Report on: Workshop on Plural Citizenship, Allegiance, Equality and
Executive Summary

On Wednesday 27th June 2018, IMANI Center for Policy and Education hosted a workshop on “Plural Citizenship, Allegiance, Exclusions and Political Participation”, presented by Professor Stephen Kwaku Asare, who is KPMG Professor in Accounting at the University of Florida, Warrington College of Business Fisher School of Accounting. The event took place at the British Council, Accra. The workshop brought together various stakeholders, including students, teachers, lecturers, Diaspora Affairs the Office of the President, and Ghana Immigration Service, to name but a few attendees.

Professor Asare presented historical and constitutional context on plural citizenship in Ghana. During the presentation, it was stated that, while all Ghanaian citizens were classified as plural citizens at the time of independence in 1957, successive governments had stipulated clauses in the Constitution and in parliamentary acts prohibiting these citizens from certain offices. This, it was claimed, restricts the rights of plural citizens leading to fewer civil liberties than other citizens in Ghana. Professor Asare recommended a number of processes to remedy this situation including three amendment bills to the Constitution of the Republic of Ghana, the Citizenship Act, and the Office of the Special Prosecutor Act.

At the conclusion of the lecture, the audience made several fruitful contributions to the discourse, including a student asking what they can do to facilitate change, especially in the increasingly globalised world, as well as a participant questioning how a plural citizen can contribute to politics in Ghana, considering they cannot be leaders of political parties by law.

The event was covered live on Facebook and Twitter. It was also reported in the media.
**List of Abbreviations**

<table>
<thead>
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<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AG</td>
<td>Attorney-General</td>
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<td>IMANI CPE</td>
<td>IMANI Center for Policy and Education</td>
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<td>GHC</td>
<td>Ghanaian Cedi</td>
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<td>NPP</td>
<td>New Patriotic Party</td>
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<td>UPSA</td>
<td>University of Professional Studies, Accra</td>
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Introduction

A recent attempt by the ruling New Patriotic Party’s (NPP) parliamentary caucus to import Articles 94(2)(a) and 55(8) from the national constitution into the party’s constitution was met with fierce resistance and near universal revulsion, culminating in the President asserting that the proposal, if implemented, will spell doom for the party. The situation presents an interesting conundrum: how can a provision of the national constitution be considered too toxic for inclusion in the constitution of a political party?

Alternatively, what is the case for retaining in the national constitution articles that are considered too toxic for inclusion in the constitution of political parties. Article 94(2)(a) provides that “a person shall not be qualified to be a member of parliament if he owes allegiance to a country other than Ghana” and Article 55(8) states that “a political party shall not have as a founding member, a leader or a member of its executives, a person who is not qualified to be elected as a Member of Parliament or to hold any other public office.”

Event Report

The Workshop, “Plural Citizenship, Allegiance, Exclusions and Political Participation” was presented by Professor Stephen Kwaku Asare, who is KPMG Professor in Accounting at the University of Florida, Warrington College of Business Fisher School of Accounting. The workshop took place at The British Council on Wednesday 27th June, 2018. The event began at 10am and was moderator by Mr. Kofi Bentil, the Vice President of IMANI Center for Policy and Education (CPE). The workshop brought together a varied audience, including students and teachers from Achimota Senior High School, West Africa Senior High School, University of Professional Studies, Accra (UPSA) as well as Ghana Immigration Service, Diaspora Affairs at the Office of the President, the High Commission of Canada and the Ministry of the Interior, amongst others.

Mr. Bentil, senior vice president of IMANI CPE, introduced the workshop with welcoming remarks. He stated that, in order to understand the definition of something, you first have to understand what that thing is not. According to Mr. Bentil, patriotism is not the natural affinities to the place of a person’s birth (terra-bonding). Patriotism is not when you serve your country, as the existence of mercenaries proves. Patriotism may lead you to a certain profession, such as in the military or in political positions, but that does not mean you are more patriotic than others. You are not excluded from being patriotic just because you leave a country, as there have been many cases of freedom fighters who have left their countries or have been exiled while trying to help their countries. A person can have love
for/serve more than one country. However, those who are unpatriotic are those who take from it and never intend to contribute to it.

“True patriots don’t spend their country on themselves, but spend themselves on their country.” - Mr. Kofi Bentil

Mr. Bentil then introduced Professor Stephen Kwaku Asare to present the interactive lecture.

