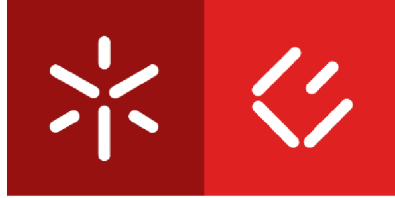




Universidade do Minho
Escola de Economia e Gestão

Matthew Akoni-Mensah

**Citizenship in Ghana: Understanding
Its Cultural and Political Construction**



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Tese de Mestrado
em Relações Internacionais

Trabalho efetuado sob a orientação da
Professora Doutora Isabel Estrada Carvalhais

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ACKNOWLEDGMENT

Citizenship has been a contested issue in most advanced countries in the West. Western Imperialists, in colonising most countries outside Europe, either extended, acculturated, or adopted most of their laws and concepts in the colonies. After independence, in the second half of the twentieth century, the destiny of these territories was entrusted or handed over to “natives” – the colonised. A study on this daisy issue of citizenship “a foreign concept” in complex territories with their own concepts of citizenship or in the midst of an already existing diverse ideas about “citizenship” will definitely not be easy. It is an open secret from the beginning, that it will not be easy. Having come this far, we will like to acknowledge all those who made this possible.

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ABSTRACT

One characteristic of postmodern democratic reading of citizenship is the idea of the citizen as politically, socially, culturally, ecologically empowered and active. A complete citizen is thus one who enjoys his/her freedoms and rights, who fulfils his/her civic obligations, and who has equal opportunities to enhance his/her skills as a multifaceted individual. Within such rationale, the result of this citizen's action shall be stronger and better democracy in an inclusive society where human rights are effectively respected.

Ghana's democracy is young and continuously defied by complex challenges. Among such challenges, there are traditional cultural and socio-political sets of beliefs and practices that conflict with the common practices of Western democracy. In this work, we argue that although citizenship in Ghana has made some improvements over the last decades, its construction and enhancement as a policy and as a set of social and cultural experiences still face severe constraints. The constraints are mostly caused by the prevalence of embedded traditions regarding the conception of power structuring and of power relations, which limit the development of democratic practices in the management of citizenship. Until these bottlenecks have been removed, citizenship will keep close to inequalities and abuse of human rights (especially of the most vulnerable, such as women, children, and the physically challenged), reflecting more the prevalence of traditional logics of power, than of democratic values in favour of human dignity. In light of this, we argue, education for a new understanding of citizenship is a fundamental path.

Keywords: Ghana, human development, democracy, citizenship, National Commission for Civic Education.

RESUMO

Uma característica da leitura democrática pós-moderna da cidadania é a ideia do cidadão como um ser politicamente, socialmente, culturalmente, economicamente e ecologicamente capacitado e ativo. O cidadão completo é aquele que goza e desfruta dos seus direitos e liberdades, que cumpre o seu dever cívico e tem oportunidade para aperfeiçoar, promover, melhorar e reforçar os seus dotes, as suas competências, as suas capacidades inatas ou habilidades como indivíduo pluridimensional. Na lógica desta racionalidade, o resultado desta ação do cidadão será potenciadora de uma melhor e mais eficiente democracia, numa sociedade integradora, onde há respeito pelos direitos humanos.

A democracia Ganesa é nova, intrincada e continuamente confrontada com desafios complexos. Somos confrontados com várias crenças e práticas da cultura tradicional e sociopolíticas incompatíveis com as práticas comuns da democracia ocidental. O nosso argumento e nossa postura neste projecto é que, apesar de considerarmos que existe algum progresso no conceito da cidadania nas últimas décadas no Gana, o seu aperfeiçoamento, valorização e construção como uma política e conjunto de experiências sociais e culturais enfrentam graves condicionalismos ou limitações. Em geral, os constrangimentos na sua maioria parte são causadas por prevalência do conceito da estruturação de poder e das relações entre os poderes enraizados na tradição, que limitam o desenvolvimento das práticas democráticas na gestão da cidadania. Enquanto estes obstáculos ou constrangimentos existirem, o conceito da cidadania manter-se-á, perto da desigualdade e abuso dos direitos humanos (especialmente dos mais vulneráveis, como as mulheres, as crianças e os fisicamente e mentalmente incapacitados), refletindo mais na prevalência da lógica tradicional do poder, em vez dos valores democráticos em favor da dignidade humana. Portanto defendemos a ideia de que a educação para uma nova compreensão da cidadania é a trajetória fundamental.

Palavras chaves: Gana, desenvolvimento humano, democracia, cidadania, Comissão Nacional da Educação Cívica

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ACRONYMS

AFRC	Armed Forces Revolutionary Council
DVC	Diaspora Vote Committee
LI	Legislative Instrument
NCCE	National Commission for Civic Education
NDC	National Democratic Congress
NPP	New Patriotic Party
PAM	Progressive Alliance Movement
PNDC	Provisional National Defence Council

CHAPTER I

1. JUSTIFICATION OF THE STUDY

The European colonial presence in the World, including the African continent, is a well-known historical fact. But before the European came into contact with sub-Saharan African communities, there were already local people with their own identity structure, social values, forms of political organisation, and educational systems. In such a context, citizenship was sensed mostly as “belongingness”, i.e. defined on the basis of belonging to a clan, a kin, or an ethnic group (Gyekye, 2008; see Dorman, 2014, p. 163). Commenting on this, Dorman (2014) notes “African states were less concerned about control of territory, and more concerned about control of people. Thus, what mattered was not so much where you lived as to whom you acknowledge allegiance” p. 163; Herbst (2000). Tradition was transmitted to the younger generations by the elders in the community, mostly in oral forms. The contact with the people of the Gold Coast was pacifically based on friendship and acceptance, but with reservations.

These first words may sound the prelude of a defense of (local) tradition against (western) modernity, however that is not the intention. As this study will unveil, tradition is not a bad or a good thing per se, but in the case under scrutiny, it has meant mainly the persistence of social and cultural inequities, embedded in ancestral power relations that were latter legitimised and fostered by colonial power relations, and which have arrived at present, at the expense of a more inclusive society in countries such as Ghana. In other words, tradition, regardless of its historical and anthropological relevance, has become a major obstacle to the enhancement of citizenship as a democratic concept. In parallel, citizenship itself is subject to internal challenges, that is, invoked by its own development mostly as a western concept, profoundly intertwined with the development of other concepts such as nation, nation-state and national identity. In a rather complex multiethnic society, still greatly attached to traditions, the challenges to citizenship are thus immense.

It is also worth noting, that the topic under research came to mind after a study during the master course in International Relations, on the origins of the unceasing conflicts in the Middle East, their historical roots in the Ottoman Empire, and historical connections to the European imperialism. That study also raised my awareness about the complexity of defining citizenship, its construction and enhancement, in a space profoundly carved by ethnic conflicts. As I studied the Middle East situation, I realised that the historical contact of Europeans and Africans, especially in the Gold Coast, had many things in common with what happened in the Middle East. There is

indeed a common background that need further explanation, especially on how citizenship is constructed and enhanced in countries with complex historical antecedents, myriads of traditions, of cultures and of ethnic communities living all together. In parallel, I also came to the awareness - that Citizenship Studies are an area of scientific research with very little academic development in Ghana and one that simultaneously deserves much attention.

The research intends to reflect on the actual difficulties that confront the people of Ghana, especially those who live outside the country¹, women, children, and the physically challenged who are citizens but who see in most cases their basic rights being denied. The focus on the concept of citizenship and its enhancement is key to this study. Likewise, looking carefully at some coordinates of Ghanaian history, even before its political independence, is essential to understand the present difficulties for the accomplishment of a truly empowering citizenship.

1.1 OBJECTIVES OF THE STUDY

The complexity of the topic under review is such that the objectives of the study are divided into two parts: *General Objective* and *Specific Objectives*. As general goal, this study envisages to analysing the concept of citizenship and the problems in a state-making process from a historical perspective i.e., exploring the general overview of the concept of citizenship in a nation-state. As specific goals, our research intends to:

- discuss the historical construction of the concept of citizenship in Ghana.
- explore the constitutional (legal and political) view on citizenship as established by the 1992 Constitution as a means of promoting the social language of equality.
- highlight the identity struggle in Ghana and its implications in the enhancement of citizenship as a post-ethnic concept.
- further possible ways to approach the challenges towards a better enhancement of citizenship in Ghana.

¹ Those who are Ghanaians but migrated to other parts of the world, those with dual citizenship, and those who are not born in Ghana but have stayed in Ghana for a long time with no plan of going home or no proof that they are refugees: all these are part of who we want to look at. Indeed, the concept of citizen of Ghana is rather grey, vague, and very confusing because there is no verifying way to identify who is a citizen and who is not. Most Ghanaians have no identity card (e.g., passport, birth certificates, or national ID Card which has been introduced in late 2017 still running but stalled in parts of the country due to various challenges) to prove their nationality. In fact, latest news says that only 5 million people have birth certificate and 2 million plus have passport. But to have passport, one needs a birth certificate. Thus, the number of people having birth certificates and passports are less than 7 million in a total population of nearly 30 million people. There are refugees in Ghana who are seen as Ghanaians *de facto* because they have been there for years without documentation or renewal of their refugee status. So, Ghanaians appear for the purposes of this work more as a concept designed by the complexity of social reality than one confined to legal frame. Thus, our concerns about citizenship include all those born in Ghana whether in possession or not of identification documents (birth certificate, passport, national ID which covers less than 0.5% of the population, or baptismal cards), living or not in Ghana, as well as those who have come to be seen as Ghanaian *de facto*.

1.2 RESEARCH QUESTION

In Ghana, there is the general assumption that everybody who speaks one of the Ghanaian languages, is a citizen². This has rendered citizenship such a vast and common usage that it has become an almost meaningless word. In this context, our research question wishes to explore the reality (the social practices and political readings) underneath such word, in order to understand its hidden complexity. The departing question is thus: How close is the enhancement of citizenship in Ghana to its reading as an inclusive and empowering 'space of relations' for the individual?

It is our initial assumption that citizenship in Ghana has been integrating cultural and social practices and visions that in fact promote the continuity of traditional social and cultural inequalities, instead of promoting a new reading of citizenship as empowering and inclusive, hence, as closer to what we see as a truly democratic reading. However, we do not see this as a hypothesis of the work. Instead, as we will explain ahead, we prefer to undertake an interpretivist approach, that is, we let reality talk by itself while allowing us to interpret the given coordinates. Among the coordinates there are the colonial as much as the post-colonial history of Ghana, which must be examined in order to identify possible explanations for the continuity of traditional social and cultural inequalities, against a new reading of citizenship. Either way, and regardless of the explanations found, further work must be performed as to help Ghanaian societies to overcome what seems to be a blockage to higher levels of human development³.

1.3 STATEMENT OF THE PROBLEM

In Ghana, there is cultural, ethnolinguistic, and religious diversity under a unifying political power structure, while there is also the mono-linguistic use of English as *lingua franca*. Culture is the way of life of a people that has been natured over time, thus, it includes language as well (Gyekye, 2008). But in a multicultural and multilinguistic country such as Ghana, - where the concept of ethnicity, autochthony, and traditional sovereign states are rife - one might question which language should be used as a medium of education, for instance? Should native languages empower those who speak them to be better Ghanaian citizens than others who speak other languages? Do people

² Ghana, with a population of close to 30 million, has about 45 languages and dialects. Among these, six are officially used in mass media and in basic schools up the universities. These include, Akan, Dagbani, Ewe, Ga, Nzema, and Hausa. Depending on the location of the people and their region, one of these is used as medium of instruction in kindergarten and lower primary schools up to primary three (P 3).

