

**DUAL NATIONALITY-ACONSTITUTIONAL RIGHT; IS ZAMBIA  
READY FOR THE RAMIFICATIONS?**

**BY  
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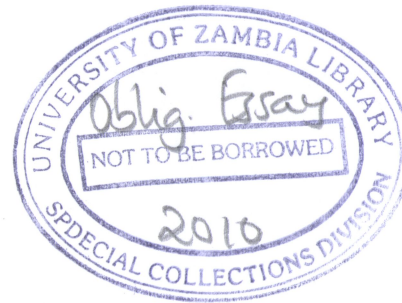
**UNZA**

**2010**

I, **Palan Mulonda**, do hereby recommend that this directed research prepared under my supervision by the said **Sante B.Mulayantanda**, entitled:

**DUAL NATIONALITY- A CONSTITUTIONAL RIGHT; IS ZAMBIA READY FOR THE RAMIFICATIONS?**

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A handwritten signature in blue ink, appearing to be 'Palan Mulonda', written over a dotted line.

**Date**

**DUAL NATIONALITY A CONSTITUTIONAL RIGHT; IS ZAMBIA  
READY FOR THE RAMIFICATIONS?**

**BEING A DIRECTED RESEARCH SUBMITTED IN PARTIAL FULFILMENT FOR  
THE AWARD OF A BACHELORS OF LAWS DEGREE (LLB)**

**BY**

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**I, Mulayantanda, Sante B.,** do hereby declare that I am the author of this Directed research, and that it is a creation of my own ingenuity. I therefore, remain accountable for the contents, errors and omissions herein. Further I depose with veracity verily to the best of my Knowledge, that this work has not previously been presented in any University for academic purposes.

.....  
*[Handwritten signature]*

**January, 2010  
santey2k@yahoo.co.uk**

## DEDICATION

To my mother **Mrs Alice Mulayantanda** who taught me to be a strong, independent woman of valour.

## **ACKNOWLEDGEMENTS**

My sincere heartfelt acknowledgement goes to Mr Palan Mulonda, my supervisor, for all the academic excellence and noble guidance without which this directed research would not have been possible to achieve. I would also like to thank my sister Maika Mulayantanda for her services to help type this thesis and for moral support. Above all, I acknowledge the almighty God and His unfailing love, grace, peace and guidance for strategically placing me amongst my family who constantly and without faltering bless me with their love.

## **ABSTRACT**

The issue of dual citizenship or nationality needs the outmost attention of the people of Zambia. As the National Constitutional Conference in 2009 adopted the Articles pertaining to dual citizenship the time has come to discuss the impact and benefits it can provide to Zambians at length. The issue of dual citizenship will also be looked at in light of other countries that have adopted it and the effects of this. Also it should be emphasized that dual citizenship may or may not be included in Constitution this thesis seeks to add weight to those in favour of it's inclusiveness in the Constitution of Zambia.

## TABLE OF LEGISLATION

Constitution of Zambia, Cap 1 of the Laws of Zambia  
Human Rights Commission Act, Cap 48 of the Laws of Zambia  
Citizenship Act of Zambia, Cap 124 of the Laws of Zambia  
South African Citizenship Act (Act 88 of 1995)  
South African Citizenship Amendment Act 2004  
Uganda Citizenship Act Cap 58  
Statutory Instrument No.55 of 1977  
Statutory Instrument No.17 of 1986  
Citizenship Act of 2000 ( Act 591)  
Citizenship Regulation 2001  
Constitution Of Ghana 1992  
Constitution of Republic of Ghana ( Amendment) Act 1996  
Inquiries Act Cap 41 of the Laws of Zambia  
National Constitutional Conference Act No.19 of 2007  
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## CHAPTER ONE

### DUAL CITIZENSHIP IN ZAMBIA

#### INTRODUCTION

The Constitution of Zambia has a number of Articles which deal with citizenship, namely as stated in Part II. No where in there is there provision for Dual Nationality. The Mung'omba Draft Constitution of 2005 Part V Article 21 clause (1) provides that a citizen by birth or descent, shall not lose that citizenship by acquiring citizenship of another country. Article 21 clause (2) states a citizen by birth or descent, and who, before the commencement of this constitution, acquired the citizenship of another country and as a result ceased to be a Zambian citizen, shall be entitled to apply to the Citizenship Board to regain that citizenship.

According to the Mung'omba Constitution Review Commission (CRC) report, they were more Zambians who submitted in favour of dual citizenship than those who opposed it. In its report on page 103, the Mung'omba CRC recommends that the constitution should permit dual citizenship in respect of Zambian citizenship acquired by birth or descent.

The National Constitutional Conference (NCC) came into existence by virtue of Act of the same name in 2007. NCC is a Constitutional Review Commission charged with debating a draft constitution. The NCC in 2009 adopted a clause regarding Dual

Citizenship into the Constitution Bill. The Mwanakatwe Commission had also supported inclusion of the said clause.<sup>1</sup>

## **STATEMENT OF PROBLEM**

Why wasn't Dual Citizenship adopted in the Constitution of 1991? Arguably easy to see the advantages that it would bring to a country like Zambia where we have many educated Zambians living in the Diaspora e.g. Europe, North America, Australia and other parts of Africa. There is evidence to the fact that most Zambians in the Diaspora send money back home. It would be of more use if they could share their skills and experience whilst assuming Dual Citizenship.

What happens to children born of Zambian parents abroad who automatically acquire citizenship by birth? They tend to lose out on the benefits of belonging to the country of their parent.

Some people are of the view that supporting dual citizenship is unpatriotic. Being Zambian is something people value more than ever.

Dual citizenship is becoming more common in our increasingly interconnected global economy. Many countries are now seeing the advantages of dual citizenship and liberalising their citizenship laws. Proponents of dual citizenship argue that it has the advantage of broadening countries economic base by promoting trade and investment between the dual citizens in their respective countries.<sup>2</sup>

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<sup>1</sup> Mwanakatwe Constitutional Commission Review Report Chapter 2

<sup>2</sup> Post Newspaper, 9 May 2009

In Africa, countries like Uganda, South Africa and Ghana have recognised dual nationality. Ghana allowed dual citizenship as from 2003 and has thus seen significant economic strides. Dual citizenship in Africa will be expounded on further in later chapters.

## **PURPOSE OF THE STUDY**

This section will be broken down into two parts. The first part lists research questions. The second part lays down the objectives of the study.

## **RESEARCH QUESTIONS**

- Why is it necessary for dual citizenship to be allowed by the constitution as a right?
- What would be the social, political, cultural and legal implications of dual citizenship?
- Would the economic benefits be significant?

## **OBJECTIVES**

The essay seeks to help establish premise of dual citizenship and the need for its conclusion in the Zambian constitution.

