for in Zimbabwe. A significant number of these people include permanent residents, illegal migrants, asylum seekers and rejected asylum seekers, overstayers, the convicted and those migrants whose documents have been lost or stolen (Bloom, Tonkiss & Cole 2017). Stateless persons with ancestry tracing their origins from Malawi and Mozambique, living in Zimbabwe were selected for review, because they share the common colonial experience and patriarchal tendencies with Zimbabwe.

The article aims to investigate whether and under what conditions statelessness has been created, and the extent to which gender dynamics have been played out through citizenship laws in Zimbabwe. It also discusses the extent to which people of foreign ancestry, in particular Malawians and Mozambicans living in Zimbabwe, have been affected by such laws. In Southern Africa, countries with the biggest stateless population are Zimbabwe, South Africa and Madagascar (Mbiyozo 2019a). While official statistical data on statelessness in each of these countries are difficult to establish, available statistics indicate that Zimbabwe has a population of between 80 000 to 600 000 stateless persons (Institute on Statelessness and Inclusion 2014). Zimbabwe's largest population of stateless persons are from

SADC countries such as the Democratic Republic of Congo, Malawi, Mozambique and Zambia. There is also a significant number of stateless persons from Burundi, and Rwanda, to mention but a few (United Nations High Commissioner for Refugees, UNHCR 2018). This article focuses on migrants from Malawi and Mozambique as they share a common historical context of colonialism in Southern Africa.

Groves (2020a) traced the migration of Malawians as far back as the 1920s and concludes that the majority of them never went back, but stayed in Zimbabwe until the time of writing this article. Chikanda and Crush (2016) traced the influx of Mozambican migrants in the early 1980s, which was necessitated by the civil war in Mozambique. For example, they reported that migrants from Mozambique had increased from 123 400 to 175 000 between 1986 and 1989, and to 237 123 by 1992, but fell to 1 391 in 1994. The difference between migrants from Malawi and Mozambique is that in the former, migration was predominantly labour related, while in the latter, migration was due to armed conflict. Against this background, the problem that the article seeks to address is whether, and under what conditions, statelessness has been created, and the extent to which gender dynamics have been played out through citizenship laws in Zimbabwe.

Research Approach

This article employed a qualitative research approach because of its propensity to rely on lived experiences of individuals and groups within a context. The article is based on a documentary review conducted through concept analysis. Berenskoetter (2016) defines a concept as an idea that bundles multiple elements, experiences and expectations of the perceived phenomenon in a particular context. A concept is different from a word in that a word points to the meaning of one thing, whereas a concept is an abstract idea that ascribes multiple interpretations and meanings, and plays multiple functions in society (Squires *et al.* 2014; Berenskoetter 2016). Two primary concepts explored were gender and statelessness, and the extent to which citizenship laws reflect gendered preferences of masculinity, at the same time downplaying femininity.

Concept analysis, therefore, attempts to unpack the values and intentions embedded in a concept by tracing how a concept is understood, interpreted and functions in its historical context (Berenskoetter 2016). In

order to get to the gist of the matter, concept analysis embraces backward- and forward-looking lenses to understand how citizenship laws in Zimbabwe have evolved to create statelessness among the Malawian and Mozambican living in Zimbabwe. Linking gender and statelessness is one of the approaches that this article adopted in order to understand these phenomena within their context in Zimbabwe.

To understand legal and strategic frameworks on statelessness, its nature and consequences globally, critical documents reviewed include the 1954 *Convention relating to the Status of Stateless Persons*, and the 1961 *Convention on the Reduction of Statelessness*. To understand categories of citizenship in Zimbabwe, the Constitution of Zimbabwe (Amendment 20 of Article 2013) and the Citizenship of Zimbabwe Act were consulted as citizenship rights are conferred through the constitutional legal framework. Given the thrust of the article, which seeks to assess the gender dimension of statelessness in Zimbabwe, the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Global Campaign for Equal Nationality Rights were consulted to understand the legal framework for gender. Results were compared and discrepancies assessed and discussed in order to understand statelessness and its gender dimension in Zimbabwe.