³ "Human development" is used in this research to mean what United Nations Development Programme used as a definition. Therefore, human development: "is about choices, [...] to lead a long, healthy, creative life and to enjoy a decent standard of living, freedom, dignity, self-respect and the respect of others" (UNDP, 1997:15; books.google.pt, 2018). It implies, the process of enlarging, expanding, and enhancing the freedom and capabilities of individuals, creating equal opportunities for all, and providing equal welfare for everyone including the ordinary people. It means the provision of opportunities for the true practice of human rights including decision making according to one's own will, what to do, how to do it, and when to do it. It includes political freedom and self-respect with responsibility.

still maintain their collective identity though a foreign language is used in their daily transactions? These might seem senseless questions, but the truth is there are deep problems in Ghana regarding sentiments of ethnic superiority associated, among other aspects, with the language one speaks, along with other profound problems that result in the social and economic exclusion of rural people, especially women, children, the elderly, and the physically challenged, on grounds of the cultural perceptions that the culturally, socially, and politically empowered groups in society, make of those populations.

Political power centred in Accra, promotes cultural intolerance and the absence of true liberal democratic principles in practice amid injustices. As consequence, political pronouncements continue to whip up ethnic sentiments i.e., inciting one ethnic group mostly the majority group, as superior to other ethnic groups. In parallel, ethnic groups struggling for defining the modern notion of citizenship and who is to be a citizen within such notion, are in fact using and fostering old arguments and practices of inequality as means to set the terms for such struggle (this is a problem not peculiar to Ghana, but instead present in most African countries - see Dorman, 2014, p. 161). How should political institutions and the constitutional order address this phenomenon? What role have the traditional political authorities been playing in this transition from a traditional concept of identity and citizenship (with its proper *modus operandi* and *modus vivendi*) to an eminently westernised concept, grounded on the idea that there must be a common identity in order to define the Ghanaian citizenship? In other words, how has citizenship been constructed, defined, and enhanced, in a deeply multicultural country such as Ghana? These and many other questions emerge and raise doubts in the minds of those who feel isolated and excluded from the democratic dispensations.

In conclusion, this project aims at exploring the process of citizenship in Ghana i.e., to understand how its modern design is in fact reproducing a traditional language of social and cultural segmentations that does not enhance ethnic integration or (re)conciliation, socio-political inclusion, and national cohesion, but leaves instead millions of people aside the citizenship net.

1.4 RELEVANCE OF THE STUDY

This study is based on the reality in Ghana as a country with people of various cultures and languages coming together as one people in a multicultural independent country. Many academic works have been produced on Ghana by Ghanaians and expatriates on the culture, educational, and the socio-political life of the people. However, works on citizenship have not receive equal

attention. The reasons are not only political, historical, or based on the lack of resources, but also a certain negligence towards the problems of citizenship in Ghana. In most cases, either it has not been considered as a serious problem in the country, or it is taken for granted that people know their rights as citizens. Example of this is the late formation of the National Commission for Civic Education (NCCE) in 1993 by an Act of Parliament (ACT 452) with the aim of strengthening and promoting Ghana's young democracy and educate citizens about their rights. This was meant to reduce the low levels of awareness on civic rights among the majority of the people in the country. Therefore, the role of the NCCE is to educate the public about their civic and political rights i.e., right to vote, freedom of speech, movement, equal opportunities, right to education, right to own properties, right to legal aid, to mention a few. But more than two decades have passed and very little has been done by the NCCE. Among various other reasons, the NCCE lacks resources to go into the hinterlands, is under staffed, lacks logistics, offices and equipment due to low budget allocation in the national budget.

The difficulties and challenges to the field of citizenship in Ghana are immense as there is not enough investment in promoting citizenship awareness, especially among the socially disadvantaged. The lack of awareness about one's rights (and duties in a sense) leads to what may be wrongly perceived simply as 'unwillingness' to participate actively in the socio-political activities of the country⁴. It must be acknowledged though that most fragile groups (women, children, rural populations, emigrants living outside Ghana, but also non-nationals residing for long in Ghana) are in fact active people who are willing to participate and to get engaged in deeper forms with Ghana, if they are given the opportunity to do so. Still they lack enough education and information about their rights as well as effective opportunities to implement their formal rights. We believe thus, that an in-depth study on the issues here announced is most needed and has as much academic as political pertinence to be undertaken.

Complexity engulfed the concept of citizenship in human history and the Ghanaian situation is not an exception. Therefore, this research is expected to reveal the context and criteria for becoming a citizen of Ghana i.e., who is a citizen and how a person becomes a citizen of Ghana (either by birth, adoption, naturalisation, or exile to mention a few). It will also serve as a starting point of further researches in international relations studies i.e., security, migration, social

⁴ By citizen, we are considering Ghanaians born in Ghana, living in the country, and those living outside the country. Those who naturalised and children of foreigners who are born in Ghana. Educating citizens for effective participation is directed not only citizens by birth, ethnic group, adoption, or naturalisation but also those who are not citizens but are living in Ghana. It must be stated that they are not Ghanaians as stipulated in the statutes of Ghana. That is, non-citizens too need attention regarding their basic rights because many of them have been living in Ghana for many years. We argue thus the present obstacles that citizenship still face in Ghana are bad both for Ghanaian citizens as for those non-national citizens who would need further investment on their human rights.

integration, cultural adaptation, peace-making, peace-keeping, and peace-building studies. It will also help in other scientific, anthropological, sociological, cultural, and historical studies. Ghanaians will be more informed on who a citizen is and help preserve the sanctity of being a citizen within the country and beyond.

1.5 METHODOLOGY

As Denzin and Lincoln (2003) observe:

“[...] The gendered, multiculturally situated research approaches the world with a set of ideas, a framework (theory, ontology) that specifies a set of questions (epistemology) that he or she then examines in specific ways (methodology, analysis) (...) Every researcher speaks from within a distinct interpretative community that configures, in its special way, the multicultural, gendered components of the research act” (p. 29-30).

In an investigative project such as this, we make a rigorous effort at systematically analyzing realities in a descriptive or interpretative mode. We need to understand the appropriate method to choose, its theoretical content, applicability, and implication for this research.

We should state, that this is a retrospective study covering 1992 to 2012, though the issues at stake persist. It examines a historical event. In this way, we will be able to, in an applied investigation, contribute to the awareness or knowledge of the processes involved in citizenship construction, acquisition, and enhancement in general and in the Ghanaian situation.

Having this said, we will begin by establishing the theoretical basis for our interpretivist approach⁵. Qualitative method is used or referred to by various terminologies based on the methods used and the different terms applied. It is used in terms of field researches i.e., field research is used interchangeably with qualitative research to describe systematic observation of the behaviour of a society without preconceived hypothetical positions based on which there is an idea at hand as a point of departure for a research work. Therefore, the reality of the study speaks for itself in our analysis. For this reason, the qualitative methodology is appropriate – as an integral part of interpretivist method for this work as it would be used to elaborate and understand certain behaviours of the Ghanaian society. The idea of using various terminologies to designate qualitative method as stated above, is vividly expressed by Frederick Erickson (1996) in his work, “*Qualitative Methods in research on teaching*” where he notes that “interpretative research encompasses a set of diverse approaches: participant observation, ethnography, case studies, symbolic

⁵ Interpretivist approach is compatible with or integrates various methodologies such as narrative and subjectivist approach. It is not an isolated methodology. Therefore, there would be references to other compatible methods in our discourse for better explanation aimed at making meaning - understanding.

interactionism, phenomenology or, quite simply qualitative approach. Erickson used this expression for his refusal to define these approaches as essentially non-quantitative, since certain quantifications are also possible in these procedures' (p.119).

Fernand Gauthier (1987) shares the same view with Erickson in relation to the meaning of the term "qualitative" when he preferred a definition that brings to the fore the meaning of data to a definition that is restrictive and technical "which would imply an unshakable commitment of not using quantification" (p. 32). Qualitative approach deals with non-statistical methods of research or enquiry and the analysis of social phenomenon under study. It implies inductive approach to the analysis of themes and categories that emerged through detailed data collected by an investigator to arrive at a conclusion which is not necessarily general (conclusion) i.e., not a single specific objective conclusion as in quantitative approach (Rubin and Babbie, 1993). Therefore, we choose qualitative method in analysing the socio-cultural and political worldview of Ghanaians and the way they behave and appreciate what they do. Furthermore, Grix (2004) argues that qualitative approach seeks to 'amass information from studies on a particular event, decision, institution, geographical location, an issue, a piece of legislation, with a view to discerning patterns, trends and relationship between key variables'. He notes, that 'this type of research involves the interpretation of collected data, whereby the research cases being analysed, usually in few numbers, in their social and cultural context over a specific period and may develop well established theories that emphasize tracing the process and sequence of events in a specific setting'. Thus, emphasising the appropriateness of the qualitative method in interpreting the sequence of events in the socio-cultural context of the Ghanaian world beginning from 1992 to 2012. Consequently, qualitative method of analytical, critical examination, and description of the role of the investigator and his object of investigation as constructors of the scientific notion of meaning or knowledge is important. This affirms Erickson's use of the term "interpretative research" essentially to emphasize that the "family" of the approaches so designated shares a central interest in the *meaning* given by the "*actors*" to the actions in which they have engaged. This meaning is the product of the process of *interpretation* that plays a key role in social life. It is for this reason that Erickson qualifies as "interpretative", the investigations that take into account this dimension in delimitation of the object of study and in the methodological options.

Erickson is interested in the qualitative methodologies especially from an epistemological and ontological point of view, since the technical aspects arise only in the second place in the manner of an operationalisation of position in relation to the object of analysis. The fact that an

investigation can be classified “the interpretative or of qualitative comes more from its fundamental orientation than from the procedures that it uses. A research technique cannot constitute a method of investigation” (Erickson, 1986, p.120). We use epistemological subjectivity in our research since it will help us have an insight of the experiences that have occurred through contact between the researcher and the object of researcher/research that may be an individual or groups of individuals and in his study cultures.

The epistemological subjectivist/interpretivist position is used in this investigation because it allows us to understand and explain the way things are done in Ghana and why they are done – the rationality within the traditional context in which they are done and continues to be done – a view that is divergent to the general democratic principles in developed democracies. This is done based on the ontological context which deals with the adoption of relativist paradigm that entails multiple realities that exist on the mode of social and mental construction that are experimentally localized⁶. Since it deals with specific situations or problem, we adopt this method in order to study the facts as available to us and are relevant to the study in the case of Ghana. Qualitative method of analytical and critical examination of the evidence available will be employed.

We will begin the work by inspecting and analyzing the facts in the primary and secondary materials that are relevant to our studies to be able to understand the problems of the research. The main views and importance attached to the observations of authors in relation to their views and conclusions in their study will be noted. We will review the materials available to us to understand the issues at stake. The language used will include personal perspectives, a context from which the investigator can have his own personal analysis and values on the information gathered from primary and secondary sources or materials to arrive at a valued judgement – meta analysis – of meaning making not only for the researcher but also the people at the centre of the work.

In a descriptive mode as a participant observer, as noted by De Bruyne et al., primary sources will be used in exploring the Ghanaian culture, history, and society. These primary sources include for instance, the Constitutions of Ghana before independence and after independence i.e., 1960, 1969, 1979, 1981, and 1992, Acts of Parliaments, Legislative instruments, executive instruments, judicial pronouncements and reviews, and Military decrees including NLC - especially its directive in July 1969 to all missions of countries with citizens in Ghana which will later lead to

⁶ Relativist paradigm as used here is not relativism but the relativity of the subject matter “citizenship” in Ghana from the perspective of multiple cultures that intertwine.

the *Alien Compliance Act of November 1969, Act 160*, and later *Aliens (Amendment) Act (Act 265)*⁷ -, SMC 1 and 2, AFRC, and PNDC (See Addo, (2000); Awoonor, (1990); Dorman, 2014, p. 163). Particular attention will be paid to the Constitution of the Forth Republic that begun in 1992 i.e., the beginning of the research period till 2012.