The study will be conducted to make recommendations, observations and conclusions on how dual citizenship should be viewed by Zambians as a whole.

To identify the necessity of Dual Citizenship as a constitutional right and the consequences this would follow therein.

The proponents of Dual Citizenship noted that the world had now shrunk to a global village and that modern trends were to encourage dual citizenship. This was the view of members of NCC advocating the adoption of the clause.<sup>3</sup>

There is thus need to encourage Zambians living abroad who have acquired foreign citizenship to retain their Zambian citizenship.

## **SIGNIFICANCE OF STUDY**

As the researcher I was prompted to choose this area of study in view of need to include dual citizenship as a right in modern day Zambia. The aim of this study is to promote and justify its inclusion in our constitution. This will enable and influence society to address the issue of dual citizenship as regards to being a constitutional right.

This thesis will endeavour to show the importance and advantages of inclusion of the said clause in the constitution. Advantages may be social, economical, political etc. In International law it is stated, no one has authority to take away the citizenship, which is by descent or birth.

## **METHODOLOGY**

The research will take a legal pluralist approach. The literature review will encompass Zambian and International Literature. These will be in the form of textbooks, reports, articles, journals from organisations and independent authors.

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<sup>3</sup> Post Newspaper, 30 June 2009

## **CONCLUSION**

This paper is, over the next four chapters, considering the various aspects discussed above in great detail. The main point that has been brought to the fore in this chapter is the fact that the Dual Citizenship is vital and needs to be consequently enacted into the Constitution. As this issue is in regards to the future as opposed to being law in the present it is imperative to discuss these issues in the event it becomes law. It is therefore relevant to assess the impact that Dual Citizenship will have and the ramifications.

## **CHAPTER TWO**

### **THE ISSUE OF RIGHTS**

#### **Overview**

Natural and civil rights by individuals have to be distinguished quote “Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. Civil rights are those which appertain to man in right of his being member of society. Every civil right has for its foundation, some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not, in all cases, sufficiently competent.”<sup>4</sup>

Furthermore:

The rights of men in society, are neither devisable, nor transferable, nor annihilable, but are descendable only; and it is not the power of generations to intercept finally and cut off the descent.<sup>5</sup>

#### **The Emergence of The Constitutional Protection of Rights**<sup>6</sup>

Early expressions of an emergent notion of individual rights can be seen today in most written constitutions in the world, whether or not the constitution is ‘autochthonous.’

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<sup>4</sup> T.Paine, Rights of Man (1791 – 92) 1984, rep 1998, H.Collins (ed) New York : Penguin p. 90

<sup>5</sup> Ibid p.92

<sup>6</sup> H.Barnett, Constitutional & Administrative Law (Cavendish Publishing Limited, 2000) p.726

This has been defined as a constitution originating from, and having the authority of, the people it governs: It springs from the people and is not confirmed upon the people from higher authority.<sup>7</sup>

Barnett further expounds that the attempt to protect human rights on an international level began with the founding of the League of Nations after World War I and the imposition of certain safeguards of human rights in peace treaties negotiated after the war for the protection of minorities. After World War II the international community became convinced of the real and pressing need to protect and promote human rights as an integral and essential element for the preservation of world peace and co-operation.

In 1948, the Universal Declaration of Human Rights was adopted, supplemented by two implementing international covenants in 1966: the International Covenant on Civil and Political Rights and The International Covenant on Economic, Social and Cultural Rights. Taken together, these documents, represent an international Bill of Human Rights.

### **Human Rights in Zambia**

The starting point is Human Rights Commission Act, Cap 48. The functions of the Commission are provided in section 9 of Cap 48 of which states:

The functions of the commission shall be to –

- a) Investigate human rights violations;
- b) Investigate any maladministration of justice;
- c) Oppose effective measures to prevent human rights abuse;

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<sup>7</sup> Ibid



- d) Visit persons and places of detention or related facilities with a view of assessing and inspecting conditions of the persons held in such places and make recommendations to redress existing problems;
- e) Establish a continuing programme
- f) Do all such things as are incidental or conducive or to the attainment of the functions of the Commission.

Zambia ratified the International Declaration of Human Rights in 1963 and as such is obliged to protect the basic human rights of all Zambians.

Zambia's Bill of Rights enshrined in Part III of the constitution and its status as the Supreme law of the land was therefore, unavailable. There were no contradictions between the Bill of Rights and the covenant.

Indeed the Bill of Rights guaranteed many of the fundamental rights and freedoms enshrined in the covenant and in other international and regional human rights instruments.<sup>8</sup>

### **Dual Citizenship, should it be allowed by way of right?**

In the Constitution of Zambia, Cap.1, Art. 4 - 10 provide for issues pertaining to citizenship whilst part III of Cap 1 provides for fundamental rights and freedoms of the individual. Examples of these are protection of right to life, protection of right to personal liberty, protection from inhuman treatment etc.

The concept of citizenship is fundamental to the question of rights of residence and freedom of movement of the individual. It is a cardinal maxim of English law that there is 'no remedy without a right': *ubi jus ibi remedium*. It follows therefore, that as Zambia has a written constitutional document rights, obligations etc be thus embodied in it.

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<sup>8</sup> [www.unitednationshumanrights.com](http://www.unitednationshumanrights.com)

The Dual citizenship right has not got the same meaning and should not be compared to fundamental rights of Part III of the constitution. Right<sup>9</sup> can be defined as;

1. Morally good, in accordance with justice or
2. An entitlement or something to which one is entitled.

This is the meaning dual citizenship 'right' entails for the purpose of this thesis.

In later chapters, dual citizenship as a right will be expounded on further. Dual citizenship will be explained in the sense of it being a right of social, economic and even political benefit.

The Constitution of Zambia, Cap 1, Art. 9 provides:

- (1) A person shall cease to be a citizen of Zambia if that person -
  - a) Acquires the citizenship of a country other than Zambia by voluntary act, other than marriage; and
  - b) Does any act indicating that person's intention to adopt or make use of any other citizenship.
- (2) A person who ;-
  - a) Becomes a citizen of Zambia by registration's and
  - b) Immediately after becoming a citizen of Zambia, is also a citizen of some other country;
- (a) The expiration of 3 months after such person becomes a citizen of Zambia unless such person has renounced the citizenship of that other country, taken an oath of allegiance and made and registered such declaration of their intention concerning residence as may be prescribed by or under an Act of Parliament.
- (3) For the purpose of this Article, where, under the law of a country other than Zambia, a person cannot renounce their citizenship of that other country that person need not make such renunciation but may instead be required to make such declaration concerning that citizenship as may be prescribed by or under an Act.
- (4) Provision may be made by or under an Act of Parliament for extending the period within which any person may make a renunciation of citizenship, take oath or make or register a declaration for the purpose of this Article, and if such provision is made, that person shall cease to be a citizen of Zambia only if at the time of the extended period that person has not then made the renunciation, taken the oath or made or registered the declaration, as the case may be.

