Citizenship Law in Africa

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Rights for the African diaspora

Some African countries—among them Ethiopia and Ghana—have created an intermediate status for members of their diaspora, in addition to or instead of creating a right to dual nationality.

Ethiopia

Ethiopia has never recognised dual nationality. The 1930 Nationality Law, the 1995 Constitution and the 2003 Proclamation on Ethiopian Nationality all provide that when an Ethiopian acquires another nationality, he or she automatically loses his or her Ethiopian nationality.

Hundreds of thousands of people of Ethiopian descent live in foreign countries. While most left for economic reasons, political turbulence during military rule from 1974 to 1991 forced many others to seek refuge abroad, mainly in the United States and Europe. Many of these people have for practical reasons accepted the citizenship of their host countries. But they still have extended families in Ethiopia and are emotionally attached to their land of birth. Most simply cannot believe that they can be treated, at least legally, as foreigners when they come to visit or seek to invest in Ethiopia. A recent law has attempted to temper the effect of the Ethiopian nationality policy on Ethiopians from birth who have taken other nationalities.

According to a government proclamation issued in 2002, “foreign nationals of Ethiopian origin” are to be issued special identity cards that entitle the holder to various benefits. A foreign national of Ethiopian origin is defined as follows:

A foreign national, other than a person who forfeited Ethiopian nationality and acquired Eritrean nationality, who had been an Ethiopian national before acquiring a foreign nationality; or at least one of his parents, grand parents or great grand parents was an Ethiopian national.199

Holders of such cards enjoy rights and privileges that other foreigners do not, including visa-free entry, residence, and employment, the right to own immovable property in Ethiopia, and the right to access public services.

The law expressly forbids Ethiopians who have taken other nationalities from exercising the right to vote, to be elected to any office at any level of government, or to be employed on a regular basis in the armed forces or diplomatic corps.

**Ghana**

Ghana’s substantial overseas diaspora has resulted in a change to the previous prohibition on holding two passports. Since 2002, Ghana has accepted dual citizenship. Those who had lost Ghanaian citizenship by acquiring another nationality under the previous rules are entitled to reapply for Ghanaian citizenship. A person of non-Ghanaian origin can also apply for Ghanaian citizenship by registration if she or he is an ordinary resident of Ghana, and by naturalisation if she or he has made a substantial contribution to the progress or advancement of any area of national activity. The acquisition of Ghanaian citizenship by registration and naturalisation is subject to the applicant’s ability to speak and understand an indigenous Ghanaian language. The Citizenship Act prohibits Ghanaians who have acquired citizenship of another country from being elected to the presidency or to parliament, and from appointment to certain public offices.

Ghana is also the first African state to provide the right of return and indefinite stay for members of the broader African diaspora. Under Section 17(1)(b) of the Immigration Act 573 of 2000, the minister of the interior may, with the approval of the president, grant the “right of abode” to a person of African descent. This provision was a response to lobbying from the many African Americans who have moved to Ghana since its independence and taken up residence in the country. The government has also indicated that it intends to adopt provisions facilitating travel and investment by members of the Ghanaian diaspora. A Non-Resident Ghanaians Secretariat (NRGS) was set up in May 2003 to promote further links with Ghanaians abroad and to encourage return.

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202 Ghana Citizenship Act of 2000, section 16(2) lists the following posts to which a dual citizen may not be appointed: (a) Chief Justice and Justices of the Supreme Court; (b) Ambassador or High Commissioner; (c) Secretary to the Cabinet; (d) Chief of Defence 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 prescribe.” See also, Constitution of the Republic of Ghana, 1992, Article 94(2).