Conceptual Framework

In order to identify variables that this article seeks to address, a conceptual framework on the nexus between statelessness and gender had to be constructed. The article seeks to test a cause-and-effect relationship between statelessness and gender in Zimbabwe. In doing so, it explores whether and under what conditions statelessness has been created, and the extent to which gender dynamics have been played out through citizenship laws in Zimbabwe. This raises the question of what sort of citizenship reforms should be made by the Zimbabwean state to reduce statelessness and its negative consequences on gender.

Statelessness is a phenomenon involving a category of people that cannot get identification documents, resulting in their being denied access to various services like health, employment or schooling (Bloom *et al.* 2017). It has two different types, but overlapping categories: *de jure statelessness*, which occurs when no state recognizes a person as a citizen; and secondly,

de facto statelessness, which occurs when a person has a nationality of a certain state, but that state cannot protect him/her. Statelessness can occur within the context of migration affecting migrants, while in other instances, it can occur outside the context of migration affecting indigenous people (Kane 2019). This article examines statelessness in the context of migration and its devastating effects when it takes on a gender dimension.

The word *gender* is widely used and defined differently across disciplines, but the common thread is that gender relates to socially constructed roles and behaviours within a specific cultural context (Nicole & Deutsch 2008). This article is closely aligned to the UNESCO (2003) conception of gender, which reveals that:

Gender also includes the expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). Gender roles and expectations are learned. They can change over time and they vary within and between cultures It [gender] is not biologically predetermined nor is it fixed forever.

What is crystal clear is that gender roles or characteristics are not fixed, but they are modified over time and are in step with constantly changing environments. In Zimbabwe, the modification of gender characteristics can be noticed in that during the colonial era, women were barred from opening bank accounts, owning, accessing and controlling land, and even running for public office (Cheater & Gaidzanwa 1996).

However, in contemporary Zimbabwe, we have had instances in which female politicians have occupied positions in the presidium, judiciary and legislators. At the time of writing this article, some women are currently serving as members of parliament, ward councillors and village heads and chiefs. At local community level, women occupy strategic positions in self-help initiatives such as village banks and peace committees, with some holding chairperson positions (Chivasa 2018). The institutionalisation of the Gender Commission in the Constitution of Zimbabwe is a milestone development towards the modification of gender characteristics towards gender equality. This article attempts to address the question of whether and under what conditions statelessness has been created, and the extent to which gender dynamics have been played out through citizenship laws in Zimbabwe.

Theoretical Perspective

The moral responsibility theory is used as a theoretical framework in this article. It is one of the segments in moral philosophy. Moral responsibility is premised on the two extremes about actions and consequences. Regarding actions, moral responsibility presupposes that 'some actions are simply good in themselves, and so one has a duty to do them regardless of their consequences' (Slim 2001:503). Such a theory was necessary to understand the extent to which actions taken by the Zimbabwean state in its endeavour to fulfil its duty can be considered good in the context of the rights of citizens and people of foreign ancestry. In other words, since states have the moral duty to document citizens and people of foreign ancestry, the moral responsibility theory helped in assessing the extent to which certain actions taken by the Zimbabwean state concerning citizens and people of foreign ancestry can be blamed for creating statelessness, or praised for reducing statelessness.

The moral responsibility theory also presupposes that actions taken by states should be measured as good or bad on the basis of their goals or direct consequences (Blackburn 1996; Slim 2001). For example, an estimated 25 states deny women the right to confer nationality on their children, whereas their male counterparts have the capacity to confer nationality on their children. Such actions plunge children into statelessness. Apart from that, an estimated 50 countries do not allow women to confer nationality on their spouses who are of foreign origin, plunging married men into statelessness (Global Campaign 2020). Depriving some sections of the population of the right to nationality, especially women on the basis of gender, is discrimination.

A report by the Global Campaign for Equal Nationality Rights (2020:1) states that 'Stateless women and girls are at a higher risk of being trafficked, while girls are also at a greater risk of child early and forced marriage'. For that reason, states have the responsibility to reduce statelessness to mitigate the vulnerability of women and girls to discrimination and other social ills that violate their rights. The denial of women the right to documentation affects other rights such as the right to education, employment, the right to acquire property, and to pass on citizenship right to their children. This cluster of vulnerabilities can be mitigated if states align their laws to international instruments which include the 1954 and 1961 Conventions on statelessness.