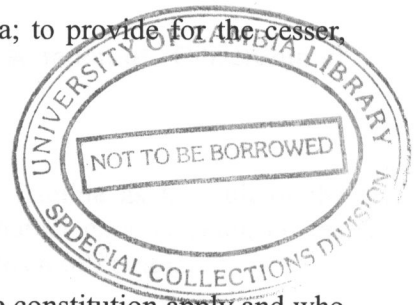
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<sup>9</sup> Oxford, English dictionary (Oxford University Press, 1999)

The Article above provides for cesser of citizenship. In light of the Mung'omba Draft Constitution, Article 21 referred to in prior Chapters, Article on Cesser of Citizen, would have to be subsequently amended or repealed even.

Besides Cap 1, Zambia has Citizenship of Zambia Act, Cap 124. This Act commenced on 4<sup>th</sup> March 1977 by virtue of Statutory Instrument No. 55 of 1977. In its preamble it is stated; inter alia

to provide for the confirmation of citizenship of Zambia; to provide for the cesser, deprivation and renunciation of citizenship of Zambia.



Part V of Cap 124 provides :

19(1) A person to whom the provisions of Article 5 of the constitution apply and who is a citizen or has a claim to citizenship of a country other than Zambia shall cease to be a citizen upon attaining the age of twenty – two unless, after attaining the age of twenty – one years, he renounces his citizenship of that other country or of any claim therefore, in such a manner as may be prescribed.

This section relates to cesser of citizenship.

19(4) A person to whom the provisions of Article 9 (1) of the constitution apply shall cease to be a citizen (a) the expiration of three months after he becomes a citizen unless he renounces his citizenship of a country other than Zambia, fakes an oath of allegiance or makes and registers a declaration of his intention concerning residence in such manner as may be prescribed.

19(5) For....., where under the law of a country other than Zambia a person cannot renounce his citizenship of that other country, he need not make such renunciation but he may instead make such declaration concerning such citizenship in such manner as may be prescribed.<sup>10</sup>

Under Cap 124,<sup>11</sup> the following are provided for restoration of lapsed citizenship, deprivation of citizenship and renunciation of citizenship Act.

<sup>10</sup> As amended by No.17 of 1986

<sup>11</sup> Citizenship of Zambia Act, Cap 124 of the Laws of Zambia, ss 21-23

In 2007, the Passport Office reported that 630 people renounced their Zambian citizenship in the previous year.<sup>12</sup>

In addition, the then Deputy Chief Passport Officer, Brenda Kabemba said that the reason to renounce their Zambian citizenship was because they had acquired citizenship in other countries.

### **Articles Adopted by the NCC**

The NCC has since adopted a new Article 22 on the Restoration of Citizenship of Zambia which reads as follows:

A person who loses the person's citizenship of Zambia as a result of the acquisition or possession of the citizenship of another country shall, on the renunciation of that other citizenship, become a citizen of Zambia.

Another Article adopted by NCC is Article 23 on Entry in to Zambia by a former citizen stating:

Parliament shall enact legislation for the expeditious entry into and residence in Zambia, of a person who, before or after commencement of this constitution, have lost their citizenship of Zambia as a result of the acquisition or possession of the citizenship of another country.

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<sup>12</sup> <http://www.Lusakatimes.com>

## **CHAPTER THREE**

### **DUAL CITIZENSHIP IN AFRICA**

#### **South Africa**

In the South African Citizenship Act (Act 88 of 1995), by virtue of Section 6 provision is made for South Africans to retain their South African citizenship when becoming a citizen of another country. A condition has been put in place to affect this. This condition provides that before applicants apply for any other nationality or citizenship, they must first apply to retain their South African citizenship. Provision has also been made for those persons who lost their South African citizenship prior to 1995.

#### **Minors**

Applicants who are minors under the age of 18 do not need to apply for retention of South African citizenship as they do not lose it automatically by acquiring foreign citizenship.

In 2004, an amendment was made to the South African Citizen Act and came in to effect on 15<sup>th</sup> September, of the same year. The amendment provides that it is now an offence for locals with dual citizenships to use their foreign passports to leave or gain entry to the country.

It is also now an offence for a citizen, while in South Africa, to use his or her foreign citizenship to gain advantage or avoid responsibility or duty, states the Department of Home Affairs.

The 2004 Amendment Act, however, allows South Africans with dual citizenship to use their foreign passports outside South Africa freely.

Previously, the holders of dual citizenships needed letters of permission from the Minister to make use of a foreign passport. This requirement has subsequently been terminated.

Home Affairs spokes person Nkosana Sibuyi <sup>13</sup> was quoted as saying; “Accordingly, we would like to advise all South Africans who have dual citizenship and do not have South African passports, to apply for their South African passports at the earliest opportunity.”  
.....We have therefore decided that affected South Africans departing or arriving through our ports of entry, attempting to use a foreign passport, will be issued with a warning giving them three months to obtain a South African passport.”

Mr Sibuyi further added that South African authorities would not in the meantime prevent anyone from leaving or entering the country, provided they had applied for the relevant document.

## **UGANDA**

Previously the Ugandan constitution did not recognise dual citizenships. An exception to that was a child born abroad of Ugandan parents, who obtains the citizenship of the country of birth, was allowed to maintain dual citizenship until age of 18.

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<sup>13</sup> Reported in BuaNews, 15 November 2004

## **Ways in which a Ugandan National could lose their citizenship**<sup>14</sup>

Voluntary: Voluntary renunciation of Ugandan citizenship is permitted by law.<sup>15</sup>

Involuntary: If a person voluntarily acquires foreign citizenship. Unless the government is informed, the citizenship will be revoked.

