



**Kwame Nkrumah**  
"The independence of Ghana is meaningless unless it is linked up with the total liberation of Africa."

## Fruitful Provocation to Part the Veil of Exclusion: A Call to Reform Ghana's Dual Citizenship Law as Progressive Political Development. Part 1

by Dr. Kwasi Sarpong Afrifa

Fruitful Provocation to Part the Veil of Exclusion: A Call to Reform Ghana's Dual Citizenship Law as Progressive Political Development.  
Many Ghanaian Americans wake up and log on to [www.ghanaweb.com](http://www.ghanaweb.com), [www.modernghana.com](http://www.modernghana.com) and other websites where they catch up on the previous day's events in Ghana and in ethnic Ghanaian communities around the world. Similarly, a Jewish American boards a subsidized flight, joining other Jewish Americans flying to Israel to vote in a crucial election. Taking office as President of Ireland, Mary Robinson declared her intention to represent not just the 3.5 million people residing in the Republic, but also the other seventy million worldwide who claim Irish descent. An Albanian American in Yonkers, NY, prepared to go fight in the Kosovo Liberation Army (KLA). Likewise, many Somalis in Minneapolis and Columbus, United States, fly home to join the ongoing jihadist war. The International Foundation for Electoral Systems (IFES) in Washington, DC, organized Iraqis and Afghans abroad to vote in their countries' post-war elections.  
In effect, Diasporas have always maintained bonds to their homelands. While dispersed from their homelands, they not only maintain ties to homelands, they-vote, invest capital, participate in political life, and even take up arms, all for a distant homeland. These expressions are markers of citizenship and nation. Because they maintain important relationships that defy national borders, Diasporas today do not fit easily into the simple Cartesian geography of the nation-state system, which conceives of political communities expressed only within a nation-state, not across nation-states. Empowered by communication and transportation revolutions that help bind far-flung people, Diasporas now fundamentally challenge the international legal system  
Ghanaweb ([www.ghanaweb.com](http://www.ghanaweb.com)) on October 26, 2006 and the Ghanaian Times on November 13, 2006 both, respectively, published a paper that I wrote on the Dual Citizenship Law which generated excitement on the issue among Ghanaians both at home and in the Diaspora, including the media. (<http://www.ghanaweb.com/GhanaHomePage/features/artikel.php?ID=112766>.) Subsequently, in 2007 three Ghanaians Living Abroad (GLAs), including yours truly filed a lawsuit at the Ghana High Court in Kumasi to seek interpretation of Section 16(2) of the Ghana Dual Citizenship Act 2001. The said Section effectively bar Ghanaians of dual nationality from holding senior level positions in Ghana's public sector. However, due to prosecutorial errors, the case was eventually dismissed. The Ghana Dual Citizenship Advocacy Group (GDCAG), a group of Ghanaians of dual nationality, is preparing to file a lawsuit at the Supreme Court of Ghana to seek interpretation of Section 16(2) of the Ghana Dual Citizenship Act of 2001. The group is arguing that Section 16(2) of the Law is discriminatory and that it should be repealed. Unlike other advocacy groups, the GDCAG is not reluctant to specify it demands, that is, a total repeal of the discriminatory provision in the law.

The relevant section in the Constitutions reads as follows:  
"PART III – DUAL CITIZENSHIP, RENUNCIATION AND DEPRIVATION OF CITIZENSHIP: Dual citizenship  
16. (1) A citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana.  
(2) Without prejudice to article 94(2)(a) of the Constitution, no citizen of Ghana shall qualify to be appointed as a holder of any office specified in this subsection if he holds the citizenship of any other country in addition to his citizenship of Ghana:  
(a) Chief Justice and Justices of the Supreme Court; (b) Ambassador or High Commissioner; (c) Secretary to the Cabinet; (d) Chief of Defense Staff or any Service Chief; (e) Inspector-General of Police; (f) Commissioner, Custom, Excise and Preventive Service; (g) Director of Immigration Service; (h) Commissioner, Value Added Tax Service; (i) Director-General, Prisons Service; (j) Chief Fire Officer; (k) Chief Director of a Ministry; (l) The rank of a Colonel in the Army or its equivalent in the other security services; and (m) Any other public office that the Minister may by legislative instrument prescribes."  
(Source: The 1992 Constitution of Ghana).

