Understanding of CITIZENSHIP

CITIZENSHIP



What is citizenship?

- The term citizen refers to a person who has the right to be a full member of a particular state, while the actual legal status of membership to a state is called ***citizenship***.
- The word ‘citizenship’ is the status given to the citizen which provides them the right to legally live in a country for as long as they want.
- It refers to the official recognition of an individual integration into a given political system. (i,e, It is an instrument of identification)
- It represents a relationship between the individual and the state.
- Citizen is a person , citizenship is that person status or relationship to a nation, state or other body.
- Generally, citizenship as legal relationship between a person and a State is different from the specific legal relation exist between foreigners and the host State.

Citizenship as Rights

- Although differences may exist, there are common elements such as rights, duties, belonging, identity and participation.
  - **Citizenship as a Status of Rights:** In this sense, current political discourse often tends to identify citizenship with rights.
- Accordingly, Hohfeld (1978) discovered four components of rights namely, liberty (privilege), claim, power and immunity.

❑ **Liberty Right** (25 to 34 of the FDRE constitution)

- It is a freedom given for the right-holder to do something and there are no obligations on other parties to do or not to do anything to aid the bearer to enjoy such rights. No one including the State has any legitimate authority to interfere with the citizen‘s freedom except to prevent harm to others.

Citizenship as Rights

- **Claim Rights** (Article 41(3 and 4) FDRE constitution)
  - are the inverse of liberty rights since it entails responsibility upon another person or body
  - claim rights are rights enjoyed by individuals when others discharge their obligations.
  - Hence, in contrast to liberty rights, claim rights impose a corresponding duty on others to help respect and protect the bearers.
  - For instance, social right such as employment and public service benefits are claims that directly depend on taxes paid by others
- **Immunity Rights (Article 18(3) of the FDRE constitution)**
  - Allow bearers escape from controls and thus they are the opposite of power rights.
  - Immunity rights entail the absence of a power in other party to alter the right-holder‘s normative situation in some way.
  - For instance, civil servants have a right not to be dismissed from their job after a new government comes to power.
  - Witness in the court has a right not to be ordered to incriminate himself/herself.

II. Citizenship as '**Membership and Identity**'

- Citizenship is associated with membership of a political community, which implies integration into that community with a specific identity that is common to all members who belongs to it.
- The criteria for membership have been linked to shared territory, common culture, ethnic characteristics, history, etc.
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III. Citizenship as '**Participation**'

- Participation occupies a key position in citizenship.
- There are two approaches in this regard; minimalists and maximalists
  - A ***minimalist approach*** to citizenship characterized by a kind of basic passive compliance with the rules of a particular community/State,
  - ***Maximalist approac***h imply active, broad participation of citizens engagement in the State, while the maximalist approach imply active, broad participation of citizens engagement in the State.

IV. *Citizenship as* 'Inclusion and Exclusion'

- All individuals living in a particular state do not necessary mean that all are citizens.
- For instance, there are non-citizens visiting, working and living in Ethiopia branded as foreigners/aliens.
- The aliens, therefore, have rights just like the Ethiopian citizens such as the right to life, movement, and protection of the law.
- There are also responsibilities shared by both the non-citizens and citizens domiciled in Ethiopia particularly in respecting the laws of the country.

– However, citizens are fundamentally different from aliens in enjoying privileges and shouldering responsibilities.

– There are some political and economic rights that are reserved to and duties to be discharged by citizens only. For instance, an Ethiopian citizen has the right to get access to land, vote and to be elected and get Ethiopian passport.

*Citizenship as '***Inclusion and Exclusion**

- Moreover, in the era of globalization, it has become increasingly customary to use 'citizen' in a different way to indicate membership of a person beyond a particular political community, the State.

- Terms like '***global citizen***' or '***cosmopolitan citizen***' are commonly used to refer to every human living in the earth planet

PHILOSOPHICAL DISCOURSES ON CITIZENSHIP:

- Citizenship is mold by people through time and that is why the notion of citizenship and the meaning attached to it changes with the change in political thoughts, ideologies, policies and government.
- While some States relies on markets to allocate citizenship rights with very restricted government/State intervention, other States acknowledge government intervention in the market.
- Citizenship obligations vary too, ranging from States where military service is required (like Eritrea and North Korea) to those states where every citizen, under normal circumstances, is not obliged to take military trainings or serve. As a result, various citizenship theories emerge out of such historical trajectories.

Theorizing Citizenship

- There are different approaches to citizenship, most contemporary works that address the issue of citizenship speak of the following four approaches:
  1) **Liberal citizenship Models,**
  2) **Communitarian citizenship Models,**
  3) **Republican citizenship Models**
  4) **Multicultural citizenship Models**

1. LIBERAL IN CITIZENSHIP THOUGHT

- It is a distinct conception of citizenship whose primary value is to maximize individual liberty and equality.
- Liberals insist that individuals should be free to decide on their own conception of the good life, and applaud the liberation of individuals from any ascribed or inherited status.
- The bedrock principles of liberal theory of citizenship are:
  - ✓ individuals are free to form their own opinions, transact their own business untrammelled by the State‘s political agenda and coercive power,
  - ✓ except in so far as individual actions implicate the interests of other members of society.
- Liberal citizens are thus left to their own devices without much guidance from the state.
- Citizenship cannot be defined based on shared identity or a common culture; the individual chooses his own affections, and any identification with other individuals is rather a product of their legal status as citizens.