## **Deprivation of citizenship of persons who exercise certain rights in other countries.**

The Minister may by order deprive any person, other than a person who is a citizen of Uganda by Constitution of Uganda, s7(1) or by virtue of section 9 of the constitution, of his Ugandan citizenship if the Minister is satisfied that, that person has at any time while a citizen of Uganda and of full age and capacity voluntarily claimed and exercised –

- (a) In a foreign country: or
- (b) In any other country under the law of which provision is in force for conferring on its own citizens rights not available to him under the law of that country, being a right accorded exclusively to its own citizens, and that it is not conducive to the public good that he should continue to be a citizen of Uganda.<sup>16</sup>

In Uganda, a person could be deprived citizenship by issues pertaining to registration and naturalisation. By virtue of s10 of the Cap 58, the Minister may by order deprive a person of their citizenship if he is satisfied that the registration or certificate of naturalization was obtained by means of fraud, false representation or the concealment of any material fact. The citizen will be deprived of Ugandan citizenship if the Minister is satisfied that the citizen –

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<sup>14</sup> S8 Uganda Citizenship Act Cap 58

<sup>15</sup> S9 of Uganda Citizenship Act, Cap 58

<sup>16</sup> s9 of Uganda Citizenship Act, Cap 58

- (a) Has shown himself by act or speech to be disloyal or disaffected towards the government of Uganda; or
- (b) Was during any war in which Uganda was engaged in or associated with any enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or
- (c) Has, within seven years after becoming naturalized, been sentenced in any country to imprisonment for a term of not less than twelve months; or
- (d) Has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has registered annually in the prescribed manner within a Ugandan consulate, or by notice in writing to the Minister his intention to retain his citizenship of Uganda.<sup>17</sup>

By section 10(4) of Cap 58, the Minister before making an order under this section had to give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and of his right to an inquiry under this section. If that person applied in the prescribed manner for an inquiry, the Minister shall refer to a Committee of Inquiry consisting of a chairman. This chairman would be a person possessing judicial experience by appointment of the Minister. Other members also be appointed by the Minister as he thought it proper.

### **Dual Citizenship Law In Uganda**

The Ugandan parliament in 2009, finally passed a law that provides for dual citizenship.<sup>18</sup> The new law prohibits holders of dual citizenships from serving in any political or security offices.

Ugandans in the Diaspora welcomed this as they had been asking for dual citizenship for years.<sup>19</sup>

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<sup>17</sup> s10 (1)-(3) of Cap 58

<sup>18</sup> Uganda Citizenship Immigration Control (Amendment) Act 2009, Cap 66

<sup>19</sup> H.Mukasa & C.Bekunda, "Parliament passes dual citizenship Law..<http://www.newvision.co.ug>



In 2008, Former Internal Minister Ruhakana Rugunda, assured Ugandans in the Diaspora that the law would be enacted.

“The dual citizenship and permanent resident status are meant to re-establish full citizenship of Ugandans living abroad and facilitate their entry and exit from the country by removing immigration barriers.”<sup>20</sup> Rugunda told a meeting in Maryland in the United States of America.

### **General conditions for dual citizenship in Uganda.**

A person applying for dual citizenship, shall before being registered, satisfy the board that:

- (a) He or she is not engaged in espionage against Uganda;
- (b) He or she has not served in the voluntary service of the armed forces or security forces of a country hostile to or at war with Uganda;
- (c) He or she has not attempted to acquire Ugandan citizenship by fraud, or bribery or by intentional or otherwise deliberate false statements in application for citizenship;
- (d) He or she does not have a criminal record;
- (e) The laws of his or her country of origin permit dual citizenship;
- (f) He or she is, at the time of application, of or above 18 years of age;
- (g) He or she is of sound mind;
- (h) Does not hold more than one citizenship;
- (i) Is not un-discharged, bankrupt or insolvent

Offices of State which a person holding Dual Citizenship is not qualified to hold:

1. President
2. Vice President
3. Prime Minister
4. Cabinet Minister and other Ministers
5. The Inspector General and deputy Inspector General of Government
6. Technical Head of the Armed forces
7. Technical Head of Branches of the Armed forces

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<sup>20</sup> Mukasa & Bekunda, 'Parliament passes dual citizen law'

8. Commanding Officers of the Armed forces units
9. Officers responsible for heading departments in all branches of the Armed forces
10. Inspector General of Police and Deputy Inspector General of Police
11. Heads and Deputy Heads of National Security and Intelligence Organisations
12. Members of the National Citizenship of Immigration Board.

### **Use of Travel Documents by a Dual National**

1. A citizen who holds the citizenship of another country in addition to citizenship of Uganda shall:
  - a) Be issued with a Ugandan passport or travel document;
  - b) Be permitted to remain in Uganda without limitation if the person enters Uganda on a Ugandan passport;
  - c) Leave Uganda on the same passport that the person used to enter the country, and
2. A citizen of Uganda who is also a citizen of any other country shall when in Uganda be subject to the laws of Uganda as any other citizen
3. A dual citizen commits an offence when a Ugandan passport is used by a person interchangeably with the passport of another country to deceive an Immigration officer and is liable on conviction to a fine not exceeding hundred currency points or imprisonment exceeding one year or both.

### **Termination of Citizenship of Uganda**

By virtue of s19A or 19B of Cap 66, a person holds the citizenship of Uganda in addition to the citizenship of another country, the board may by order deprive that person of the citizenship of Uganda;

- a) Upon any consequences specified in section s17 or 18 of Cap 66, or
- b) If that person acquiring a third citizenship

## **Consequences of loss of Ugandan citizenship**

1. Where a person loses to be a citizen of Uganda, he or she shall be regarded as a citizen or national of the country, of which he or she was a citizen or national before becoming a Ugandan citizen.
2. Where a person ceases to be a Ugandan citizen, he or she shall cease to enjoy the rights of a Ugandan citizen except rights acquired while the person was a citizen
3. Where a person ceases to be a Ugandan citizen, he or she shall not be discharged from any obligation, duty or liability in respect of any act committed before he or she ceased to be a citizen of Uganda.

## **Re-acquisition of Uganda Citizenship by a Ugandan**

1. A person who was a citizen of Uganda by birth and who is acquiring citizenship of another country renounced his or her Uganda citizenship, may apply to the board in the prescribed manner to re-acquire his or her former Ugandan citizenship.
2. The board may allow a former Ugandan citizen to re-acquire his old Ugandan citizenship if it is satisfied that the grounds for the loss of his old Ugandan citizen are of no adverse effect to the public order and security of Uganda.
3. A person who re-acquired Ugandan citizenship under his section shall be required to take the oath of allegiance.

## **Ghana**

The starting point to dual citizenship in Ghana is Citizenship Act of 2000 (Act 591) Section 16 which came into effect in July 2002. This Act is to be read together with the Citizenship Regulation 2001 section 10 and section 11.

Dual citizenship was recognised previously for people under the age of 21.<sup>21</sup>

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<sup>21</sup> Constitution of Ghana 1992, Ar.8

On attainment of the age of maturity, the person was then required to select which citizenship he wanted to be recognised with. This said provision, was repealed in the Constitution of the Republic of Ghana (Amendment) Act 1996.

The situation at present is that according to Ghana's Citizenship Act of 2000 provides:

A citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana. Citizens who lost their citizenship as a result of previous law which prescribed dual citizenship can regain their Ghanaian citizenship by applying to the Minister of Interior for reinstatement.