The qualitative method is adopted in the context of Reid (1987), who believes that it is a suitable strategy for studies of social processes with complexities such as the family, organisations, and communities. Ghana as a multicultural state is suitable for the application of qualitative method because it will help in exploring the various ethnic groups and how they interact. Here, the sensibility, reflexivity, and integration of the knowledge of the investigator in our work are very important and play a key role in – making meaning in - his research work. He collects data. The quality of the data mostly depends on his sensibility and integration of his knowledge. Through observation and direct interaction, qualitative method permits the investigator to study the cognitive processes involved or used in the resolution of complex problems which cannot be detected using quantitative method in the case of Ghana.

Following this, secondary sources will be used to establish the historical background or basis of the study. Both primary and secondary sources will be fundamental in describing the reality as it exists in Ghana and how for instance, experiences by groups of people affect them and their professions. That is, the study will examine the historical factors involved – mostly from secondary sources.

In the context of the interpretative paradigm, Erickson (1996) argues that the object of analysis is formulated in terms of action, an action that covers “physical behavior and still the meaning attributed to it by the actor and those who interact with him. The object of interpretative social researcher is action and not behaviour” (Erickson, 1986, p.127). In this way, the qualitative method of critically and analytically examining and description of historical evidence, will be employed to establish the composition or formation of the country Ghana as a transition from British Protectorate, to the Gold Coast, immigration laws as practiced in the past till 2012, the

⁷ Basically, before Independence, the concept of *native* was understood in a broad sense under colonial rule. Both British, Portuguese, Spanish, Germans, French, Dutch, Belgians, to mention a few considered native in their colonies as citizens though the classification varied from country to country or colonial power to colonial power (See Adjepong, 2009, p.71-84). The Aliens Compliance Order is basically meant to regularise all immigrants who were not residing in Ghana legally or did not have residence permits to legalise their status in Ghana according to the immigration laws of Ghana. These immigrants include non-Ghanaian from African countries and or non-Africans. This law - Aliens Act, 1963 (Act 160) and the Aliens Amendment Act (Act 265) -, was passed in Kwame Nkrumah 's regime before the 1966 coup through to the era of the National Liberation Council (NLC) when the directive was issued. Basically, it was meant to compel illegal immigrants to regularise their residence or stay in Ghana which they failed to comply with. But it turned into the expulsion of almost all foreigners especially from African countries who abused the law because most of those who legalised their stay were non-Africans. The sad part of this mass expulsion of illegal immigrants were mostly integrated in the Ghanaian socio-economic life. They were also contributing to the socio-economic and political life of the country. It must be said that there were other factors apart from the security, legal, and economic factors that promoted the implementation of the Aliens Order or expulsion order by the Busia government (Addo, 2000, p.7). For more on the historical perspective of the Aliens Compliance Act, see Awoonor (1990).

gender laws and how women are considered and treated in a male dominated or majority patriarchal Ghanaian society as influenced by the traditional worldview of Ghanaians of women, children, physically challenged, citizenship laws, and the idea of citizenship as communalism - in Ghana - as distinct from the modern democratic view of citizenship. The complex socio-cultural, religious, moral, and traditional political system will be key in our analysis and an attempt to explore why gender inequality and discrimination still persist in Ghana.

The qualitative method is integrated in the interpretivist/interpretative approach in use, because it helps in understanding the significance of actions of a people. As such, we will take notes on the details of the materials and ideas obtained from the primary and secondary sources used in addition to the ideas, observations, and conclusions of the authors whose works have been reviewed or studied. These materials will help the researcher in analysing the issues that emerged. The qualitative method is useful for this study because it gives way for the formulation of good hypothesis for investigation. It makes way for the use of techniques - like detailed and profound interviews - with the subject under investigation, detailed or prolonged observations of activities, and our compartments and analysis of written works like narratives, compositions, and texts.

Retrospectively, the epistemological subjectivist position is used in our investigation for it permits us, as stated earlier, to explain the rationality within the traditional context in which Ghanaians act. It supplies information about what we want to achieve that other methods for instance, quantitative approach cannot provide (Schwartz-Shea, P. and Yanow, D. 2013). It helps us to discover what social facts are involved and how they affect the object under study.

In all, the qualitative approach is not a method without critique. Herman (1983) argues, that `the “objective” or “neutral” point of view recommended by positivism, is a methodological impossibility and an ontological illusion: to study the social is to understand it - which is not possible without reliving it. But that is itself a major challenge and a danger if not carefully pursued.

The social object is not an external reality, it is a subjectively lived construct (p. 44). Herman recalls that the broad lines of comprehensive paradigm are the subjectivity, culture as objectivation of spirit and social environment as a place of production of meaning and appreciation: “it is the individual, not the concept, that is the origin of valid conceptions about the social” (p.46). Herman draws also our attention to the idea that we cannot make a subjective analysis of a society without living within that society. In our case, the researcher is part of this culture hence this method is worth using.

1.6. ORGANISATION AND STRUCTURE OF THE DISSERTATION

The present dissertation consists of six chapters. The next chapter (chapter two) explores the historical concept of citizenship along with the idea of nation and that of nation-state. In this chapter, we argue that nation and nation-states are inventions (following though less Hobsbawm and Gellner's thoughts than Anderson's idea of 'imagined communities') that exist in concrete terms and empirically as much as they result from collective (bottom-up) and institutional (top-down) processes of will and intention.

Globalisation has led to free movements of people, goods and services thus posing challenges to many states. Social life has changed. Sovereignty has been challenged. The concept of citizenship has been shaken in modern advanced democracies. Our effort is to explore these themes under some major theories regarding citizenship, namely the liberal, the communitarian, and the civic republican views.

Chapter three contains the literature review on the concept of multiculturalism and interculturalism from a liberal and a communitarian perspective, as to establish the basis for the Constitutional reforms that Ghanaian governments have implemented from 1992 till 2012. We will argue that the era of multiculturalism has passed. Therefore, there is the need for interculturalism, which is not assimilation or acceptance of all that is foreign, neither a simple co-existence of differences and otherness, but a model embedded on dialogue and bridging as ways to bring closer various cultures, both internal cultures already present in the making of the State since its birth, and external cultures brought by immigrant communities. We will argue that these must be the terms of the new integration policies of ethnic minorities and immigrants in a culturally diverse and challenging country such as Ghana.

Chapter four presents the idea of citizenship in Ghana including the ethnic composition of the state, the concept of nation, nation state, and nationalism in the African and Ghanaian contexts. We observe that the debate on citizenship is not finished. Rather, it is a complex continuing process. It is a complex debate in Ghana due to the rejection of the traditional idea of belongingness. Also, nationalism as a means of unifying the people around the idea of a common nation state, has assumed a militant patriotism that in most cases simply obliterates people's complex identities (see Dorman, 2014, p. 166-169). We present the idea of citizenship as established in the Constitution of 1992, and then we analyse and reflect on the challenges it has been facing. We will explore the traditional worldview of citizenship as *belonging to a community*, having as context a diverse cultural State such as Ghana. Our argument follows Carvalhais who states that the basis

for stronger democracy relies on “...the individual: empowerment of the individual [...]” (2007, p.185). Following this, we will try to explain why such idea of empowerment has been compromised regarding Ghana’s experience of citizenship since 1992.

Chapter Five will discuss the constitutional reforms based on the 1992 Constitution and the migrants’ integration. The efforts made by various governments in Ghana towards the constitutional amendments to foster or enhance the concept of citizenship, the laws propounded, the Acts of Parliament and other amendments, the implementation of the Fourth Republican Constitution in Ghana in the period under consideration (1992 - 2012) will be reviewed. We will look at how the country has come so far, the basic issues that confront Ghana i.e., provoking the need for amendments of the Fourth Republican Constitutional position on citizenship. The amendments towards the recognition and equality or equal rights for women and the physically challenged will be analysed. The role of civil society in the fight for the amendments of the constitution that led to the promulgation of acts that defend the rights of women, Ghanaians living abroad, the aged, children – girl child, and why the practices that the laws frown on still persist. Finally, on chapter six, we will present the main conclusions of this dissertation and point out to some possible research roads ahead.

CHAPTER II

2. HISTORICAL CONSIDERATIONS OF CITIZENSHIP

The notion of Citizen and the concept of Citizenship have been two of the most complicated terminologies whose definition divided many specialists from ancient times to present days. These concepts, one can argue, are not static. They are dynamic and change along with traditions. In our later discourse in this work, we shall see that just as the concept of citizenship, “identity” or national identification – in whatever context it is conceded – “and what it is believed to imply, can change and shift in time, even in the course of quite short periods” (Hobsbawm, 2014, p.11). There has not been a universally agreed definition or a unified interpretation of citizenship. Isin and Nyers (2014) observe, that there are various definitions of citizenship but no matter how it is defined, “as membership, status, culture, spatiality, temporality, and sociality” - it (the definition) always “falls short of a satisfactory clarity, or even comprehensiveness” (2014, p. 1). Therefore, the concept, as was used in ancient Greek city-states such as that of democratic Athens, was not the same as in a military Thebes (MacIntyre, 2007, p.131-134).

In another context, the challenges that other traditions namely the Persian invasions (wars) and the Hellenic efforts at colonization, as well as the experience of alien cultures, made to Homeric societies led to essential changes in their moral concepts, changes in the concept of virtue, and modes of thought. In fact, the social life of the people changes with time and when the change occurs the sense of morality is also affected and prone to further reflections and changes. Consequently, the concept of virtue, and we can add, the concept of citizen and citizenship in Homeric societies also evolved as a result of the conflict that originates through the contacts with other people through trade, cultures, and invasions (MacIntyre, 2001, p.12-13).

The anchorage of the social structure is challenged as the traditional cohesion element among the people disintegrated due to such evolutions. As D’Andrea (2006) states: “Social change in Greece and the articulation of that change in new cosmogonic myths [...] causes a change in the semantics of moral terms” (p. 24). Moral terms became more complex as the significance of “good,” “bad,” “justice,” “courage,” and “honour” to mention a few, is put into question. For example, Sophocles’ plays provide an example of this. It raises questions about the nature of human acts, thus, ‘what is due to a man’ rather than ‘what is due to a king’ as in Homeric society. But this does not mean that all moral concepts simply change. Rather, moral concepts may become clear and better defined. Human desires and aspirations are not fixed or stable given. They

are to a large extent socially constructed (MacIntyre, 2007, p.132-134). The concept of citizen and that of citizenship are no different from the above analysis.

One can argue that debates about citizenship are not new phenomena. Citizenship has more often than not, raised debates along human history but it has gained prominence and has become or is emerging as an important subject of interest for discussion today. Heater (1999) observes that the importance attached to citizenship is not restricted to a country or a territory but that “it is virtually global in its extent” (p. 1). The political dynamism and transformation at a particular period in time brings about the meaning attached to concepts such as that of citizen and citizenship in an epoch (Wallerstein, 1991). This can be based on the geographical location that one considers and the area that such activities take place. Therefore, Van Gunsteren (1998) notes, that the revolutions of 1989 that occurred in the world, first with the Fall of the Berlin Wall and then with the official end of the Cold war, further marked the beginning of “[...] a period of constitutional politics and transformations in regime that continues to this day.” (p. ix). Those events came also to put into question the very notion of the Westphalian “nation-state” system which had prevailed until that time.

Van Gunsteren recognised there was a “constitutional political” wind of change hovering at the time that affected the political life of the people, thus, including their reading of citizenship. The old order of the “sovereign nation-state” and the power struggle between Eastern and Western blocs had been dissolved i.e., the diminishing force of the Cold War had reached its lowest ebb, with the political scene meeting changes that the game-players were not expecting and could not predict.