Accordingly, the moral responsibility theory informs this article in its arriving at the conclusion that it is not always good to discriminate against people on the basis of gender and country of origin. The moral responsibility theory helped this article in bringing new insights and understanding that actions taken by states as they execute their duties should endeavour to serve human life as well as consider the consequences of gender discriminatory nationality laws. However, the major limitation of moral responsibility is that states can be caught between hard and sharp surfaces in which certain actions are made without considering the short-term and long-term consequences.

International Instruments and Strategic Frameworks on Statelessness

Globally, statelessness affects an estimated 11 to 15 million people (Goris, Harrington & Köh 2014). In spite of identifiable factors such as birth, descent and residence in which *de jure* or *de facto* statelessness can be avoided, the problem of statelessness persists. Issues of statelessness are regulated by international Conventions, such as the ground-breaking 1954 Convention ratified by the UN for the protection of stateless persons. In article 1, the Convention identifies a stateless person as an individual who is not a citizen of any state. Zimbabwe is a signatory to the 1954 Convention.

Subsequently, the 1961 Convention aimed at reducing statelessness in all countries was ratified. Article 1.1 of the Convention provides that individual states that ratified this Convention should take responsibility to confer nationality at birth to a person born within its territory to avoid plunging such individuals into statelessness. Zimbabwe has not ratified the 1961 Convention (Manby 2019), implying that as a matter of principle, she is not under an obligation to take responsibility for reducing statelessness.

Subsequently, in 1979 the UN ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in order to address gender issues. Article 9 obliges national governments to guarantee equal nationality rights to women. The Southern African Development Community (SADC) ratified CEDAW in 200. Mbiyozo (2019a) notes that in the SADC region, seven states have complied with the 1954 Convention. These are Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe. Of interest to this article is the gender dimension of statelessness based on the Zimbabwean experience.

Citizenship Laws in Zimbabwe

In this article we come to grips with the reality of gender discriminatory citizenship laws which inhibit the rights of certain sections of the society on the basis of socially constructed gender characteristics. Citizenship rights are conferred through the Constitutional legal framework. Manby (2009) argues that at independence more than a dozen African countries forbade women to pass on citizenship status to their children on the basis of gender. Although some reforms to address gender discrimination against women have been instituted (Manby 2016), Zimbabwe was on the list of 16 African countries that 'discriminated (against women) on the grounds of gender in granting citizenship from birth to children either born in their territory or abroad' (Manby 2009:5). At the time of writing this article, the Constitution of Zimbabwe (Amendment 20 of Act 2013) does not seem to discriminate against people on the basis of sex. Manby (2019:8) states that 'The 2013 Constitution confirms the three existing categories of citizenship: by birth, by descent and by registration'. One of the hurdles in the citizenship law in Zimbabwe is that registration fees are beyond the reach of many people who are not Zimbabweans by descent.

Anyone willing to register, whether adult or child, is obliged to pay US\$5 000,00. A closer analysis of the registration fees indicates that not many people can afford to raise these fees. The fees scare people away, plunging them into statelessness. Another problem is that Zimbabwe was on the list of 27 African countries in which 'women were unable to pass on their citizenship to their foreign spouses, or to their children if the father was not a citizen' (Manby 2016:5). It is logical to assume that women are still faced with challenges to confer citizenship on their foreign spouses. One of the mechanisms to address the gender dimension of statelessness is for Zimbabwe to ratify the 1961 Convention.

Citizenship and Gender in Zimbabwe

Studies on citizenship laws in Zimbabwe have focused on a number of aspects which include the gender dimension of citizenship laws. For example, Gaidzanwa (1993) examined how the male-headed monogamous family – considered as ideal for southern African society – has influenced citizenship laws in Zimbabwe. This study found that the gender preference

of masculinity has pervaded citizenship laws, thereby downplaying femininity (Gaidzanwa 1993). The gender dimension of statelessness was not the focus in this study.

Nkiwane (2000) examined how the Zimbabwean state has perpetuated discrimination against the rights of women with respect to citizenship through manipulation. He found that the states have perpetuated discrimination against women in the name of embracing African ‘culture’ or ‘tradition’, which already reflects the gender preference of masculinity. While Nkiwane (2000) looked at the gender dimension of citizen laws, the gender dimension of statelessness was not the focus in his study.