The 2000 Act further states applicants eligible for Dual Citizenship are those who hold citizenship of any country in addition to the citizenship of Ghana.

In all instances, applicants are required by law to provide evidence of their Ghanaian nationality or their country of birth.

On acquiring the dual citizenship status, applicants would be entitled to apply for a Ghanaian passport besides the passport of any other country whose citizenship they have acquired.

### **Offences Under The Act**

It is an offence for a dual citizenship holder to use two passports interchangeably to deceive an immigration officer. Those who violate the law would be liable on

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summary conviction to a fine not exceeding 250 penalty units or a term of imprisonment not exceeding a year or both.

In this connection, all dual citizens are required to travel only with their certificates of Dual citizenship and only one passport of their choice.

Also under the 2000 Act, the dual citizen cannot hold positions within the Ghana public service. Examples of these positions are;

Army and security apparatus, Justice of the Supreme Court, Ambassador, Chief Directory of a Ministry, or Colonel in the army, etc.

## **ZAMBIA**

### **Method of Adopting the Constitution in Zambia**

#### **Constitutional Review Commissions**

These commissions are appointed under the Inquiries Act. The commissions make recommendations to the government on the basis of which the government has presented constitutional bills for adoption by Parliament.

There have been four such commissions since independence.

- The Chona Commission, which was charged with the recommendations and form the One Party State should take (1973)
- The Mvunga Commission, which was tasked to recommend the type of Constitution Zambia should enact to usher in the Third Republic (1991)
- The Mwanakatwe Commission, which was tasked to come up with a new constitution to replace the 1991 Constitution, which was said to contain a lot of defects.

- Mung’omba Review Commission, which was appointed against the backdrop that the 1996 amendment to the Constitution lacked legitimacy because it did not take into account most of the submissions made by the people.<sup>22</sup>

At present we have the National Constitutional Conference (NCC) which came into effect in 2007.

The functions and powers of the NCC are laid out in Part IV of the National Constitutional Conference Act No.19 of 2007. This Act gives legal powers to the NCC to debate, recommend and adopt recommendations from the Mung’omba Draft Constitution and Report.

The creation of the NCC has provided Zambia with a unique opportunity to provide a Constitution that shall incorporate people’s views, demands and aspirations. The NCC has the widest stakeholder representation.<sup>23</sup>

The NCC adopted Articles pertaining to dual citizenship as described in Chapter I.<sup>24</sup> Subsequent Articles have been adopted by NCC concerning citizenship.

The NCC adopted Article 15 which state that:

Every person who was a citizen of Zambia; immediately before the commencement of this constitution shall continue to be a citizen of Zambia and still retain the same citizenship status from that date.

The conference added a clause to Article 15 to the effect that:

A person who was entitled to citizenship before the commencement of this Constitution subject to the performance of any conditions following the future event, shall become a citizen upon the performance of such conditions.

The NCC adopted Article 16 on acquisition of citizenship which states:

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<sup>22</sup>Report of the CRC December 2003

<sup>23</sup>[www.ncc.zambia.org/act.php](http://www.ncc.zambia.org/act.php)

<sup>24</sup>Mung’omba Draft Constitution of 2005 Art 21(2), Art 21(1), Art (23), etc

Citizenship may be acquired by registration or adoption in accordance with this part.

The conference adopted Article 17 on citizenship by birth which reads:

Every person born in Zambia is a citizen by birth, if at the date of that person's birth, at least one parent of that person is a citizen.

A new addition to this article was a clause stating that:

A child of not more than seven (7) years of age found in Zambia whose parents are not known, shall be presumed to be a citizen of Zambia by birth.

Other Articles adopted by NCC concerning citizenship are as follows:

Article 18 Subject to clause (4) and (5), a person may apply to the Citizenship Board of Zambia to be registered as a citizen if that person was born in Zambia but neither of the person's parents is a citizen.

Subject to clause (4) and (5), a person may apply to be registered as a citizen if that person has –

- a) Attained the age of twenty-one (21) years: and
- b) Ordinarily resident in the Republic for a continuous period of not less than period of not less than fifteen (15) years immediately preceding that person's application for registration.

A person who applies to be registered as a citizen under this Article and whose application is successful shall –

(a) In the case of Clause (1), renounce the citizenship of any other country on attaining the age of twenty one (21) years: or (b) in the case of Clauses (2) and (3), renounce the citizenship of any other country within a period of not more than three months from the date of approval of the application; upon such renunciation, the Citizenship Board of Zambia shall register such a person as a citizen of Zambia.

A child of a Diplomat accredited to Zambia shall not be registered as a Zambian citizen.

Concerning the Entitlement of a citizen, the NCC adopted Article 27 which says, the adopted responsibilities of a citizen were adopted in Article 27 as follows:

- Acquired basic understanding of this constitution and promote its ideals and objectives;
- Uphold and defend this constitution and the law of the Republic;
- Be entitled to register and vote, if eligible, in all national and local elections of referendum;
- Be patriotic and loyal to Zambia, promote its development and good image and render national service whenever required to do so;
- Develop one's abilities to the greatest possible extent through acquisition of knowledge, continuous learning and the development skills;
- Contribute to the welfare and advancement of the nation by paying all taxes and duties lawfully due and owing to the state;

Contribute to those welfare and advancement of the community where that citizen lives;  
Strive to foster national unity and live in harmony with others;  
Promote democracy, good governance and the rule of law;  
Protect and safeguard public property from being damaged or misused;  
Protect and conserve the environment and utilise natural resources in a sustainable manner and maintain a clean and healthy environment;  
Co-operate with the law enforcement agencies for the maintenance of law and order and assist in the enforcement of law at all times;  
Provide defence and military service when called upon;  
Desist from acts of corruption, anti-social and criminal activities; and  
Understand and enhance the Republic's place in the international community.

Article 28 was adopted by NCC on matters pertaining to legislation of citizenship- which reads:

Parliament shall enact legislation and the acquisition and deprivation of citizenship of Zambia by persons who are not eligible to become citizens under this part.

Article 29 adopted by the NCC deals with interpretation – For example, a person born aboard a registered ship or aircraft shall be deemed to have been born in the place in which the ship or aircraft was registered.

## **Conclusion**

This chapter explain how dual citizenship works in some African countries. It has been noted that dual citizens are in several respects restricted from holding positions in the public service or in the military. A dual citizen may wonder whether such prohibitions are justified? This issue will be addressed in subsequent chapters.



## **CHAPTER FOUR**

### **EFFECTS OF DUAL CITIZENSHIP**

#### **GHANA**

#### **Benefits of dual citizenship to social, economic and political development of Ghana.<sup>25</sup>**

Georgette Djaba argues that Dual Citizenship Act 591, of 2001 and its companion Regulation of 2001<sup>26</sup> upon careful reading does not confer to the dual citizens all the rights and privileges enjoyed by Ghanaians under the 1992 Constitution. Djaba further contends that the only benefits a dual citizen receives are the acquisition of a passport and a visa to freely travel between the foreign domiciliary and his/her home country of Ghana.