It should be noted that the dissatisfaction with the political structure and poor governance for instance, through “manipulation of citizenship laws” (Smith, 2013, p.4; Manby, 2009, p.2), can lead to frustration on the part of those who are governed and consequently can change the reading that people make about concepts such as citizenship, namely the reading of citizenship as people think it is and as people think it should actually be. This dissatisfaction, in most cases, results in contestation, either as democratic response or as violent response from citizens who are perceived (or who believe to be perceived) by elites and the State as second-class citizens or “underclass” citizens (Heater, 1999, p.20). These responses may depart from the common citizen, as civil servant, unemployed, retired, student, self-employed, or from the citizen as member of a specific group (professional, ethnic, confessional, institutional). In this dissertation, we will define in better terms the concept of “underclass” groups , but for the moment, it is worth noting that

being an “underclass” class implies both society’s perceptions about a certain group of people as “underclass” – perceptions that have various concrete expressions from daily practices to institutional violence in the form of public policies – as well as the group’s self-perception about its condition in society as one of inferiority, humiliation, discrimination. This self-perception is fundamental to understand, we believe, the responses of the discriminated group, its forms of resistance and contestation, its more or less pacific or more or less violent interpretation of its condition.

In societies like Ghana, citizens who are marginalised and victims of structural violence (Galtung, 1969) often include women, children, and minority ethnic groups. Constant change of government - governmental instability -, one-sided political elites or supremacists remaining in power for a long time - political oligarchic hegemony - and nepotism are, in parallel, factors that reinforce the continuity of such violence.

As a result of this status quo, the response of society may imply voting against the political elites or the supremacists, as a manifestation of not wanting to follow the status quo and, more than that, of longing for a totally different new order. When voting is not permitted, or when voting rights are no longer perceived as reliable democratic instruments, the frustration on the part of the People may escalate in the face of unresponsive leadership towards ongoing problems such as marginalization of ethnic groups, corruption, lack of political accountability, or transparency and high cost of living. All These may lead to the emergence of reactionary activities and groups (Heater, 1999, p.42-43). It may become fertile ground for the rapid growth and success of fundamentalist formulas for the re-moralisation of the State and society. Underneath common claims for more moral societies, is, quite often, a profound sense of unfairness and claim for justice. So, to avoid populist orthodoxies about society’s morals, one should bear in mind that individuals must feel that societies and states do them justice and treat them fairly. We believe this to be one of the best ways to avoid the appeal of fundamentalist doctrines that lead to left and right wing political and religious extremism among others.

In most cases, minority groups and strangers, in self-defence, develop extremist defensive mechanisms that may include violent reactions from groups within the larger marginalised groups. Consequently, illegal acts can be committed making the State ungovernable when, for instance, there is a breakdown of law and order that creates a sense of insecurity. This is evident in most conflict pronged areas in (sub-Saharan) African countries including Ghana, which will be the focus of this dissertation’s analysis.

Consequently, Heater (1999) argues: “we are becoming increasingly conscious that for large numbers of people throughout the world the idea of citizenship is still hollow and meaningless, deprived as they are of virtually all its attributes” (p. 3). The concept of citizenship becomes hollow and meaningless when in its practical sense, “citizens” feel that they are short-changed or are considered third-class citizens in a country. Citizenship becomes and remains ideological when relationship between individuals and their institutions is immersed in conflicts, poverty, lack of basic amenities (such as portable water, road, hospitals, and transport) and hunger. In a situation like this, frustration and disillusion set in when authorities entrusted with trust, fail in performing their interventive roles (Naraya et al., 2000; Commonwealth Foundation 1999).

The situation after the political earthquake that hit the world in 1989 led to the emergence of new political leaders. Unexpectedly, events taking place at the time got to the point that political prisoners that fought against imperialism and dictatorship of whom nobody would think as climbing to the political echelon, have surprisingly come out of their prison cells to become presidents of their respective Republics. Van Gunsteren (1998) cites for example Nelson Mandela in South Africa and Václav Havel in the Czech Republic to support this argument. They achieved their results by adopting a non-violent means of action i.e., through political dialogue (the very essence of Democracy) – instead of military adventures, breaking the bureaucratic chains and the military oppressions that prevailed at the time. They did not achieve this goal alone, but in collaboration and cooperation with other citizens who were unsatisfied with the oppressive means by which they had been governed. Besides, the changes were so deep that they affected concepts that were previously restricted to the political world in the narrow sense of the word, demonstrating that the actions of citizens have a role to play in defining the direction of new orders, in redefining the meaning of concepts and in the appropriation of the practices and discourses of political life. For instance, it was this kind of citizen’s revolt and discontent that served as the basis for the fall of many dictatorial governments in Modern day “nation-states”, as we have recently witnessed in the Arab world – the Arab Spring - as in Egypt, Tunisia, Libya, and in Syria - although the Libyan and Syrian situations remain chaotic and the paths of Tunisia or Egypt can hardly be set out of undemocratic hurdles.

Van Gunsteren (1998) says “Sovereignty is divided and fragmented, and it, too, has become an outdated concept” (p. 4-5). Indeed, its interpretation and principles were challenged and reinterpreted. New perspectives were added to its original implication as the significance of the concept becomes archaic. Furthermore, people in our days “must deal with multiples and

shifting nodes in their relations with entities that formerly were represented by a single center. Politics and rule-making take place in diverse locations” (Van Gunsteren, 1998, p.4-5) that have no connections as it used to be, i.e., they are unstable and with no hierarchical order. Thus, the central concepts and ideals of the political class and the views that were agreed upon began losing their essence. The stable hierarchy was shaken and weakened as the political establishment is segregated and broken. Van Gunsteren (1998) notes:

Where old institutions are crumbling, a robust notion of citizenship may provide an alternate site or a new set of building blocks for reconstructing the republic under changing circumstances. In a time of transition, a valid and vital conceptualization of citizenship may help to keep political contestation within acceptable limits. Citizenship offers a compass for orientation and reorientation in new and unfamiliar situations (p. 5).

In most countries, there has been abandonment of previous constitutions - the old order - as the enactment or construction of new ones has become the order of the day (Smith, 2013:2). In this context, it must be noted, as will be discussed later, that (West) Africa and Ghana in particular, cannot be exempted in this new wave of constitutional change blowing in the West as much as in the rest of the World.

Worthy of note is the surprise that the new wind of change brought to the political realm. The political actors at this time, unlikely to the previous regime, are new and quite unknown. Van Gunsteren, (1998) states: “Political outsiders and amateurs suddenly find themselves in situations in which they turn out to be crucial actors, and established politicians and parties suddenly are deprived of their assumedly normal powers” (p. 5). In a revolutionary political or constitutional era, these actors are sometimes faceless, untrained, and novices. This poses opportunities as much as dangers (populism is very much the case) which will all definitely have consequences.

The defining role of the old political order in providing a guideline for the rules and governance has been weakened, making people feel dependent on each other but without a sense of security (hence more vulnerable to false prophets). Van Gunsteren (1998) notes: “When institutional definition of what counts as political reality are no longer taken as self-evident cultural facts (like a common language) [...] people are forced to provide meaning, orientation, and dependable relations among themselves” (p. 5). Van Gunsteren argues that such absence of institutions to control, to govern, or to direct affairs, leads some people to seeking for refuge or for security in givens of race/ethnic belonging, religions, nations, and in communities that they can be affiliated to and owe allegiance for the sense of the “we” that has been lost. Others who reject all the above, might seek refuge in what he calls “totalizations” and seek refuge in “strictly

individualistic pursuits of consumption, self-rescue, and enjoyment of life as it comes” (Van Gunsteren, 1998, p.5). But there are also those who reject the first and second routes, and who follow a third route, that of “citizenship” i.e., “the individual’s acceptance and deliberate molding of a public community of shared fate” Van Gunsteren (1998, p5). For him, citizens are the individuals who agree to decide how they should be governed bearing in mind their agreements and disagreements, differences and conflicts. This status of citizens comes to be interrogated in moments of political instability, constitutional turmoil or social change, raising the level of difficulty to stand as a Citizen.

Answering their own question of whether there is a definition of citizenship that leaves plenty of room for questions but still provide a focused perspective, Isin and Nyers (2014) offer what they refer to as “minimalist yet broad-ranging definition” thus, citizenship is “an ‘institution’ mediating rights between the subjects of politics and the polity to which these subjects belong” (p.1). They note that “institution” as used here does not mean “organisation”. Rather, it is used to mean “a broader conception through which something is enacted, created, and rendered relatively durable and stable but still contestable, surprising, and inventive” (p.1). Polity is also used advisably to mean that it is not only the state that serves as the sole source of authority for recognition and legitimising right but there are other “international polities” for instance, the European Union, the United Nations, and we can add other regional or continental blocks such as the African Union (AU) and many other “covenants, and agreements, and charters” that constitute polities other than the state (Isin and Nyers, 2014, p.1).

It will be noted later that these changes have been occurring in most parts of Africa and in Ghana in particular, under the global rise of democratization (Smith, 2013, p.25). Citizenship is a complex terminology to discuss, one that is pervasive and whose qualities such as rights, duties and identity, make it very complex as well as sophisticated. Simultaneously, the concept continues to be relevant to the modern globalised world (Heater, 2005, p.1) showing an everlasting transformative capacity. Before we discuss in detail this concept under review, we should note that citizens do not live in a vacuum. They exist in a political community referred to as “sovereign” states and quite often also as sovereign nation-states. What then is a nation-state?

2.1 NATION AND NATION-STATE

The notion of “nation” just as that of citizenship, is a complex one. Citizenship is linked to a nation-state because citizens are identified with nation-states. In other words, when “nation” is mentioned,

a geographical space or territory and people comes to mind. But what does this entail? Smith (2008) believes that the best starting point of the debate on the notion of “nation” is the article written and published by Walker Connor in 1990 entitled: “When is a Nation?” (p. 1). Connor argues that theorists concentrate always on the question of “what is a nation” but they had “neglected the equally important and interesting question of ‘when is a nation?’” (p. 1). She states that Connor’s criticism is based on the insufficiency that the question “what is a nation?” is embedded in. As such, historical facts and data in addition to “a model or theory of nation formation” should be added (p. 2).

As mentioned earlier, the idea means more than what it is mostly taken for. Commenting on the history of the 19th century as an era of “nation building”, one specialist and most prolific author who wrote on nationalism with a tradition in liberal historiography and social science, Bagehot (1887) “sadly observes”: “`We know what it is when you do not ask as, but we cannot quickly explain or define it’ ” (p. 20-21, cited by Hobsbawm, 1992, p.1). It is in this context that citing Seton-Watson (1977), Hobsbawm (1990) believes that: “[...] no “scientific definition” of the nation can be devised; yet the phenomenon has existed and exists” (p. 3). Quoting Brubaker (1996), Carvalhais (2007) agrees that the concept “is elusive and difficult to define” (p. 16). The idea of nation cannot easily be explained scientifically in a single and well accepted universal definition.

Furthermore, the term “nation” is not an old terminology in history as one might think (Hobsbawm, 1990). Rather, it emerged in the 18th century as a product of Illuminism. The term nation and state are terms that are used in different contexts, with different significance, and at other times interchangeably with a single significance. These are complexities that mostly confuse readers and users in terms of the relationship between them. Commenting on these complexities in the use and significance of the term “nation” and “state,” Keating and McGarry (2001) quoting Hobsbawm (1990), note that the nation “is a social entity only insofar as it relates to a certain kind of modern territorial state, the nation-state, and it is pointless to discuss nation and state except insofar as both relate to it” (p. 1). Furthermore, “nation-state” used as a compound noun in English connotes, “a singular entity, usually seen as a fundamental building-block of the international order” (Keating and McGarry 2001, p.1). We can argue that the concepts of nation and state can be considered as two sides of the same coin. Both refer to the same idealistic entity.