- According liberal perspective,
  - to citizenship underlines on individual freedoms
  - the disproportional allocation of rights and duties for any group of among citizens would mean discrimination,
  - the citizens are believed to have less duty and responsibility towards the promotion of "*the common good*" of the society and the state
  - every one as individuals are free to pursue their own individual interests
- Adoption of right-based class room instruction will have a detrimental effect on the moral development of students so that;
  - Individuals may not be concerned with the good of their society and country
  - a ***moral decline, social crisis and political indifference***
  - the liberal emphasis on ***individualism*** will also contribute to build up **civic dispositions** as autonomy, self-reliance, hardworking, risk taking and self-confidence of a person.

2. CITIZENSHIP IN COMMUNITARIAN THOUGHT

- Communitarianism is as an approach emphasizes on the importance of society in articulating the good.
- The communitarian model argue that the identity of citizens cannot be understood outside the territory in which they live, their culture and traditions, arguing that the basis of its rules and procedures and legal policy is the shared common good.
- Communitarians often deny that the interests of communities can be reduced to the interests of their individual members.
- Privileging individual autonomy is seen as destructive of communities
- A healthy community maintains a balance between individual choice and protection of the communal way of life and seeks to limit the extent to which the former can erode the latter.

- ***The two defining features of communitarian perspective are*** :
  - First, no individual is entirely self-created; instead the citizen and his/her identity is deeply constructed by the society where he/she is a member. Second, as a consequence of assimilation, a meaningful bond is said to occur between the individual person and his/her community
  - Insofar as an individual understands that what is good for the community is good for him as well, he will also understand that if he does not participate in the community, the common good will be diminished.
  - It tries to address the issue of community, identity and culture of groups-usually the minority groups.
  - It underscores on the relevance of community as whole as opposed to the individual-based political discourses such as democracy.
  - It challenge the liberal assumption that individuals are the only subjects (actors) who deserve citizenship status. For them, citizenship is rooted in a culturally defined community to which individuals belong.
  - Accordingly, communitarians stand for cultural citizenship

3. CITIZENSHIP IN REPUBLICAN THOUGHT

- Republican citizenship theory put emphasis on both individual and group rights. Means republican though attempts to incorporate the liberal notion of the self-interested individual within the communitarian framework of ***egalitarian and community belonging***.
- Citizenship should be understood as a common civic identity, shaped by a ***common public culture***. It requires citizens to bring together the facets of their individual lives as best they can and helps them to find unity in the midst of diversity.
  - ***Republican citizenship theory put emphasis on both individual and group rights.***
  - ***Republican though attempts to incorporate the liberal notion of the self-interested individual within the communitarian framework of egalitarian and community belonging.***
  - ***The republicans argue that don‘t pressurize individuals to surrender their particular identities like the communitarian thought***

What is citizens rights and duties in republican Model of Citizenship?

- ***According to the Republican view;***
  - private interest of the citizens cannot be strictly different from the public interests and citizens are expected to undertake as many responsibly as possible to promote the interest of the country.
  - individual interests would be served better when the collective interest (common good) of the state and the society is promoted or advanced.
    - The notion of citizenship, goes beyond mere membership to the political community and citizens should fulfill as sort of public responsibility or duty.
    - Here, good citizens readily take responsibility and engage in the promotion of the common concern of the country and the society.

4. MULTICULTURAL CITIZENSHIP

- The increasing diversity in States challenges particularly the liberal conceptions of citizenship. They raise complex and divisive questions about how States can deal effectively with the problem of constructing civic communities that reflect and incorporate the diversity of citizens and yet have an overarching set of shared values, ideals, and goals to which all of the citizens of a State are committed.
- The conception of citizenship in a modern State should be expanded to include cultural rights and group rights within a democratic framework
- There is a need to move towards a new type of multicultural citizenship appropriate to highly diverse societies and contemporary economic trends.

They are four principles of multicultural citizenship, namely :

i. ***Taking equality of citizenship rights as a starting point.***

ii. ***Recognizing that Formal equality of rights does not necessarily lead to equality of respect, resources, opportunities or welfare***

iii. ***Establishing mechanisms for group representation and participation***

iv. ***Differential treatment for people with different characteristics, needs and wants***

Qualification For Citizenship

- Are legal requirement or criteria to acquire or loss citizenship of a state and no uniform qualification for citizenship in the world.
- Usually exist in different states in different terms of rules, laws and principles.

- There are two qualifications for citizenship.