Constitutional Ticking Bomb

Professor Asare began by highlighting that the presence of the Allegiance Article, Equal Citizenship, the Single Citizenship Article, Plural Citizenship Article, and Exclusions, amassed to a Constitutional ticking time bomb.

The Allegiance Article refers to Article 94 (2) (a) of the 1992 Constitution of Ghana. It states that ‘A person shall not be qualified to be a member of Parliament if he owes allegiance to a country other than Ghana’. Professor Asare, however, raised questions about how allegiance can be measured, as it is a cultural tie related to a person’s nationality, rather than to their citizenship.

“When allegiance is used an exclusionary instrument, it clashes with a fundamental value of equal citizenship” - Professor Stephen K. Asare

Equal Citizenship is defined in Chapter 3 and Chapter 7 of the Constitution. These chapters state that every citizen is entitled to the same rights. The Single Citizenship Article, Article 8 (1) of the 1992 Constitution, however states: ‘A citizen of Ghana shall cease forthwith to be a citizen of Ghana if, on attaining the age of twenty-one years, he, by a voluntary act, other than marriage, acquired or retains the citizenship of a country other than Ghana.’ Contrarily, this stipulation was later amended in 1996 in the Constitution (Amendment) Act. Article 8 (2) specifies the Plural Citizenship Act, which states that ‘A citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana’ (Act 527).

Professor Asare then explained that those with plural citizenship are excluded from a number positions in society. He categorised these into three tiers. Tier 1 included exclusion from the office of the President, Vice President, member of the Lands Commission and member of the Electoral Commission, amongst others. This presents paradoxical results, as a plural citizen can be Asantehene, into whose hands stool lands are vested, but is barred from serving on the Ashanti Region Land Commission. Tier 2 included exclusion from becoming an Ambassador, Inspector-General of Police, and Director of Immigration
Services, to name a few. Plural Citizens are also excluded from any office specified by an Act of Parliament. This, Professor Asare, stated, was deemed unconstitutional by Justices Sophia Akuffo and Rose Owusu in Asare v AG [2012], even though the majority ruled it as constitutional. Tier 3 included exclusions from becoming the Chief Fire Officer, Chief Justice, and others.

Professor Asare claimed that these exclusions have implications for the rights of plural citizens, such as no voice in the legislature of Ghana, no inclusion in the Cabinet, they cannot start political parties to represent their interests and exclusion from 27 occupational positions.

Professor Asare emphasised the need to appeal the Allegiance Article, the Plural Citizenship Penalty Article, the Big Statutory Exclusion Section and the Small Statutory Exclusions Section, as these are contrary to the principle of equal citizenship, which was the basis for the union created in 1957, after independence from the United Kingdom.

“Exclusionary Instruments are an affront to our most fundamental Constitutional Value” - Professor Stephen K. Asare.

A Short History of Citizenship in Ghana

Professor Asare recalled that the concept of Ghanaian citizenship only began in 1957. Prior to this, those who were from in the Gold Coast and in the Ashanti Kingdom, as parts of Ghana were known at the time, were given the status of ‘British Subject’. Those who were from the Northern Territories or from Togoland, as the other parts of Ghana were called at the time, were given the status of ‘British Protected Persons’. Because of this history, Ghana is a nation of plural citizens due to her colonial and commonwealth heritage, uncontrolled borders, migrant labour, Pan-Africanism (spearheaded by the leader at the time of independence, Kwame Nkrumah), and cross-country marriages.

Professor Asare asserted that, at the time of independence, there was an Allegiance Article in the Constitution, although this couldn't apply to plural citizens as this would disqualify everyone, for reasons stated earlier. He further stated that there is a distinction between allegiance and citizenship, which is not formally acknowledged in the 1957 Constitution. Due to the 1957 Nationality Act, plural citizenship continued with no exclusions from any office.

Professor Asare claimed that over the years, politicians have exploited plural citizenship for political gains, through the use of deportations, statutes, Contempt of Court orders, Common Law, and Constitutional insertions and misinterpretations. Anti-Plural Citizenship
began in Ghana in the 1969 Constitution, which forcibly revoked the Ghanaian citizenships of plural citizens, stating in Article 9: ‘A citizen of Ghana who acquires the citizenship of another country shall cease to be a citizen of Ghana’. This Constitution also introduced the Allegiance Article (Article 71(2)(a)): ‘No person shall be qualified to be a member of the assembly who owes allegiance to a country other than Ghana’. The 1979 and 1992 Constitutions then went on to use this same language. However, in the 1996 Constitution Amendment Act (Act 527), there was a restoration of plural citizenship but the maintenance of the allegiance article.