The dual citizen, in fact becomes a *defacto* a second class citizen in his/her own country of birth or origin.<sup>27</sup>

In Chapter Three of this thesis, mention was made of prohibited positions within the Ghana public service which a dual citizen cannot hold. Djaba asserts such prohibition is not only a direct contravention of the equal protection clause of the constitution (that extends equality of opportunity for all citizens without discrimination), but also in contravention of United Nations Declaration of Human Rights.

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<sup>25</sup> Djaba, 'The benefits of Dual citizenship to the socio-economic and political development of Ghana', [www.morder.ghana.com/news](http://www.morder.ghana.com/news) (3 April 2009)

<sup>26</sup> Discussed in Chapter 3

<sup>27</sup> Djaba, 'The benefits of dual citizenship to the socio-economic and political development of Ghana

## **Economic Benefits**

Djaba states that the Republic of Ghana has realised the economic benefits of dual citizenship and continues to encourage its citizens since 2002 to obtain dual citizenship. Djaba further expounds that some Ghanaian citizens are openly hostile to the idea of Ghanaians living abroad (GLAs) competing for political office.

## **Advantages**<sup>28</sup>

Dual citizenship is becoming more common in today's increasingly intercorrected global economies. Countries such as India, the Philipines and Mexico have sought to utilise the advantages of dual citizenship by liberalising their citizenship laws. These countries have realised that dual citizenship has the advantages of broadening a country's economic base, fostering trade and investment between the dual citizen's two respective countries. Africa's Brain Drain, a Non-governmental organisation dedicated to turning the brain drain in to a brain gain supports these views. Djaba further states that one of the benefits of dual citizenship is the ability of the dual citizen to influence economic and political divisions in their host countries in favour of their countries of birth and descent.

## **Losing / renouncing Ghanaian citizenship**

Djaba asserts that there exists a prevailing perception among Ghanaians, that when a Ghanaian becomes a nationalized citizen of another country, the individual loses his/her Ghanaian citizenship. In the United States nationalized citizens are not legally obliged to give up their citizenship of their country. In addition, the United States has

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<sup>28</sup> Ibid p.3

never ordered newly naturalized citizens to present themselves to their native country's embassy in order for them to formally renounce their original citizenship.

Legally, there is nothing in the constitution preventing the United States (via State Department) from requiring all naturalized citizens to officially renounce their citizenship to their native country as a condition for naturalization.

In the United Kingdom, there is a no obligation to renounce Ghanaian citizenship. Djaba observes that Britain fully embraces dual citizenship. As it does not preclude Ghanaians from serving at Local Government or national level. It does not preclude Ghanaians from becoming judges or holding political office.

From this, Djaba concludes that the British government has recognised the benefits of multiculturalism by including more blacks in all positions including local government.

### **Oath of Allegiance**

Djaba observes that the opponents of dual citizenship, debate always draws one's attention to the oath of allegiance that one is required to declare. Djaba gives an illustration of oath of allegiance by a newly naturalized citizen of the United States.

The important thing to note about the oath of allegiance is not the renunciation of your original citizenship, which the United States does not enforce nor require, but of importance in the allegiance and fidelity you swear to the United States of America.

Djaba observes that in essence an individual Ghanaian who obtained United States citizenship is still a Ghanaian especially on Ghanaian soil.

## **Expertise, skill and experience**<sup>29</sup>

As society becomes more global & integrated, the value of Dual citizenship and a second passport is increasingly becoming a necessity. Djaba explains that the comforts of being an American or European Citizen, at the same time maintaining one's original nationality, provides an individual with an abundance of benefits & set of liberties. Economically, Ghana stands to benefit. Dual citizenship provides access to financial investment rights[, securities, retirement, social security benefits, etc)..American citizenship provide access to adequate medical benefits, including potentially free health care , especially for those reaching the age of retirement. Access to educational benefits, including higher education, are all possibilities within reach of Ghanaians who enjoyed dual citizenship. Djaba explains dual citizenship provides opportunity for children of Ghanaian parentage to travel freely & reconnect with their cultural background & strengthen the fabric of their African heritage.

Djaba contends that it would be in Ghana's best interest to have an individual who has dual citizenships as a member of parliament. The reasons Djaba gave for this are given:

- i) The need for international assistance
- ii) The need to seek and identify individuals whose expertise and experiences transcend the day to day norm of the Ghanaian society.
- iii) Development of road networks, water systems, health care facilities, education system, telecommunication facilities, etc would benefit from an open system where the minds and resources of GLAs are freely tapped.

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<sup>29</sup> [www.info-ghana](http://www.info-ghana)

Djaba states the endorsing or advocating the development of multiple national attachments should be viewed in terms of national development and economic strategy. In that dual citizenship would help Ghanaian businessmen/women to transact and move freely, especially in and out of the United States, United Kingdom etc.

### **Ghanaian Children Born in the Diaspora**<sup>30</sup>

Djaba put forward a question in relation to dual citizens born outside Ghana of Ghanaian parentage being denied from contesting in Ghanaian Parliamentary elections in the future and would that be fair? In relation to Ghanaian sportsmen and women, all over the world, Djaba further explains that Togo acquired bronze medal by one of their dual nationals in the recent Olympic games. Whereas Ghana returned with no medals. Djaba observed that it was an open secret that some European-trained players in the Ghanaian national team hold foreign passports.

In some cases dual citizenship stems from the fact that some of the athletes were born in countries that grant citizenship by birth, but they later decide to play for Ghana rather than for their country of birth.

### **Free Enterprise & Democracy**

Djaba states the ideas of Free Enterprise & Democracy are complementary. The development and sustenance of a strong middle class is essential to attaining stability and growth in Ghana.

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30 Djaba, 'The benefits of dual citizen to the socio- economic and political development of Ghana'. 4-6

Djaba explains that dual citizenship has the ability to bring this about and hence, help democratize the politics of Ghana. In putting forward this argument, Djaba explains that there are thousands of children born to Ghanaian nationals presently residing in the diaspora. These children with their dual nationalities and exposure would help Ghana to navigate her destiny through the 21<sup>st</sup> century. Democracy indeed, is built on informed citizen participation especially those who have lived and practiced it in developed countries. Djaba expounds that dual citizenship is one of the ways to foster Ghana's future economic development.

### **Development of Ghana since passing dual citizenship law**

The then Acting Minister of the Interior, Dr Kwame Addo – Kujoiior explained that dual citizenship law, though long over-due, had been passed to offer Ghanaians and foreigners the opportunity to contribute to the rapid development of the country.