On the notion of “nation” and “state”, Keating and McGarry (2001) state:

[...] nation and `state` flows from a traditional view that sees nation-states as the product of historical evolution, either through the consolidation of territories and their

forging into unities, or through the break-up of multinational empires, to produce sovereign governments which have no critical regional or community cleavages (p. 1).

The Ottoman Empire serves as a good example. It was an empire that extended to the northern part of Africa which was seen as a sovereign consolidated “state” in modern day terms with its unified territories in the past. It became broken into smaller nation-states in the Middle East and North Africa, with a “strong” relationship due to their history. The “sovereign” nations, due to their common historical background develop and adapt to the policies and political concepts of major actors in the region and outside the region - internationally. Yet they relate to each other historically and are affected by the happenings in and around them i.e., the violence and political wind that blows in one country affect the other. Many examples can be cited to support this argument in the various parts of the continent of Africa and in the Middle East. For instance, commenting on the politics in the Middle East, Bill and Springborg (2000) state:

“In the Middle East, political events across the region are intertwined with each other. A political ailment that develops in one part of the region quickly metastasizes throughout the other countries of the region. Trouble travels. Conflict is contagious. In brief, the Middle East resembles a huge, multistranded spiderweb” (p. xii).

The outbreak of violence in a country affects and spreads into neighbouring countries. The Liberian Civil War in the late 80s and the 90s affected Sierra Leone, Guinea, and Cote d’Ivoire, just as the conflict in the Great Lakes Region such as Uganda, Rwanda, Burundi, affect other countries in Eastern and Central Africa. These are all evidences of the contagious nature of socio-political happenings in territories of former empires and kingdoms.

From his anthropological perspective on the definition of “nation”, Anderson (2006) - proposed: “it is an imagined political community – and imagined as both inherently limited and sovereign” (p. 6). For him, it is an imagined political community because members of such a nation do not know, hear, see, or meet each other as members of that nation but “in the minds of each lives the image of their communion” (Anderson 2006, p.6). Nations are not empirical facts but rather an imagination – a thing that exists in the mind of individuals. For instance, the monuments to the victims of First and the Second World Wars, the names and the memories attached to those monuments and the celebrations around them, are symbolic performances in honour of those unknown people that in our minds are to us as ‘brothers’ although we have no remembrance of them, or although they are not actually physically buried in such places.

The notion of “nation”, “nationality”, and “nationalism” are related terms with difficulties in arriving at a scientific definition and analysis. The concept of “Nationalism” marked the

beginning of the eighteenth century in Western Europe and should not be mistaken with that of nation or national identity. While national identities may exist, nationalisms may not, as these are political ideologies of the modern state (Kedourie, 1994) meant to make vivid in the minds of people not only their national identity but mostly a certain interpretation of such identity, an interpretation where such national identity is posed as superior to all similar identities, as if in possession of some sort of mythical superhuman power (Hobsbawm, 1990; Smith, 2013).

For Gellner, who contrary to Anthony Smith, does not give credit to the idea of national identity as being previous to that of nationalism, states in a very radical manner that nationalism “invents nations where they do not exist” i.e., it is “not an awakening of nations to self-consciousness” (Gellner, 1964, p.169). Therefore, “nationalism” for him (as for Kedourie, 1994) is a political ideology that is used by the modern state in its competing route for historical legitimacy.

In approaching “the national question”, Hobsbawm (1990) states: “it is more profitable to begin with the concept of “the nation” (i.e., with nationalism”) than with the reality it represents’. For ‘The “nation” as conceived by nationalism, can be recognized prospectively; the real “nation” can only be recognized a posteriori’ (p. 9). So, both Hobsbawm and Gellner perceive nationalism as an ideological tool of the modern state to build the idea of national identity. But not all authors look at nationalism in such manner. Van Gunsteren (2006) for instance, notes, that while nationalism was in the past considered to be

“(…) dangerous and to be kept strictly to its subaltern place in the political order (….) Nowadays, for many intellectuals who write on nationalism, it is both natural and human, containing not only vicious elements but also potential for peaceful cooperation, and forming an indispensable and central principle of political order.” (p. 124).

Thus, with the political and social changes occurring along the years, opinions change as new perspectives arise in analysing topical issues including “nation” and “nationalism”. Therefore, it is not out of place when the nostalgia for contempt of nationalism took a u-turn.

The liberalist Ignatieff (1993) confessed: “Looking back, I see that time in the crypt as a moment when I began to change, when some element of respect for the national project began to creep into my feelings, when I understood why land and grave matter and why the nations matter which protect both” (p. 93-94). The idea that was once condemned or not comprehended, are now tolerated and accepted as contributing to the debate on nation and nationalism. In terms of the adoption of what was disdained, Marxists and liberals, Nimni (1994) argues: “[...] were lured into believing” that “free institutions can only operate within a homogeneous nation-state, that a state

can mobilise its citizens only by invoking national ideals and, [...] the myth that economic modernization requires cultural homogeneity” (p. ix). But they later came to understand that the nation state or the nationalism of the nation state that they judged to be a powerful tool for attaining their political goal turned to prejudice their ambition and subsequently led to their own detriment. Nation state and nationalism have become concepts that must be dealt with not in the terms of liberal democratic principles or of Marxist principles, but in terms of the new approach so that nationalism and national identity could be seen as bearing an iota of truth (Just, 1994, p.51)

The invention of nations is what Anderson (2006) refers to as imagined. A nation is as much ‘imagined as limited’ because it does not foresee the possibility of unifying all individuals as citizens. And it is ‘sovereign’ because it emerged in the era of the Enlightenment and of the revolutions when communities were aiming at liberty and freedom in a pluralized world. The symbolic heart, in which this new desire for freedom was propelled, was the “sovereign state.” Anderson (2006) notes that nation is imagined “as a community” in that:

[...] regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship. Ultimately it is this fraternity that makes it possible, over the past two centuries, for so many millions of people, not so much to kill, as willingly to die for such limited imaginings (p. 7).

The descriptions of nation are therefore based on these basic notions of nation and nationalism. Stavenhagen (1996) identifies the nation as being “all the people who form part legally of the territory of a sovereign state, regardless of their ethnic characteristics” (p. 3). This may be referred to as territorial or civic nation-hood where the state defines through statutes, laws, and shared citizenship.

Another conception of nation is that which is based on ethnic criteria. Here, cultural attributes define the characteristics of membership. It is defined through shared cultural attributes including “[...] language and religion, [...] the idea of common history rooted in the myth of a common ancestry” (Stavenhagen, 1996, p.3). Membership in this context is “innate” or inherited hence the cultural identity of a member is worthier than formal citizenship. We shall return to this discourse in later parts of the work. But Aminzade (2013) reminds us that “A nation ... requires the creation of “others” who are outside the boundaries of the political community” (p.335). Quoting Charles Tilly (2005), Aminzade (2013) argues, “Nation building ... is a process based on “the drawing and politicization of us-them boundaries, the exclusion of visible others [and] the foundation of membership on not being something else” (p.335; Tilly, 2005, p. 181). Thus, positive or negative discrimination in national *identity* is implicit in the notion of nation and or nation

building. But before that, we will make a short introduction of the fundamental theories of citizenship that enable us to approach its complexity.

2.2 THEORETICAL FRAMEWORKS FOR THE ANALYSIS OF CITIZENSHIP

Theorists in Political Science as well as in various other social sciences (since this is a concept that claims for transdisciplinary approaches) have discussed and continue discussing the concept of citizenship. Extensive writings on the topic have been produced. Theorists, whether liberals and neo-liberals, communitarians, and republicans, civic republicans, and neo-republicans have all been competing among themselves on citizenship for superior arguments on the topic, as if there were a single scientific definition of the term to be discovered and to be universally accepted. Fortunately, they have changed their mind-set to accepting the idea that citizenship as well as its political terrain are constantly evolving, in need of continuous adjustments and unable to fit to single-disciplinary fixed definitions (Van Gunsteren, 2006).

The political wind of change thirty years ago revealed that the State as the traditional centre of power was now being shaken. The political and social hierarchical structures were questioned and the political rulers (namely governments) could no longer control the myriad of subnational, international, and transnational actors. Free movements of goods and services brought about a pluralized world – a world that is becoming more globalized than ever before. This socio-political, technological, and economic change implies a change in the concept of citizenship, that is, in the concept that ultimately translates the relationship of the individual with a politically organized society and the State.

Also, the point of departure of the debate on citizenship is no longer on “unity” (of the individual with society and with the national state) but on “the multiple identities of minorities who have responsibility to live together as citizens in one republic”, with focus on multiple institutional judgments, duties, concerns, and loyalties (Van Gunsteren, 2006, p.15). As we will discuss, however, citizenship is an institution – a public one - that needs other institutions and personal interests or motivations to survive (Van Gunsteren, 2006).

As stated earlier, when institutional socio-political structures count as irrelevant, political reality is no longer taken as a serious cultural fact. Individuals are then forced to seek meaning, orientation, and dependable relations among themselves in the fragmented political structure, in religion, in sects, and in ethnic alliances, in idealistic narratives (ideologies) and in multiple interest groups. This pursuit for meaning and security translates not only the individual’s anxieties but also

into a new relationship between the individual and citizenship ultimately as a sociological and cultural experiment. This has been explored by various theoretical approaches that try to capture such transformations. But for the purposes of this work, we shall focus on three main theories where the most common reflections on citizenship are embedded: the Liberal, the Republican, and the Communitarian theories of citizenship.

These theories for Van Gunsteren (1998), have been “most prominent in recent decades” but their “strengths have become less relevant and [...] more of a drawback” (p. 16-17). He arrived at this on the basis of his argument that the socio-political order in which the theories were presupposed has changed. The realities of the day have outgrown the reality in which the theories were inserted. Since Van Gunsteren’s new idea of “neorepublican” concept of citizenship will be important in our discourse, most of our references will be derived from his works so as to lay the foundation for his argument and our discourse.

2.2.1. LIBERAL THEORISTS ON CITIZENSHIP

The liberal argument on citizenship is the most dominant and widespread in recent past decades. It is derived from some historical events such as the English Civil War - English Revolution of 1649 – (MacIntyre, 2007, p.109-110) and the political theories of John Locke as published in 1690, the American Revolution, and French Revolution and aftermaths (Heater, 1999). These are historical events that will not be elaborated in this work.

Liberal theories on citizenship defend the freedom and rights (civic and social) of the individual, not of the State. Consequently, Barry (2001) argues: “The classical ideal of liberal citizenship has been “that there should be only one status of citizen (no estates or castes), so that everybody enjoys the same legal and political rights. These rights should be assigned to individual citizens” (p. 7). They argue that the individual, and in the context of this work, citizens make their choices and have rights that help them maximize their interests (Dworkin, 1976). “Rights” here include property ownership - private property – as defended by Locke (1962, p.94) and social rights as defended by Marshall’s school of thought (Heater, 1999, p.6, 24-25). Briefly, it is worthy to mention that the neo-liberalist Marshall (1950), in his historical analysis, propounded a tripod-stand approach on citizenship based on civil, political, and social context.

Marshall (1992) notes:

“The civil element is composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice [...] By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body [...] By the social

element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live a life of the civilized being according to the standards prevailing in the society” (Marshall, 1950, p.10-11).

Individual freedom of speech, of thought and faith, in addition to participation in civil acts and in governance, is a right to all citizens – those who govern and those who are governed. This must be an activity in which all citizens have rights to participate not only in principle but in practice. Yet his concern is more on the social rights that deal with the impact of citizens on “social equality” (Marshall, 1992, p.17). This does not mean that Marshall rejects natural human differences and inequalities (MacIntyre, 1999).