Dube (2009) assesses how the Zimbabwean state, through the amendment of the Citizenship Act of 2003, disenfranchised all people of foreign origin, in particular Mozambicans, Malawians, Zambians or Britons. This amendment prohibited dual nationality to anyone whose ancestry was linked to foreign origin as the basis to retain Zimbabwean citizenship. Ironically, all people of foreign origin were forced to renounce their entitlement to foreign citizenship even before securing Zimbabwean citizenship (Dube 2009). Dube (2012) indicates that alien discourses in Zimbabwe took prominence in the early 2000s. She avers that alien discourses culminated in the promulgation of the Citizenship Act of 2003, in which people identifying themselves as Malawians or Mozambicans lost their Zimbabwean citizenship. Dube (2012:5) concludes that the Zimbabwean ‘state does not give citizenship to individuals simply because they are residents, or even because they are born here’ (in Zimbabwe). The gender dimension of statelessness was not the focus in her study.

Groves (2020b) examines how the Zimbabwean state has used citizenship laws to perpetuate political exclusion against Africans labelled as aliens because of an ancestry which traces their origins from Malawi. The results show that although the state considered Malawians as aliens with no civil rights to participate in a political process such as voting, Malawian aliens considered themselves as belonging to the Zimbabwe state. The gender dimension of statelessness is not reported in this study.

Gender Discriminatory Citizenship Laws in Zimbabwe

Although heterosexual marriage in Zimbabwe is still highly regarded and protected by law and society, some married women continue to bear the brunt

of statelessness. The Global Campaign for Equal Nationality Rights (2020:1) reports that there are citizenship laws that deny 'women the right to confer nationality on non-national spouses on an equal basis with men, and linking a woman's ability to acquire, change, and retain her nationality to her marital status'. Groves (2020a) note that citizenship laws in some Southern African countries make life difficult for women who get married to men of foreign origin. This is true in cases where a woman is married to a foreign national, as some laws prohibit women from conferring nationality on a spouse. By extension, getting married to a foreign national may also jeopardize the rights of children and the woman's rights to a nationality, thereby plunging the mother and children into statelessness. Few mothers see the implications of getting married to a foreign national on the rights of children to nationality. While the CEDAW advocates for equality between men and women in terms of their right to acquire, change or retain their nationality, the 1957 *Convention on the Nationality of Married Women* provides that married women should confer nationality rights on their spouses.

One of the major reasons why married women are susceptible to statelessness is that they have to abandon their natal families to live with the husband's family. This is a cultural issue which still holds sway in the Zimbabwean society today. The complexity of the matter is that if a woman gets married to a man of foreign ancestry, she has to abandon her natal family to join that of her spouse. This dynamic involves women relocating to live with her spouse, which means that her citizenship status continues to change compared to her husband's, which remains static. In some cases, the woman can risk losing her citizenship status for the purpose of maintaining loyalty to her spouse's relatives.

Zimbabwe has a new marriage law which, according to Hale (2020), is meant to flush out foreigners and Zimbabweans allegedly abusing the marriage laws. While it is not clear how the new marriage law is meant to flush out foreigners, from Hale's perspective, 'a foreigner intending to marry a Zimbabwean is now required to produce an original non-marriage certificate from his/ her country of origin, otherwise the marriage cannot continue'. The requirement to produce a non-marriage certificate indicates a prudent standard, but it puts restrictions on those individuals born in Zimbabwe, but with foreign ancestry, as they may not have documentation from the alleged country of origin (<https://www.immigroup.com/marrying-and-sponsoring-zimbabwean-citizen>).

Kanokanga and Partners (2020) shed some light on the non-marriage certificate to be produced by any foreigner wishing to marry a Zimbabwean. The certificate is an important document as it saves from the ‘embarrassment and inconvenience of marrying someone who may still be legally married to someone else’ (<https://www.kanokangalawfirm.net/obtaining-a-certificate-of-no-marriage>). It is crystal clear that a woman is most at risk of statelessness in that if she decides to marry a stateless man or a man of foreign origin, some laws diminish the rights of a woman married to a foreigner. Children born to a father or mother of foreign ancestry are at risk of becoming stateless. In some cases, this vicious cycle can be difficult to break. In worst case scenarios, if the relationship between the man and the woman is terminated, custodianship of stateless children becomes problematic. Stateless children are at risk of losing their civic and political rights.