“The legislation is a tribute to the great support Ghana has received from her citizens who have been living beyond her shores over the years. This support has been in the area of economic, technical, social and infrastructural development,” he said.

Dr Addo- Kujoiior illustrated the contributions of Non-Resident Ghanaians (NRGS) to the Ghanaian economy, by saying that they had remitted 400 million dollars annually to boost Ghana's economy, as against contributions of Foreign Direct Investment (FDI) from 1994 to 2002 had contributed 1.6 billion dollars or about 100 million annually.

### **Uganda**

After passing the law pertaining to dual citizenship, the Defence and Internal Affairs Committee presented a report to parliament. Mathias Kasamba, the committee's chairman noted,<sup>31</sup>

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<sup>31</sup> Mukasa & Bekunda 'Parliament passes dual citizenship law'

“The legislation will also give citizenship to non-Uganda nationals who are making enormous contribution to our nation, and would wish to attain Ugandan citizenship.”

As in Ghana, dual citizens in Uganda cannot hold certain executive positions. Examples of these are position of President, Prime Minister, Ministers, Inspector General of government, the head of the Armed forces or Commanding officers.

It can be argued that dual citizens will not receive all benefits other Uganda citizens would have and these restrictive provisions are discriminatory.

Okello Okello a member of Uganda’s political parties said he was not convinced that Uganda stood to gain from dual citizenship.<sup>32</sup>

“I don’t believe one has to be a citizen to invest in a country. The big known investments here are by non-citizens,” he observed.

Beatrice Anywar, a member of one of Uganda’s political parties argued that, Uganda’s living abroad should come back proudly as Ugandan’s without any conditions.<sup>33</sup>

## **Zambia**

As dual citizenship is not yet law in Zambia, the discussion that follows is in regard to views expressed by various Zambian citizens in Zambia and around the world.

Former Commissioner in the Mung’omba Constitutional Review Commission, Bishop John Mambo, commended the NCC for adopting the dual citizenship Article in the draft constitution.<sup>34</sup>

Bishop Mambo said the adoption of the dual citizenship Article was timely for Zambia as to helping her reap benefits from its citizens in the Diaspora.

Bishop Mambo, said that the adoption of dual citizenship Article would also help the country to achieve significant economic strides as many of its citizens living abroad will be contributing meaningfully to Zambia’s economic agenda.

Bishop Mambo further stated that he was overwhelmed to see that the Article was unanimously adopted. Furthering explaining that the country would make vast

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<sup>32</sup> Ibid

<sup>33</sup> Ibid p.2

<sup>34</sup> <http://Lusakatimes.com>, June 15 2009

developments in various fields because of the skills of the people it had harnessed from different parts of the world.

He further urged government to utilize its citizens in the Diaspora as they had the capacity to contribute effectively to the Foreign Direct Investment (FDI) coming into the country. He stated it was urgent for government to recognise and make efforts to ensure that the Diaspora becomes a prominent force in the country's economic recovery.

Bishop Mambo contended that Zambia being part of a global village could not afford to remain behind adding that Zambia should consider dual nationality as a priority. In addition, the Former Commissioner in the Mung'omba Constitution Review Commission has since called on the government to come up with incentives that could attract investment from Zambians abroad.

### **Economic Perspective**

Some people may describe dual citizenship as a complex issue. Henry Kyambalesa<sup>35</sup> argues that it was important to understand that they were obligations and not only benefits that are associated with being a dual citizen.

Kyambalesa gives an example that a dual citizen has to obey laws of both countries, including paying taxes and serving in the military if required by any of the countries of which he or she is a citizen.

In support of this argument Kyambalesa drew a distinction between Principles of Management and the Holy Bible. According to the former, each person should report, or be answerable, to only one superior at a time to forestall the potential for conflicting directives. With regards to the latter he quoted Matthew 6 :24 which provides;

“No one can serve two masters ; for either he will hate one or love the other, or he will hold to one and despise the other”.

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<sup>35</sup> [www.Zambian-economist.com](http://www.Zambian-economist.com) ;18 June 2008



Kyambalesa presents an obvious problem, in the situation that two countries of which a person is a citizen are in conflict. Which country would they side with? His final argument pertains to pledging allegiance. Kyambelesa asserts that can a person claim to be a patriot when he or she pledges allegiance to two or more countries? Or is patriotism a secondary issue when the personal benefits of dual citizenship are involved.

Neo Simutanyi<sup>36</sup> stated that some prominent Zambians, such as the late Vice-President Christon tembo and Chief Immigration officer Ndiyoyi Mutiti, opposed the recommendations on grounds of national security. For Christon Tembo, dual citizenship would compromise national security as those involved may have problems of conflicting allegiances, while Ndiyoyi Mutiti argued that dual citizenship will increase crime as criminals will easily run away to another country for safety.

Proponents of dual citizenship, who include former Chief of Justice Matthew Ngulube, argue that it is desirable given globalisation and the increase in cross-national marriages and the inevitable migration to other countries in search of better economic opportunities.

Simutayi stated that children of Zambian parents are abroad who automatically acquire citizenship by birth tend to lose out on the benefits of belonging to the country of their parents.

Simutayi rightly asserts that dual citizenship is a growing phenomenon in today's increasing global community. In addition many countries have been historically opposed to dual citizenship, dual citizenship has grown more common in the last thirty years. Simutayi explains that one of the main reasons for this is that new technologies have helped dramatically increase travel, communication and international commerce.

Simutayi observes that the current dual citizenry debate should be understood within the context of global trends. It should be recognised that in the last 40 years, Zambia

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<sup>36</sup> <http://www.zambian-economist.com>, 26 June 2008

has been home to tens of thousands of people from other countries who have come here to work, by virtue of marriage or due to social ties with Zambian nationals.

He further argues that some of these people have lived in Zambia for most of their lives but do not want to cut links with their home country. They have instead remained established residents without citizenship rights. Simutayi then concludes that it would be wrong to doubt the patriotism of these men and women, who have made many contributions to the life and economy of this country.

He also emphasises on non-Zambians who have made tremendous contribution to this country in different ways. Simutayi does not agree with the assertion that dual citizenship necessarily poses a national security problem. He counter argues that it will help enhance a sense of belonging on those of our compatriots who have had to make the difficult choice of renouncing their citizenship of their country of birth.

He successfully argues that the decision by the Citizenship Committee of the NCC is most progressive and deserves everyone's support. It reflects global trends encouraging dual citizenship for economic, social and cultural reasons. Simutayi is particularly opposed to a decision to strip a Zambian of his/her citizenship simply because of having acquired the nationality of another country.