Furthermore, Van Gunsteren (1998) notes: “In the “individual rights” variant of the liberal-individualist theories, choice is defined by citizens’ calculation of their own rights within the limits of their respect for the rights of others. To the individual, this structure of rights is given” (p. 17). That is, the rights may be derived from or otherwise the utilitarian positions of the lawmaker. The state defends the rights, choices and opinions of the individual and justifies politics in relation to political givens. Kanu (2017) states: “The liberal conception of citizenship is that of individual “allegiance to the state as something that enforces the rule of law and acts as a protector of universal human rights” (Beiner, 2003, p.167) in the distribution of public goods and equal access to political opportunities” (p. 37). The individual takes control of his own acts. He becomes the master of his opinions and decisions as he minds his own business.

Liberal theory is less demanding on the individual and defends a loosely committed relationship to the state based on civil rights. The State honours the rights of individuals and also protects the free market economic policies. State’s interference in the affairs of the citizen or individual is limited to the minimum. It has the obligation to protect citizens, intervene on their behalf “to limit the absolute freedom of the capitalist in their quest for maximizing his profit” (Heater, 1999, p.10). This view about the citizen is also the view about the State once placed in the international arena. Commenting on Professor Mearsheimer, Keohane and Martin (1995) note: “[...] that liberal institutionalists treat states as rational egoists operating in a world in which agreements cannot be hierarchically enforced, and that institutionalists only expect interstate cooperation to occur if states have significant common interests” (p. 1).

Liberal Institutionalists argue thus that the State should be seen as an individual in itself fighting for its own interests just as the individual citizen does. The self-interest seeking or individual interest is key to the liberalist doctrine. The role of the State is to regulate the market by making

laws that prevent the formation of cartels. It is to impose taxes and even increase taxes on higher income and profit earners so as to be able to fund welfare and educational services of the citizens.

However, there are unintended and well-known realities that run as weaknesses in this theory. One of such weaknesses is the possibility of preventing a free-for-all-fight among individuals. That is, the issue of individualism; how will individuals be prevented from destroying each other to attain their goals – the attitude of survival of the fittest – which Van Gunsteren (1998) refers to as: “the war of all against all, “tragedy of the commons” (p.17). Secondly, the manner in which autonomous individual ideas and preferences are formulated is problematic i.e., the idea of ‘the end justify the means’ used to attain that end - utilitarianism. But should individual preferences and choices be sacrosanct to the extent of doing what is injurious or detrimental to other citizens? This will lead to a chaotic scene in the society which one can argue liberalists themselves do not wish or desire. For instance, Smith (2013) states: “western liberalism assumes an autonomous individual, rights-based struggles – even in the west – have often confronted the denial of basic human and political rights collectively” (p. 33). But she argues that even the Rights movements as in the United States of America generally referred to as “American civil rights movement”, was not fighting for the protection of individuals in the spirit of liberalism rather, it was fighting for “the pursuit of collective rights for all members of racial groups” (Smith, 2013, p.33). The changes they fought for are for the legal and social rights of a group not individuals as purported by liberalism. In all, liberalism is not only about the individual as such.

2.2.2. COMMUNITARIAN THEORISTS ON CITIZENSHIP

Communitarian theorists believe that humans belong naturally to a community which they do not choose. They are born into it and become what their community makes of them. They emphasize hence the role of history in that process. On the communitarians’ concept of citizenship, Van Gunsteren (1998) states:

“[...] being a citizen involves belonging to a historically developed community. Whatever individuality the citizen has is derived from and circumscribed by the community [...] the citizen acts responsibly when he stays within the limits of what is acceptable to the community. Loyalty and education in loyalty enable both the community and its individual members to flourish.” (p. 19)

It is evident from the reference above that communitarian theorists defend the role of the community in the formation of the individual, contrary to the position held by liberals in their divergent forms. Legitimacy, civic-mindedness, and community/public support is important and

forms part of the fabric of the social education and communal life of the individual. The rights and preferences of the citizen are determined by the community and are based on the community interest, not on the individual interest as defended by liberals. Political institutions and citizenship are defined by the community and in relation to the communal interest though individual interests are taken into consideration.

In this context, tradition plays a great role as the warehouse of the virtues of the community i.e., tradition as the carrier of a narrative and a history. The code of conduct and rule following as derived from the tradition of the people defines the virtues of that community that sustains the continuous existence of the community. It is the same that determines the sustenance and survival of the community and eliminates the destruction of the community and the individual. Forgetting the past – the virtues in their tradition and their history – equals the loss of identity and loyalty to those “values” or pillars on which the society strives. Therefore, the community fights to the tooth against any attempt of rejection of its virtues.

Also, communitarian theorists on citizenship argue that the stability and identity of citizens cannot be realised outside the community or without the help of others – “community of friends and peers” (Van Gunsteren, 1998, p.21). These include those who share the same ideas, think the same way, and live the same or similar way of life because the individual choice is based on (communal) influence (Sandel, 1982). The better expression of this idea is made by the Kenyan anthropologist, Mbiti (1989): “I am because we are; and since we are, therefore I am” (p. 141).

It must be stated that identity is constructed and “[...] identity construction” is “conceptualized as constant political phenomena” (Nabers, 2009, p.191) even in the twenty first century. This also means that tradition in itself is dynamic, hence communitarians are not dogmatic in the real sense of the word, though change occurs only with time. So, while not totally dogmatic, communities are not eager to change either, and quite often they restrict individuals or even banish them in their individuality, especially when that is seen as provocative to the community’s sense of rule and stability. Banishment and punishment often take the form of violation of citizenship rights. The fact that one does things according to the communal dictates, or obeys rules and regulations, does not necessarily mean that the person is convinced of what he/she does and this may be the trigger to question the communal sense.

We have mentioned earlier, that communities are not the same and are not static over time. A communitarian concept of citizenship is pronged to unequal treatment of communities by the policies of the State or a communitarian government. The unequal treatment of communities

implies a prejudiced role of the State instead of being a neutral adjudicator. Van Gunsteren (1998) notes: "Communities are both indispensable and dangerous. The state should not be identified with the communities it regulates. The state allows room for the existence and creation of communities and tempers their excesses" (p. 21). In other words, the State must play the role of public community – the Republic - as the moderator of communities and taking good care of their needs and concerns while it protects the communities and the citizens in those communities. It must be stated, therefore, that it is (it must be) the State, not the community, that is guarantor of the liberty, freedom, and free speech among other rights, that the individual possesses. On the danger of communities or Communitarianism, MacIntyre (2007) states:

"I see no value in community as such - many types of community are nastily oppressive – and the values of community, as understood by the American spokespersons of contemporary communitarianism, such as Amitai Etzioni, are compatible with and supportive of the values of the liberalism that I reject". (p. xiv)

In effect, MacIntyre agrees with Van Gunsteren that communitarianism can be dangerous not only as a school of thought but also in its reflections on citizenship. However, as we will demonstrate in our later discourse on Ghana, communalism, and in some cases communitarianism, may also bear the defence and protection of the individual.

2.2.3. REPUBLICAN THEORISTS ON CITIZENSHIP

The communitarian concept of citizenship serves as a particular type of citizenship that Republican theorists defend. These are theorists, like Adam Smith (1723-1793) the British economist, who turn to exclude from their discourses “any conception of society as a community united in a shared vision of the good for man [...] and a consequent shared practice of the virtues but they do not always and entirely so exclude it” (MacIntyre, 2007, p.36). The effort here is to reinforce civic virtue over Christian and Roman virtues. It is the reason for which Machiavelli (1975) exalted, at his time, “civic virtue” in his discourse on the political life. According to Van Gunsteren (1998):

“They place a single community, the public community, at the center of public life. Courage, devotion, military discipline, and statesmanship are the republican virtues. Individuality can appear and individuals can mark their place in history by serving the public community. This is where individuals find fulfilment and (possibly) public happiness [...]” (p. 21).

The quotation above establishes that the public interest is supreme but the commitment on the part of citizens is key – patriotism. Thus, republicans emphasize the “duty” of citizens and the public good as being prior to the desires and interests of individuals. The public good therefore provides the standard for individuals’ actions and values. Heater (1999) says: “civic republican” concept of citizenship has a long tradition from ancient Greece but it is more of its Roman root that is evident though the liberal tradition and concept of citizenship is more dominant in recent past. Republic means, Heater (1999) notes: “[...] a constitutional system with some form of sharing out of power to prevent concentrated arbitrary and autocratic government” (p. 44). Civic, on the other hand, implies “the involvement of the citizenry in public affairs to the mutual benefit of the individual and the community” (p. 44).

It is important to state that citizenship as seen in the civic republican context deals with the population involved and the participation of citizens in public activities and political organizations. It stands for citizens that participate and share in civic activities or civic life as rulers and ruled without apathy (Heater, 1999, p.46). Therefore, active participation in civic life is part of the virtues of a citizen in a civic republican perspective – active citizenship - thus commitment in thought and mind on the part of citizens to the state is important. Distinguishing between liberal and civic-republican view on citizenship, Smith, citing Oldfield (1990, p.179) states that the liberal form of citizenship, is concerned with citizenship as “a status”, thus believing that “rights exist

outside and prior to community and are held by individuals because they are 'both logically and morally prior to society and the state' (Smith, 2013, p.35). Contrary to this, Smith (2013) notes:

"the civic-republican form of citizenship underlines duties over status, and considers rights not as inherent but as acquired through civic practice and upholding obligations to the community. Because the community is primary, this view of citizenship associates the fulfillment of citizenship duties with the very identification as citizens" (p. 35).

It is this contention that exists among political elites and theorists along time though there is the conviction that liberal concepts of citizenship still reign in the western world. Critics of civic republican theory on citizenship argue that contemporary society is not a society made of autonomous individuals. Rather, it is a complex organisation. This complexity and wealth accumulated contributes to the change in and the course of society (Van Gunsteren, 1998).

It is believed, that individuals at the realm of affairs in this context are neither heroes nor elites who have the last word in social life but are trained to have a network of relationships with others, not friendship. MacIntyre criticises liberals, and we can add civic republicans in our discourse, in the formation of specialists in socio-professional relationships and not a relationship based on "friendship". MacIntyre (2007) writes:

"[...] notable characters in the cultural dramas of modernity, that of the therapist, who has in the last twenty years become bemused by biochemical discoveries, that of the corporate manager, who is now mouthing formulas that she or he learned in a course in business ethics, while still trying to justify her or his pretensions to expertise, and that of the aesthete, who is presently emerging from a devotion to conceptual art" (p. xiii).

The above specialists have a professional relationship between them. This goes to affirm the idea that civic republican concept ends up dividing the communities with a central seat of government which serves as authority. There are as well, many divergent communities some of which are in the main line bounded for instance, by family and similar nationalities, religion and business groups (local and international). In addition, there are other social groups that have lost their essence though they still exist but might not be active. The question is, does the state treat them equally? The diversity leads to constant or frequent change in socio-political and religious, identity i.e., a change in the concept and definition of citizenship. Mixed identities based on different bonds emerged. Van Gunsteren (1998) argues:

"Modern individuals' preferences, perceptions, and ways of "calculating" vary and are no longer directly and compellingly derived from the established ties of work, family, and the state. The articulation and aggregation of the supposed wishes and needs of citizens by established intermediary organizations that fit these traditional bonds often

fail to represent the individuality, the self-composed bouquet, of today's citizen" (p. 22).

This demonstrates that the diverse society in which we live today does not support the theories proposed for the reality at hand. Social life has changed because society or community has also changed. This is what MacIntyre (2000) affirmed: "[...] the legitimation of the characteristic institutional forms of twentieth century social life depends upon a belief that some of the central claims of that earlier philosophy have been vindicated" (p. 86-87). Identities are no more constructed according to what the traditional community defined but are composed based on the bonds and agreements into which the individual is involved. Yet identity is constructed and the potency of linguistic or ethnolinguistic identity cannot be underrated especially in the case of Ghana.