Citizenship Laws and People of Foreign Origin in Zimbabwe

Being alien in Zimbabwe has been used as a campaign tool to bar people of foreign ancestry from enjoying civil and political rights (Dube 2012). The majority of people that suffer statelessness in Zimbabwe are Africans from countries such as Malawi, Mozambique and Zambia. With reference to the plight of people of foreign ancestry in Zimbabwe, Dube (2009:23) makes the following remarks:

For generations now these people have known no other place but Zimbabwe as their country of nationality. Most are two or three generations away from the person who initially migrated to Zimbabwe and they do not identify with the country of their descent. In a normal democracy, it would be fair and just that these people would be granted citizenship by birth but due to the undemocratic stance that the Zimbabwean government has taken, more often than not they are denied the right to an identity, regarded as ‘aliens’ and as a result do not belong anywhere.

As the above excerpt seems to suggest, there is a problem with the Zimbabwean state, as it has created, rather than reduced statelessness. What is more heinous is that statelessness in Zimbabwe is motivated by the politics of exclusion. Groves (2012:499) opines that ‘these migrants [Malawians]

have been targeted by exclusionary state policies at moments of political and economic crisis, during both the colonial period and since 2000'. This article argues that there is still an opportunity for Zimbabwe to rectify its past mistakes by ratifying the 1961 Convention.

Xenophobic Labels against Malawians and Mozambicans in Zimbabwe

Local dynamics in communities can be a reflection of existing policy frameworks as the local and the macro are not independent on each other, but are interdependent entities. In Zimbabwe, migrants have had a number of xenophobic labels, which in local languages include, among others, *mabvakure* (aliens), and *mafudzamombe* (cattle herders – referring specifically to male foreign nationals, in particular refugees from Mozambique, who used to work as cattle herders in various parts of Zimbabwe from the 1980s onwards). Migrants from Malawi are popularly known as *machona* – ‘the lost ones’ (Groves 2020a), which is derived from *kuchona*, loosely translated as staying away from the home country for too long, and *mabhurandaya*, meaning migrants from Blantyre, the capital city of Malawi (Groves 2012). It is ironical to note that these social constructs targeting people of foreign ancestry are veiled in the exclusivist political discourses discussed above.

Other labels attached to foreigners in Zimbabwe are *vawuyi* (aliens – plural), *vatorwa* (strangers – plural), *muwuyi* (alien – singular), and *mutorwa* (stranger – singular) in the Shona vernacular to signify an individual or group outside the agnate relations. Among the Shona people of Zimbabwe, who constitute the majority, the term *ukama* (agnate relations) is associated with *mhuri* (extended family), *mutupo* (clan name) and *zvidau* (sub-clan names) (Tsodzo 1992). For that reason, anyone who does not belong to the said agnate relations is considered a *mutorwa*. Being a *mutorwa* means diminished rights in some sections of Zimbabwe.

In Shona kinship, there are four types, namely, kinship by descent (blood relatives – *hama yeropa*); distant relatives (distant relative – *ukama hwekure*), non-relatives (acquaintances – *ukama hwekugarisana*), and kinship by marriage (Bourdillon 1987). Of interest to this article is kinship by marriage. In Zimbabwean traditional culture, anyone who marries a Zimbabwean deserves equal treatment because she/he is a kin through marriage

relationship. Kinship by marriage involves distant relatives and neighbours (who may include people of foreign ancestry). Ironically, there is no denial that as from the year 2000, it appears that the government of Zimbabwe, which is predominantly Shona, in its ploy to gain political mileage, adopted the *mutorwa* sentiments to diminish the rights of people of foreign ancestry when it scrapped dual citizenship. As Manby (2019:6) notes, ‘In 2001, the law was amended [Citizenship of Zimbabwe Amendment Act No. 12 of 2003, Section 9A] to require a person with a foreign citizenship to prove renunciation of that citizenship under the relevant foreign law’. Paradoxically, some people of foreign origin who were born and bred in Zimbabwe had no foreign citizenship to renounce, but still government did not secure them citizenship. It is regrettable to note that scrapping dual citizenship without securing citizenship to *vatorwa* doomed them to statelessness.