In his view, citizenship rights should be non-negotiable and should be revoked under very exceptional circumstances. This is because one's nationality forms their primary identity and as such, they should continue to hold it irrespective of their decision to acquire the citizenship of another country for economic or social reasons.

Simutayi argues that allowing dual citizenship encourages foreign investment as foreigners are assured of enjoying citizenship rights, while not losing identity of their countries of origin.

Simutayi rightly stipulates that tens of thousands of Zambian nationals have fled the country for many reasons which include political persecution, marriage or to seek employment opportunities or a combination of these.

## **Diaspora Views**<sup>37</sup>

Zambia has a countless number of citizens living or doing fine overseas, and some of these did have a chance to participate in ‘Let the people talk’, program either by phone or electronic mail.

### **Mr Chasaya Sichilima**

Chairperson of the Zambian – Canadian Association who has lived out of Zambia for 20 years – Said on the issue of dual nationality:

“It should have been done like yesterday. That is how late we are. We have, as a country, lost on our own people who have gone to apply their skills elsewhere.”

Mr Sichilima explained that one of the chief reasons people acquired citizenship when they migrated was that it became easier for them to stay in those countries and have access to loans and certain jobs when they would not if they were merely residents.

He also urged the Zambian government to utilise its citizens in the Diaspora as they had the capacity to contribute a lot more than the Foreign Direct Investment (FDI) coming into the country.

### **Mr Musaba Chailunga**

Secretary of the Zambian – Canadian Association, and chairperson of the dual citizenship sub-committee, said the government should re-think its stance on dual nationality as it was currently losing out.

### **Heminiyild Mpundu**

From Oklahoma University in the United States, urged the Zambian missions to take an active role in communicating not only with foreign investors but also Zambians.

Mr Mpundu stated that it was unacceptable for Zambia to rank together with countries that had been at war for many years and yet it had alot of citizens doing well in the Diaspora.

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<sup>37</sup>Times of Zambia, 13 February, 2009

Charles Ng'andwe

From Manchester in England, he stated that with the world's biggest economy in recession, Zambia had to pull all resources it could, and the diaspora was one such source. He also stated that the cost of doing business in Zambia was prohibitive, which is why it was difficult to bring in equipment, as duty was too high.

**World bank's Role**<sup>38</sup>

On whether the world bank had already engaged the Zambian government on the same issue, Zambia's World bank country representative Dr Kapil Kapoor, said the initiative had to come from Zambia.

“We are here to provide examples from all over the world. If this is something the Zambian government would like to engage us in, as the government's of Kenya and Ghana have done, we are happy to engage in. The speed at which this is done is dependant on the Zambian government, but we are there to help.”

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<sup>38</sup> Ibid

## **CHAPTER FIVE**

In conclusion I would like to emphatically state that dual citizenship is necessary and welcome in Zambia. Though views may vary it is suffice to say that the proponents of dual citizenship views outweighs those views in opposition.

Dual citizenship will ensure social, economic and even political benefits. Allowing dual citizenship would in effect encourage foreign investment as foreigners would be assured of enjoying certain rights, while not losing the identity of their countries.<sup>39</sup>

Politicians in Zambia have continued to call on Zambians living abroad to return and make a contribution to the Zambian economy. The problem which has not been addressed is that most of these people may have acquired the citizenship of their host countries and may have forfeited their Zambian citizenship rights.<sup>40</sup>

The Zambian Economist stated that there is evidence to suggest that dual citizenship poses a threat to national security nor increases crime. In addition, if that were the case, large and highly developed countries, such as Australia, Canada and United Kingdom and United States would not be promoting such a policy.

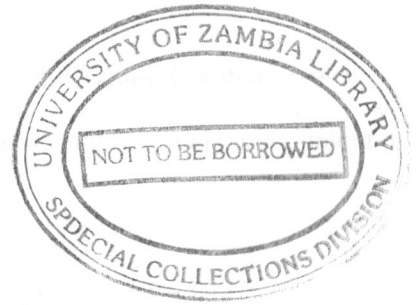
Zambia needs citizenship and nationality laws that are more inclusive and take account of Zambia's historical, social and cultural heritage on one hand and the dynamics of globalisation on the other hand.

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<sup>39</sup> [Http://www.zambian-economist.com](http://www.zambian-economist.com)

<sup>40</sup> Ibid

Dual citizenship should be an unobjectionable unstoppable phenomenon given our multiple identities and that should be reflected in our national law as expressed by Neo Simutanyi.



## **BIBLIOGRAPHY**

### **LITERARY WORKS**

- Barnett, H. Constitutional & Administrative Law ( Cavendish Publishing Limited, 2000)
- Djaba, G' The benefits of dual citizenship to the socio-economic and political development of Ghana'.2009
- Mukasa, H & Bekkunda, C' Parliament passes dual citizenship law'
- Paine, T. Rights of Man (1791-92) 1984, Collins, H. New York: Penguin

### **INTERNET RESOURCES**

- [www.mordernghana.com/news](http://www.mordernghana.com/news)
- [www.newvisionwebsite.co.ug](http://www.newvisionwebsite.co.ug)
- [www.zambian-economist.com](http://www.zambian-economist.com)
- [www.info-ghana.com](http://www.info-ghana.com)
- [www.lusakatimes.com](http://www.lusakatimes.com)

### **LEGISLATION**

- Statutory Instrument No.55 of 1977
- Statutory Instrument No.17 of 1986
- Citizenship Act of 2000 ( Act 591)
- Citizenship Regulation 2001

Constitution Of Ghana 1992

Constitution of Republic of Ghana ( Amendment) Act 1996

Inquiries Act Cap 41 of the Laws of Zambia

National Constitutional Conference Act No.19 of 2007

Constitution of Zambia, Cap 1 of the Laws of Zambia

Human Rights Commission Act, Cap 48 of the Laws of Zambia

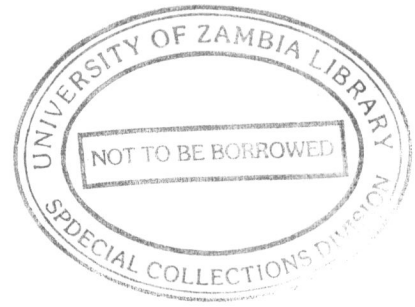
Citizenship Act of Zambia, Cap 124 of the Laws of Zambia

South African Citizenship Act (Act 88 of 1995)

South African Citizenship Amendment Act 2004

Uganda Citizenship Act Cap 58

Uganda Citizenship & Immigration Control (Amendment) Act 2009



## **MISCELLANEOUS**

Mwanakatwe Constitutional Commission Review Report Chapter 2

Newspapers

Times of Zambia

Post Newspaper

Oxford, English Minidictionary ( Oxford University Press, 1999)