Professor Asare then cited three prominent Ghanaians; former President J.A. Kufuor in 1968, Dr. Obed Asamoah in 1968, and Joe Appiah in 1968, each stating that all Ghanaian citizens should have equal rights. He stated that Ghana had followed the anti-plural citizenship movement that the Rest of the World, such as the United States, had adopted, due to the ongoing wars at that time. However, he said, most countries had moved on from this school of thought, mostly due to globalisation and the perceived lack of a threat from dual citizens to cordial bilateral relations. For example, the Presidents of Senegal and Somalia are dual citizens, while Nigerian courts, with identical provisions as Ghana’s, have held that natural born Nigerians can never be barred from holding any office.

**Overview of plural citizenships: Why natural born Ghanaians who are plural citizens should not be expected to renounce their citizenship**

Professor Asare stated a number of reasons for which Ghanaians choose to have more than one citizenship. These include gaining functional advantages, such as facilitating travel for positions that require frequent travel, or involuntarily as a result of their position, e.g. as a professor. He claimed that the acquisition of additional citizenships is seldom as a gesture of allegiance.

Professor Asare then explained that there were many reasons why a plural citizen should not renounce their other citizenships. The reasons given included the loss of residency, loss of profession or investment, and because renouncement can sometimes require a natural born dual citizen to choose between parents.

**The Liberal Conception of Citizenship in the 1992 Constitution**

The 1992 Constitution defines clearly who a Ghanaian citizen is, as well as the rights and responsibilities of the Ghanaian citizen. According to the Constitution, a person becomes a Ghanaian citizen either by birth or through other forms including registration, foundlings and adoption. Professor Asare noted that, under any of these forms, dual citizenship can emanate.
Regardless of the means through which an individual becomes a Ghanaian citizen, he/she is entitled to a bundle of rights. These rights include the freedom to entry, to be a freehold land owner, to confer citizenship on non-citizens through marriage and adoption, to participate in the jury and assessor system and the right to political participation. With regards to political participation, in addition to the right to vote, a Ghanaian citizen can form, join or contribute to a political party. Thus there is equal opportunity for all Ghanaians to participate in the political space; a citizen who cannot serve on the legislature, apex courts or executive is no citizen at all. While enjoying these rights, a Ghanaian citizen also has obligations to the state. Foremost of these responsibilities is the duty to defend the constitution.

Professor Asare then differentiated between citizenship and nationality. While both immigrant dual citizens (Yaa Broni) and emigrant dual citizens (Odehye3 Runaway) are Ghanaian citizens, only the latter is a Ghanaian National. Yaa Broni (an immigrant dual citizen) is not and cannot be a Ghanaian national and owes no allegiance whatsoever to Ghana. Yaa Broni has no cultural ties with Ghana and her citizenship is strictly juridical. On the other hand, an Odehye3 Runaway (an emigrant dual citizen) can never relinquish his Ghanaian nationality and owes perpetual allegiance to Ghana. An Odehye3 Runaway has deep cultural connections to Ghana which cannot be easily broken. Thus, citizenship is not a sufficient condition for nationality and nationality is not proof of citizenship.

Professor Asare summarised that, while one can hold multiple citizenships, one can have only one nationality. Hence, unlike citizenship, nationality cannot be renounced.

The Case Against Exclusions of Plural Citizens

Professor Asare proposed two theories and made two cases against exclusion of plural citizens from public offices. The diagram below gives further details.
Recommendations from Lecture

Professor Asare at the end of the lecture proposed three amendment bills to the Constitution of the Republic of Ghana, the Citizenship Act, and the Office of the Special Prosecutor Act to address the challenges faced by plural citizens. The title of the proposed bills is listed below:

1. An ACT to amend Articles 8(2) and 94(2)(a) of the Constitution to provide equal citizenship to dual citizens.

2. An ACT to amend the Citizenship Act (no. 591), 2000 to eliminate restrictions imposed on dual citizens from holding certain public offices.