But the game-theoretic character of social life has given rise to systematic unpredictability. Society and the political community have become unpredictable. But it should be stated that it is not a total elimination of those characteristics of predictability. Also, the basic stratum on which the stable republic was built or constructed has disappeared hence the emergence of various communities and governments. The middle class has been seen as the basic unit of the civic republican state. The unity of these groups formed in most cases the "labour unions" or the "labour force" small business owners, and employees or salaried workers who lived on their salaries.

Consequently, public planning turns out to be pretty difficult for governments and government agencies in policy formulation. Decision making is no more done solely by service men or structured predictable individual or known community structures. It also includes unpredictable and newly emerging societies or communities or actors. Van Gunsteren (1998) believes that the three theories – liberal, communitarian, and republican - discussed so far are inadequate to manage contemporary societies today. The problem for him is not the society's insufficiency for the realization of these theories at our time on citizenship. Rather, there must be a way out using previous concepts of these theories to formulate a new one. We should not give up on the issue of citizenship. Therefore, he proposed neorepublicanism out of what he calls a "fabrication", "a bricolage", "synthesis" of what is available or the tools we have at hand to craft what is suitable for our time (Van Gunsteren, 1998, p.24). But what does he mean by neorepublicanism in relation to citizenship?

2.3 NEOREPUBLICAN IDEAS ON CITIZENSHIP

Neorepublicanism as a new theoretical proposal on the concept of citizenship, congregates elements of liberal individualist, communitarian, and civic republican thoughts (Van Gunsteren, 1998, p.24). It must be stated that this proposal is not a total novelty. Rather, it has been built on other theories from the past including the classical philosophical positions of Aristotelian concepts of citizenship – ruling and being ruled; Jean-Jacques Rousseau’s idea of the citizen as that who obeys only himself; or the political, civic, and socio-economic rights of citizens as proposed by T. H. Marshall. The neorepublican view of citizenship is also influenced by the thoughts of Hannah Arendt’s concept of power as originating from the acts and actions of a community i.e., acting together as a body that eventually determines the identity of the individual or who the individual is in relation to the community or group that he belongs. She believes that politics should not be based on work and social life but on communal or public concerns. Mary Douglas on the other hand, asserts that “institutions” are indispensable in a political discourse and must not be forgotten. She insists that our “thinking”, “perception”, and “valuation” “are shot through with institutionally defined notions of right social relations” (Van Gunsteren, 1998, p.28-29). He notes that from the communitarian perspective, the republic is a community, one among many, that functions as a public community. Its role, Van Gunsteren (1998) observes:

“[...] is to guard the structure that enables other communities to develop and to expand their activities. A core task of the republic is the organization of plurality, not only of individuals but also of communities. The hallmark of the republic resides in the way it interferes with other communities. [...] The republic creates and protects the freedom of individuals to form communities, to join them, and to exit from them” (p. 24).

That is, from the communitarians, there are elements that can be used or adapted to the current discourse on citizenship. Their role is to help the improvement and sustenance of the existing communities and creating other communities in support of communal dynamism and plurality. The interference in the affairs of the community by the republic must be done in a manner to the benefit of the community not to prejudice them. This ideas of Mary Douglass and Van Gunsteren is vividly active in most African communities, example of which will be demonstrated in the Ghanaian context later – hence the role of “human warmth” in what is described as African humanism, socialism, or communalism depending on who speaks. Cultural and institutional dependency of individuals is important in the Ghanaian socio-cultural and political life.

The republican concept of virtue is seen as a “more peaceful public service through debate, reasonableness, tolerance of plurality, and carefully limited use of violence (Van Gunsteren,

1998:24) rather than military virtue. By “virtue”, Van Gunsteren means that more is needed from the citizen than mere obedience to rules and regulations (Knight, 2007, p.52; MacIntyre, 1998). Citizens who have the opportunity to rule or govern must use their authority/power prudently, sensibly, and with tact in the service of those they lead/govern. Other citizens, who are the “ruled”, must also be civil in the exercise of their civil rights and duties – ethics of civility. The citizen in this context is seen as an institution in the republic. As such, the competence and responsibility includes the individual and those in positions of leadership. Good behaviour in public space is recommended and preferred to personal opinions. He notes that an incompetent leader – chairman – presiding over and guiding a meeting can be a disaster (Van Gunsteren, 1998, p.24-25). Citizens’ contributions are paramount and go beyond the issue of ethics, personal decisions, and ideas.

The citizen’s place in the community is seen as an office within a public community. It is the duty of the republic to assist the individual to attain the level of realising his dreams. This includes, facilitating, maintaining and improving upon his condition in his social formation to become competent, rational, and capable of meeting the criteria for citizenship and producing a competent citizen. In a republic, he notes, “citizenship is a primary office: Office holders are primarily citizens who hold an office as part of their exercise of citizenship” (Van Gunsteren, 1998, p.25). This means “exercising rights as a choice of citizenship” (Isin and Wood, 1999). After exiting office, they continue to be co-citizens with equal (social and political) rights as other citizens. He states that the individual is formed in a republican perspective to fit into his three categories or concepts in the neorepublican criteria: “the public realm, organizing plurality, and action” (Van Gunsteren, 1998, p.25).

As observed earlier, the republic places the individual in the public realm where he has the right to hold public office or belong to an institution as a citizen in the republic. Yet he remains equal to other citizens in their socio-political rights. Van Gunsteren explains that he uses the word “neorepublican” to mean “[...] that unlike older republican convictions, this type of citizenship demands no overarching or total claim of allegiance to the republic” (Van Gunsteren, 1998, p.26). It is not allegiance to the republic by the military or as defended by Machiavelli. It is citizenship with responsibility and competence.

It recognises that a citizen may have differences and be loyal to other communities but it does not oblige him to always put loyalty to the republic above other loyalties. As regards differences in opinion and loyalty to other communities, the citizen is still open to and has the right to equal

political and social opportunities open to all citizens. The capacity or ability to organize this i.e., organizing competently the differences and rights of individual, is what he refers to as “organize plurality” where “plurality” refers to “the differences among people who share a community of fate” (Van Gunsteren, 1998, p.26-27). These differences might be direct threats, situations that may be disturbing, annoying, and incomprehensible, personal, cultural, or physical in nature. But human nature has made us such that we cannot avoid dealing with each other and the differences – “a community of fate” – which man belongs not through choice but by fate. This affirms the idea, that “the concepts of vulnerability and dependence” (MacIntyre, 1999, p.38) affirm the idea that we (human beings) need one another, an idea that is developed in “Dependent Rational Animals” (MacIntyre, 1999). The function of neorepublican citizen is to transform this community of fate into a community that all other citizens will like to belong. To belong to this community, the citizen needs competence, i.e., ability, inventiveness, good judgment and skills to organize differences (Van Gunsteren, 1998, p.27). Otherwise his efforts will yield nothing. But competence is not individualistic but communitarian, it involves others. Citizenship is the end product of the works of citizens.

In addition, neorepublicanism focuses on the conditions and shortfalls of citizens who create and recreate citizenship in action. Van Gunsteren argues, that conditions of citizens are important, but it does not constitute or guarantee what citizenship is and how it functions. The role of the citizen is to act so as “to create and foster citizenship” (Van Gunsteren, 1998, p.27-28). Citizenship here is a process “in the making” as derived from Jürgen Habermas’ philosophical position on the Enlightenment and not from history. Tilly (1995) argues that citizenship is “a practice, an activity, a thing that is done, reflected in the choices people make and the sets of choices they perceive they have (p. 3). This same idea is emphasised by Carvalhais who argues that the aim of postmodern citizenship, is “empowering those who, within states, are socially, politically, culturally and economically more fragile (be they nationals or non- nationals)” (Carvalhais, 2007, p.5). This implies, giving the individuals or citizens the impetus to be able to perform their civic duties or roles in a democratic dispensation. To achieve this, there is the need for states and societies to engage in debating what Carvalhais refers to as “... traditional membership criteria and willing to embrace new democratic experiences that implies the replacement of non-democratic excluding criteria such as that of national belonging” (Carvalhais, 2007, p.5). Plurality is key to the neorepublican concept on citizenship. Freedom and social consensus building are important elements but they cannot be primary factors for exercising

citizenship. Constant practice of citizenship leads to the creation of a political culture. Carvalhais' argument is not different from that of Isin and Nyers (2014). For instance, Carvalhais avoided the use of the word "citizens" but rather carefully chose the phrase "empowering *those* who, within states ..." (italics mine) in expressing her view. In the same way, Isin and Nyers prefer the use of the words "political subjects" rather than "citizens" arguing that "not all political subjects will have the designation of citizens" (p.1-2). We think, for the sake of inclusiveness, the specialists avoided the use of "citizens", a concept that cages their arguments or restricts the scope of the "talk-about".

Van Gunsteren is not the only theorist that has taken a new position on citizenship or analyse citizenship from a different perspective. In an African context, especially in her discourse on Citizenship in Ethiopia to which references will be made, Lahra Smith (2013) speaks of "Meaningful citizenship". By this, Smith (2013) means: "the way in which rights are exercised, or the effective practice of citizenship. It is concerned with the ability and environment for realization of rights and discharging of duties within a polity in ways that have practical implications for all citizens' lives" (p. 4). She notes that meaningful citizenship is an extension of democratization that could explain a settled or a failed democratization exercise, as well as proposing what citizens are doing in that situation.

Citizenship is analysed in the context of political reforms in the democratization process in Africa. Political reform, Smith notes, is "[...] the making of and the making by citizens" (2013, p.3). Smith's definition of citizenship includes therefore the role of the citizen in making the laws that governs him/her and also an activity he/she performs and in which he/she participates. This is what Carvalhais refers to as "empowering" the citizens (Carvalhais, 2007) enabling them to participate in postmodern democracy. In this view, citizenship is an extension of the post-independence democratization process that is in constant contestation, multifaceted in nature, complex, and above all contradictory especially in terms of gender (Smith, 2013, p.5) in African societies. In parallel, the post-independent political reforms in the democratisation process is often manipulative because elements such as ethnicity in multiple inequalities and multiple citizenships that constitute identities are not considered in the process in the creation of the various nation-states. Therefore, the outcome of such processes are the contradictions, rivalries, constant contestations, tensions, and hostilities/animosities among ethnic groups and tribal communities that posed a threat to national unity and identity (Béland, et al., 2018, p. 23; Kpessa, et al., 2011, p. 2116-2117).

Meaningful citizenship also implies expanding citizenship in ways that challenge the categories persistent under 'unequal' citizenship, such as gender (in contrast with equality for women in legal and de facto terms in regard to other citizens (Smith, 2013, p.5). Smith's call for expanding citizenship reveals that there is domination in most social groupings in Africa and in Ghana. In fact, the domination is not only on gender inequality but also on ethnic grounds. Expanding citizenship as meaningful citizenship demands extending the concept to cover marginalised ethnic groups that include men and women. Domination or ethnic domination in a society, civil republicans will argue, impedes freedom of others and also "presents a serious obstacle to human flourishing" (Lovett, 2009; see Pettit, 1997; Skinner, 1998). Yet Isin and Nyers (2014) note, that

"While citizenship as an institution is dynamic and mutable, the figure of the citizen today is a polarizing figure. The citizen stands for inclusion, membership, and belonging, but at the expense of others who are excluded, non-membership, and outcasts – strangers, outsiders, and aliens. The citizen stands on one side of the political, social, and cultural borders of the polity, with non-citizens on the other" (p. 4).