In June of 2008, yours truly, then a Parliamentary aspirant for Asante Mampong Constituency, was disqualified from the Parliamentary primaries by a vetting committee of the National Patriotic Party (NPP) in Kumasi. My crime was that I was a dual citizen, a hyphenated Ghanaian (Ghanaian-American). Subsequently, Dr. Samuel Amoako, a professor of New York who won the NPP Parliamentary primary to represent the Abuakwa-North Constituency in the 2008 general elections, also a hyphenated Ghanaian, was forced to renounce his American citizenship prior to competing in the 2008 general elections. His opponent, a resident Ghanaian, filed a lawsuit in Ghana alleging that Dr. Amoako was then a dual citizen and called for his disqualification. The sad part of Dr. Amoako's story is that he eventually renounced his coveted American citizenship to contest the election which he won. Shockingly, by renouncing his American citizenship status, Dr. Amoako would revert to undocumented immigration status where there is no guarantee that he'll be granted visa to enter the United States to visit family-wife, children and grandchildren – that he would leave behind. Nevertheless, as a Member of Parliament, his diplomatic passport and other emoluments would change his situation. Honorable Adamu Dramani, former MP of Bawku was subsequently sentenced to prison for not renouncing his British citizenship prior to the elections. He was recently pardoned by President John Mahama on health grounds.

Why the lawsuit in 2015?

The lack of responses to seven fundamental questions has prompted the lawsuit:  
• Why do Ghanaians by birth and carry dual citizenships have to portray ourselves as disadvantaged outsiders who are continually battling against vested interests for inclusion in our country?  
• What is the socio-eco-political and cultural rationale for the discriminatory provisions against GLAs to the extent that they represent a disenfranchised public who lack any significant access to our political system?  
• Why the absolute silence from our established political order to articulate the rationale for excluding Ghanaians of dual nationality from occupying the above-listed positions in Ghana?  
• Why the silence from the media and civil society in keeping the issue in the public's consciousness?  
• How are Ghanaians of dual nationality perceived by resident Ghanaians and how do they perceive their compatriots in Ghana's democratic consolidation process?  
• Is the so-called exclusion a partisan issue or a class warfare issue?  
• Do the leaders and resident Ghanaians anticipate a situation where they would be displaced by GLAs when they are incorporated into the political process?

Advancing minority rights by the GDCAG in filing the lawsuit, some will argue, will have a corrosive effect on Ghanaian "citizenship," that is, it will be detrimental to the political process and will politicize relations between resident Ghanaians and GLAs and will detract from the emergence of a national identity. Some may also argue that it will ultimately only reinforce the very exclusion of Ghanaians of dual nationality that GDCAG is fighting against. In response to these arguments, the Supreme Court of Canada noted that the minority rights do not erode democratic citizenship, rather "the accommodation of differences is the essence of true equality."  
As plausible as it seems, the Dual Citizenship Law does leave a fundamental question unanswered: What is it that makes Ghanaians of dual nationality so special and worthy of discrimination which other identities such as convicted prisoners, corporations or gender, etc. or for that matter, the non-discriminatory groups, do enjoy? We'll have to declare (or at least start a meaningful public discussion on the question of) what is the basis for the preferential discrimination of GLAs of dual nationality. discriminating section would be a symbolic compensation for our national historic guilt.

Anne Phillips, a Political Scientist, in 1995 argued that policies in most polities toward advancing minority rights and equality threaten the status quo because ultimately, minorities are asking for a greater share of power and autonomy in that society.  
Most Ghanaians share the fundamental premise on which the GDCAG's advocacy is built, that in a diverse society nothing is more important than ensuring that all citizens have the opportunity to participate in the discussions that set the rules by which we agree to live. The realization of this goal would be complex, but not unattainable. Not only must we democratize the very institutions of Ghanaian democracy, but we must also work strenuously to eradicate the "we-versus-them" dichotomy that has deeply and incisively penetrated the psyches of Ghanaians and has further perpetuated a polarized society. We must engage in a respectful dialogue and debate about what I call "electoral and representation equity." Representation and participation in political institutions, political processes, and civic life are critical indicators of political inclusion. Political inclusion is precisely about the democratization of democracy. By developing a new way of approaching old problems, by positing a radically different but progressive conception of citizenship and community, by arguing for a new measures of accountability, by providing a new impetus for the emergence of a new modes of evaluation of public policies, by arguing for increased representation and participation by marginalized Ghanaians abroad and, above all, by encouraging the development and utilization of resources-skills, ideas, networks, funding, and capacities, of all Ghanaians both abroad and at home, a commitment to political inclusion will democratize and strengthen our ongoing democratic experiment.  
To be continued.

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