1. Ways of acquiring citizenship

2. Ways of loosing citizenship

I. Citizenship by Birth

A. *Principles of Jus sanguineous* (the right to blood)

- based on the decent or blood relation of the child with its parents.
- There exist some differences between states in applying this rule.
- Some states may require both parents of a child to become their citizen. Others may require at least one of the parents of a child to become their citizen.
- Some states provide the citizenship of the mother and the father of a child as important and Some states provide the citizenship of the mother and the father of a child as equally important (For example Ethiopia)
- According to Ethiopian citizenship law, “any person shall be an Ethiopian national by descent where both or either of his parent is Ethiopian”.

Citizenship by Birth

B. Jus soli (the right to soil)

- This refers to citizenship by the birth place of the child .
- U.S.A. , Britain, most other common wealth countries, and most Latin American cs are some of the examples that use the rules of Jus soli.

❑ **Any child born within the territory of the state becomes a citizen ?**

- Citizenship by birth does not mean that any child born within the territory of the state becomes a citizen.
- For example, Delegates of foreign countries with diplomatic mission & international organization representatives and workers cannot claim citizenship with their working territory.

II. Citizenship by law (Naturalization)

Naturalization is a process by which citizenship status is given to a foreigner by the state when he/she should satisfy the required criteria. They includes:

a) Marriage

- A woman marries a man of another country can have the possibility of acquiring her husband's country ci/ship

a) Grant on application

- *Granting citizenship to a person that can fulfill the necessary requirement for citizenship*

b) Option

- A person of a multiple citizenship has the possibility to opt the citizenship status of one country.

c) Acquisition of domicile

- When a person is able to get permanent residence.

What is Dual citizenship?

- It is having citizenship status of two or more countries at the same time.
- It arises because there is no common international law relating to citizenship. The most common reasons for dual citizenship are these:
  - Marriage to a citizen of another country.
  - Adoption by parents who are citizens of another country.
- Example Albania, Algeria, Argentina, Angola ,Canada , France , Kenya ……..

❑ Ways of Losing Citizenship

A. Renunciation:-

✓ It is the right given to every body to give up his/her previous nationality based on his/her interest. It is is more of a legal way and has got an international recognition by UN

B. Deprivation

✓ **It is** carried out when citizens commit certain serious crime against the national interest or the regime.

c. Lapse:-

✓ way of losing citizenship when a person stays outside for a long and continuous period of time.

d. Substitution:

Ethiopian Nationality law

- **Acquisition Of Ethiopian Nationality According to the Proc. No. 378/2003.**
- **Article 3 : Acquisition by Descent**

1) Any person shall be an Ethiopian national by descent where both or either of his parent is Ethiopian.

2) An infant who is found abandoned in Ethiopia shall, unless proved to have a foreign nationality, be deemed to have been born to an Ethiopian parent and shall acquire Ethiopian nationality.

Art. 4:Acquisition By Law

- Any foreigner may acquire Ethiopian nationality by law in accordance with the provisions of Articles 5-12 of this Proclamation.

Art. 5: Conditions To Be Fulfilled

- A foreigner who applies to acquire Ethiopian nationality By law shall:
  1) Have attained the age of majority and be legally capable under the Ethiopian law;
  2) Have lived in Ethiopia for a total of at least four years preceding the submission of his application;

3) Be able to communicate in anyone of the languages

4) Have sufficient and lawful source of income

5) Be a person of good character;

6) Have no record of criminal conviction;

7) Be able to show that he has been released from his previous nationality;

8) Be required to take the oath of allegiance stated under Article 12 of this Proclamation.

Art. 6 : Cases of Marriage

A foreigner who is married to an Ethiopian national may acquire Ethiopian nationality by law if:

1) the marriage is concluded in accordance with the Ethiopian laws or in accordance with the laws of any other country where the marriage is contracted;
2) there is a lapse of at least two years since the conclusion of the marriage;
3) he has lived in Ethiopia for at least one year preceding the submission of his application; and
4) he fulfilled the conditions stated under Sub-Articles (1), (7) and (8) of Article 5 of this Proclamation

Art. 7: Cases of Adoption

- An child adopted by Ethiopian. national may acquire Ethiopian nationality by law if:
  1) He has not attained the age of majority;
  2) He lives in Ethiopia together with his adopting parent;
  3) Where one of his adopting parents is a foreigner, such parent has expressed his consent in writing; and
  4) the condition stated under Article 5(7) of this Proclamation has been fulfilled.

Art. 8: Special Cases

- A foreigner who has made an outstanding contribution in the interest of Ethiopia may be conferred with Ethiopian Nationality by law irrespective of the conditions stated under Sub-Articles (2) and (3) of Article 5 of this Proclamation.

4) An Ethiopian who has declared his intention to renounce his nationality may not be released until:

a. He has discharged his outstanding national obligations; or

b. Where he has been accused of or convicted for a crime, he has been acquitted or served the penalty .