3. An ACT to amend the Office of the Special Prosecutor Act (no. 959), 2017 to eliminate restrictions imposed on dual citizens from holding certain public offices.

Questions, Contributions and Answers

A summary of key questions and contributions from the audience, as well as answers from the lecturer, the moderator of the event and other audience members are summarised below:

**Question 1**: Even though the issues discussed at the event are great, how can Ghanaians be sure that when these issues are resolved legally, like in the case of the dual citizen cards, they will be well implemented?

According to a court verdict, dual citizenship cards are not required to enter Ghana if a dual citizen has both a Ghanaian passport and a passport from another country; it was deemed unconstitutional for immigration officers to require the dual citizenship cards in Asare verses Attorney General in 2012. According to the court verdict, it is enough for a dual citizen to hold two passports when moving between countries. However, Dr. Kajsa Hallberg Adu (Ashesi University) indicated that the Ministry of Interior still pushes dual citizens in the country to get the cards. Further, dual citizens who do not hold the card at the port of entry are still harassed by immigration officers. The card is sold for GHC 600.00.

**Answer 1**: Introducing another dimension to the problem, it was noted that some dual citizens face this issue because they insist on entering Ghana with other countries’ passports. Nonetheless, Prof. Asare emphasised the need to respect rulings from the
Supreme Court. He highlighted that it is not useful to obtain verdicts if they are not implemented. The immigration office however explained that when a law is passed, implementation is sometimes difficult in the beginning while education is ongoing. The immigration service further stated that, there has been adequate education on the issue. As such dual citizens should not encounter the problem again.

The need for more education and proper dissemination of information was further highlighted by other participants. For instance, notices can be put at the airports and the various ports of entry to notify people that a dual card is not needed to enter Ghana if the dual citizen has passport of both countries. Additionally, the immigration office however cautioned the need to enter and leave a country with the same passport in order to avoid any problems. For instance, an individual who holds both an American and Ghanaian passport must leave Ghana with the Ghanaian passport if (s)he entered Ghana with a Ghanaian passport and vice versa.

**Question 2:** Are children of dual citizens supposed to go for the non-citizen national identification card or the citizen national identification card?

**Answer 2:** Only citizens are eligible for the citizenship national identification card. As such non-citizens must apply for the non-citizen cards, unless they are registered as Ghanaian citizens.

**Question 3:** Can dual citizens sponsor activities of political parties given that they cannot stand for elections in many political offices in the country?

**Answer 3:** Yes, political parties have no problems with accepting funds from dual citizens.

**Question 4:** This question was in relation to the argument of equal citizenship advanced by advocates of dual citizenship rights. The participant wondered if the argument of equality is not contradicted given that dual citizens can exercise voting rights in two countries, compared to a mono citizen’s right to vote in just one country.

**Answer 4:** The issue of a dual citizen’s ability to vote in two countries does not take away the mono citizens’ rights. The important point is that dual citizens are Ghanaians and should have the right to contribute to Ghana’s development, whether as an elected representative, a civil servant or public servant. Prof. Stephen Asare noted that there are a lot Ghanaians who are also dual citizens and are willing to use their experiences, skills and resources to help develop Ghana. Ghana must take advantage of this.

**Question 5:** What can students do to support the cause?
**Answer 5:** Attending workshops of this nature is one of the important things students can do. In addition, Prof. Stephen Asare encouraged students to write to the President or their Members of Parliament to get answers to some of the questions raised at the event. He further stated that lobbying from the younger generations can be a very powerful tool.

Also, it is important for students to not only understand the dialogue, but also study to pass their examinations so that they can help shape future policies and Ghana’s development.

**Question 6:** What do you do as dual citizens if you are denied some of these political rights?

**Answer 6:** You can do a combination of things to confront the issues: applying to the courts or the judicial review for redress, and lobbying the executive and law makers. However, one should not deny their dual citizenship ever. For instance, Dr. Samia Nkrumah should not be put in a position to denounce her Egyptian citizenship as she is both Ghanaian and Egyptian.

**Conclusion**

The workshop was well attended and well covered in the media, facilitating the awareness and discourse on this issue in the public sphere. This will aid the long-term objective of highlighting these issues in parliament and seeking amendments to the law to enable plural citizens to have the same rights as other Ghanaians.
Media reportage
The event was covered live on Facebook and Twitter. There were many media outlets who also reported the event.

Online

1. Daily Graphic

2. Ghanaweb