Some Problems and Opportunities with Citizenship Laws in Zimbabwe

To reduce and resolve statelessness, Zimbabwe can reform its nationality laws on the basis of the two principal doctrines which have a universal application: namely, *jus sanguinis* (law of blood), which ‘grants citizenship to those born in the territory; and *jus soli* (law of soil) – [which] grants citizenship based on descent from a national of that territory’ (Mbiyozo 2019a:4). Mbiyozo (2019b) notes that some countries apply one of the two doctrines, with others still apply a hybrid form of the two. In Zimbabwe, some reforms have been made during the era of the government of national unity (GNU), which ran between 2009 and 2013. Zimbabwe on paper applies a hybrid of the two principal doctrines. Manby (2019:n.29) makes the following remarks.

A child born in Zimbabwe was a citizen by birth if either parent was a citizen (of any type), or if any grandparent was a citizen by birth or descent (that is, not if the grandparent was only registered as a citizen). A child born outside Zimbabwe was also a citizen by birth if one of the parents was a citizen (of any type) and ‘ordinarily resident’ in Zimbabwe or working for the state or an international organisation. A child born outside Zimbabwe was a citizen by descent if either parent or any grandparent was at the time of the

birth a citizen 'by birth or descent' or if either parent was a citizen by registration.

However, a study by Ncube *et al.* (2019:66) in Tongogara refugee camp in Manicaland Province, Zimbabwe, showed that of the 2 709 asylum seekers, 1 431 are children under the age of 18 who need to be documented. They note that there are 'Zimbabweans who are spouses and children to refugees and asylum seekers'. This piece of evidence indicates that Zimbabwe has not been observing both principal doctrines for the attribution of nationality by birth or descent. In principle, if these two objective doctrines (*jus sanguinis*, citizen by descent, and *jus soli*, citizen by place of birth) cannot resolve the citizenship issue surrounding people with foreign ancestry, then it means that Zimbabwe is faced with an insurmountable systemic problem that requires an overhaul. Ideally, the *jus soli* law should address the plight of those born in Zimbabwe to acquire citizenship through birth, and others through descent in circumstances in which the *jus sanguinis* law is to be applied.

Although Zimbabwe's registration of birth is informed by international and national legal frameworks, there is still a lack of available and reliable data on the issue of birth registration, particularly for those children belonging to parents of foreign ancestry (Ncube *et al.* 2019). The common practice in Zimbabwe is to register a child under the father's nationality, making it difficult to register a child under the mother's nationality if she is married to a man of foreign ancestry. This registration dynamic makes it difficult for both parents of foreign ancestry once a child is born on Zimbabwean soil. The new dispensation government should consider aligning Zimbabwean citizenship laws with the relevant international instruments.

Conclusion

The aim of this article was to address the question of whether and under what conditions statelessness has been created, and the extent to which gender dynamics have been played out through citizenship laws in Zimbabwe. This article argues that government actions during the colonial era were responsible for instituting citizenship laws that were marred by racial overtones, targeting mostly all black Africans, both indigenous and migrant. It further argues that after independence up to the year 2000, citizenship laws

became highly politicized, targeting black Africans of foreign ancestry. One of the most indelible impacts ever made by the Zimbabwean state was the scrapping of dual citizenship, thus plunging the majority of people of foreign ancestry into statelessness. The problem in Zimbabwe has always been that too much emphasis on citizenship laws has favoured masculinity, at the same time discriminating against women and people of foreign ancestry. Evidence has shown that women who marry people of foreign origin in Zimbabwe risk losing their civil and political rights, and this is in spite of the fact that Zimbabwe has ratified gender mainstreaming policy frameworks to ensure gender equality between men and women.

Although it is governments' moral duty to document citizens and people of foreign ancestry, some actions by the Zimbabwean state during the Mugabe era were motivated by political interests without considering the wider consequences of such actions. The findings in this article suggest several actions and responsibilities to be taken by the Zimbabwean state to reduce statelessness and gender discriminatory nationality laws. The major action is to ratify the 1961 Convention relating to the reduction of statelessness. Without collaboration and coordination between government and other key stakeholders such as civil organisations and ordinary people, nothing can be achieved, as collaboration and coordination are important if gender discriminatory citizenship laws are to be done away with in contemporary Zimbabwe. Political will and continued efforts are still needed to terminate statelessness and gender discriminatory laws in Zimbabwe.

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