Implicitly, the concept of "citizenship" includes exclusivism and inclusivism - segregation. This has generated debates on whether the concept of citizenship is worth pursuing or is sustainable. Isin and Nyers agree that "citizenship" is still relevant to the socio-political discourse in democracies. In an African country like Ghana with many ethnic groups, cultures with diverse cultural practices, and languages, it will be necessary to interpret citizenship in such a way that it does not succumb to traditional inequalities but at the same time respects the complex tissue of multicultural, multi-ethnic and multi-lingual societies. Therefore, there is the need for looking at interculturalism as a new language of integration and dialogue between diversity in a society.

CHAPTER III

3. MULTICULTURALISM AND INTERCULTURALISM – DISCUSSING THE CONCEPTS IN LITERATURE

This chapter explores literature on multiculturalism and interculturalism as key concepts that are different but not mutually exclusive in terms of discourse. They will be discussed under two theories: liberalism and communitarianism. This will later assist our discourse on the concept of integration.

3.1 MULTICULTURALISM

Multiculturalism is a concept used in Western liberal democracies to refer to the management of cultural diversity in a given society (mostly through public policies). Due to globalization most societies in the world, especially in the West, have become multicultural and more complex. The complexity arises due to increase in movements of people – migration – and goods and services within countries and between countries i.e., raising the problem of co-habitation considering the cultural and religious diversities involved. Host nations or majority ethnic groups feel threatened in accommodating minority migrant groups that in most cases are of different countries and different ethnic groups (Carvalhais, 2007). Many countries, Cattle (2013) notes,

“[...] have similarly high rates of internal migration and cross border movement. The growth of global business, the removal of barriers to trade and the creation of economic unions – most notably in Europe – has inevitably led to a more mobile international workforce. And meanwhile, the continuing impact of wars and conflicts, together with accelerating climate change, has contributed to population instability” (p. 2).

This signifies that removal of trade barrier and borders between states, in Europe for instance, has facilitated easy and free movement of people and goods from one country to another and among them. A more youthful and exuberant workforce movement swims through countries that are economically stronger within the European community, while simultaneously such movements are also at the root of a crisis. Such ‘crisis’ brought by human flows is connected mostly to the idea of (in)security and (in)stability in the receiving countries – a connection that emerges as most powerful (in the media, in the political discourses, and, consequently, in people’s minds) when the flows under scrutiny are composed of poor migrants and poor refugees but, curiously, not when such flows are made of wealthy entrepreneurs or other kind of prosperous migrants. However, the former, that is, the poor, are usually the majority. Conflicts around the

world are continuously pushing thousands of vulnerable people against the European shores, in search of peace, democratic governance, freedom, justice and material prosperity, in other words, exerting pressure on the same resources available to European citizens.

Though the movement of people, goods and services as mentioned above is advantageous as the world becomes more inter-connected thereby integrating economic, political, and social networks, it has its own challenges due to tensions that arise within and between cultures. In such a context, governments have to face questions such as: what role should majority and minority ethnic groups play in a State and in its political decision processes? How should ethnic and migrant minorities be treated (for instance in terms of rights and access to resources) in regard to the host majority? How should diverse ethnic groups and communities relate to each other? These are all challenging questions meant to deal with the presence of Otherness and there are various answers to how a society may wish to relate to such otherness. We will not go into the analysis of the traditional models of assimilation, acculturation or ethnic exclusion on the basis of consanguinity as models meant to answer to the management of Otherness. Instead we will look straight at multiculturalism as one possible model that despite its virtues seems though to have reached a state of saturation in favour of the emergence of a new paradigm, that of interculturalism. But, first of all, what is multiculturalism?

3.1.1 LIBERAL VIEW OF MULTICULTURALISM

Multiculturalism implies cultural diversity in a particular social context and the acceptance of such diversity as 'a good thing', a positive feature deserving to be respected. In this sense, multiculturalism is as much an ideology (a way of looking at the world), as it is the identity of a set of public policies that may have though several differences in their practical approaches to the presence of cultural diversity.

"Culture" is defined as "the sum of a way of life, including expected behaviour, beliefs, values, language and living practices shared by members of a society" (Herbig, 1998 w.p). It is made up of rules internal to it and those external to it that serve as measures for measuring or interpreting experience. Also, Hofstede defines culture as a "programming of the mind" (Hofstede, 2001 w.p), that is, how the human mind is trained to undergo rational analysis according to the socio-cultural principles of a people.

"Pluralism", by its turn, is used here in the context of what Joppke describes as "voluntary group membership, multiple affiliations in the context of cross-cutting cleavages, and as 'a

reciprocal recognition' between conflict parties" (Joppke, 2004, p.238). It is a concept that establishes or affirms individual or everyone's idea and choices and identity but does not encourage everyone's view of belonging to a larger social group. Cultural "pluralism" is thus a "state of equity, mutual respect, and interdependence among several populations that form a single society" (Horton, 2015, p.1). Therefore, pluralistic societies are those composed of diverse socio-cultural groups that maintain their cultural identities while contributing their quotas to the larger society, but they do not see themselves as part of the main groups or the nation in terms of identity as those who defend multiculturalism propose or defend. The bottom of line is that while a multicultural society may not be pluralist (that is, willing to embrace multiculturalism as an ideology underneath public policies of integration of Otherness – e.g. immigrants, minorities), a pluralist society is one that necessarily recognizes multiculturalism as a positive and undeletable feature of its identity.

Within the liberal doctrine on multiculturalism, Dolce (1973) defines it as "a reflection of a value system which emphasizes acceptance of behavioral differences deriving from differing cultural systems and an active support of the right of such differences to exist" (p. 283). This definition underlines the "value system" in a culture that needs to be stressed, maintained, and accepted with its differences in behaviours within the culture. It is a way of drawing attention to the rational basis for actions and behaviours in one culture in relation to another or others in such way that those differences can be accepted and tolerated as part of what already exists. It stresses the need for diverse views of culture and acceptance of cultural diversity as a right for the existence and survival of such cultures and or ethnic groups. This support is being given by policies formulated by governments as typically in the case of Canada (Kymlicka, 2004).

Apart from Dolce's definition of multiculturalism, liberal theoretical discourse on multiculturalism has established that liberal principles – of equal rights and liberty or autonomy and equality in relation to social justice as defended by John Rawls, human rights, humanism - are practicably compactible with multiculturalism and multicultural practices in a society. Kymlicka notes the importance of "the value of cultural membership" (Kymlicka, 2001). The rights as defended by liberal theorists includes economic, political, religious, educational, and cultural elements and the freedom to express them. Human rights defense and recognition of cultural values are part of multicultural policy paradigm. Multiculturalism rejects socio-cultural and religious practices that violates human rights for instance, women and child abuse, forced marriages, and forced religious practices.

Consequently, Schalk-Soekar, Van de Vijver, and Hoogsteder (2004) define multiculturalism as an ideology about “the acceptance of different cultures in a society and also to the active support of these culture differences by both the majority members and minority group members” (p. 534). “Ideology” as used here implies the concept or principles or beliefs or values (ideals) that form the basis of multicultural policies in a liberal theoretical - economic and political – concept. This involves individuals or groups in a society. The definition underlines not only the need for the acceptance of differences in culture between individuals and groups in a multicultural society, but also, the acceptance of these cultural differences by members of the society – both majority and minority groups. For liberal theorists, multiculturalism implies cultural plurality or diversity in societies. This is not a call for the assimilation of minority groups by dominant majority groups but an integration of migrant groups or minority groups into majority groups where there is maintenance and respect – tolerance - for divergent cultural practices ranging from language, cuisine, norms, and music to economic, religious, and educational right. Above all, minority groups, for liberals, should be protected from state interference and control.

Will Kymlicka, a known and leading liberal theorist and proponent of multiculturalism, argues that minority groups must be tolerated and treated as equals, recognised and accommodated with their cultural norms and practices through “group-differentiated rights” (Kymlicka, 2012). Kymlicka is not restricting us to what the discourse on multiculturalism represents “the 3S model of multiculturalism in Britain – samosas, steel drums and saris” (Alibhai-Brown, 2000) where multiculturalism is seen “as a feel-good celebration of ethno-cultural diversity, encouraging citizens to acknowledge and embrace the panoply of customs, traditions, music and cuisine that exist in a multi-ethnic society” (Kymlicka, 2012, p.4). Kymlicka believes that restricting multiculturalism to the food, music and dance, art, and tradition of an ethnic group will be limiting the scope of multiculturalism, reducing it to a sort of celebration of exotic folklores.

Social, economic, and political equality must accompany or be part of the policy of a multicultural state (Joppke, 2004, p.239). But do these people see each other as belonging to the same society or state with a common identity? Do their interactions represent or enhance their social life? According to interculturalism, as we shall see ahead, the answer is clearly negative. For Kymlicka, a great defender of multiculturalism, perhaps there is no need to go seeking for a new word, a new concept, as long as one reads multiculturalism as supporting cultural change. Indeed, in his view, in the context of “citizenisation”, multiculturalism may be “a deeply (and intentionally) transformative project, both for minorities and majorities” (Kymlicka, 2010, p.103).

Multiculturalism accepts cultural adaptation, discourse, and integration when a culture comes into contact with other cultures.

Returning to Kymlicka 's call for "group-differentiated rights", one can state that it is in consonance with the liberal policy of individual rights where individual members of a minority ethnic group are permitted under the law to practice what others do not practice or they are exempted from what the majority – host - group is obliged to do as a civic duty. This could be done under the pretense of religious practices and beliefs, civil rights to vote, or the right to the use of a specific language in education and citizenship rights. Group rights can also be granted to the members of the group severally i.e., minority nations and indigenous groups "who claim the right of self-determination" here multiculturalism is linked to "nationalism" (www.plato.stanford.edu 2016).

In another context, Maarten Vink, commenting on the dangers to liberal democracy and multiculturalism in the context of the Netherlands, where liberal multiculturalism is seen as being perfectly implemented, argues that the liberal multiculturalism in action is "a relatively liberal immigration and naturalization policy combined with a strong anti-discrimination and a group-based identity policy" (Vink, 2007, p.343). Yet he agrees that what has been seen since 1989 as policy implementation of a multiculturalist model in an exemplary manner by the Dutch government has been facing an escalate of challenges. He believes that seeing the Dutch model as a perfect example of multiculturalism is a myth, both because the reality of the day has proved otherwise i.e., the Dutch model has failed, and perhaps most importantly, because it has never been that perfect anyway once we look carefully at history. In fact, we would dare to say, the more one underlines the myth of the perfect Dutch multiculturalist model, the more difficult it becomes to embrace a serious debate and critique leading to the emergence of new perspectives and new models. Either way, and according to Martin van Bruinessen, a Dutch Muslim scholar, the Netherlands seems today stuck with its self-image as a country where people

"insist that Muslims have to distance themselves from Islam in order to be admitted. In discussions at the local level, proof of loyalty is also demanded, but in the less drastic form of opting for Dutch citizenship and adapting to Dutch habits. The notion that integration demands adaptations from both sides appears to be submerged" (van Bruinessen, 2006, p.21).

The core argument in the critique of the Dutch model of multiculturalism, that has been praised as a practical model of liberal multiculturalism, is that the model has turned into a society in which immigrants are expected to abandon their cultural practices and embrace the cultural norms of the majority. Immigrants are expected to prove loyalty to the majority culture i.e.,

abandoning the principle of equality of all cultures and respect for minority groups by majority groups. Van Bruinessen believes, that the Dutch program on multiculturalism has been neglected and replaced with stringent measures due to new challenges that confronts the country. For example, post 9/11 events in the United States and terrorist attacks all over Europe, along with the rise of populist anti-immigrant parties lead by Rita Vendonk, Pim Fortuyn, Geert Wilders, Nigel Farage, Marine le Pen, Matteo Salvini, Heinz-Christian Strache, Jarosław Kaczyński, and so many others, have all been contributing even if differently, to lead multiculturalism into the “direction of repressive liberalism” (Vink, 2007, p.343; Joppke, 2007, p.2).

Multiculturalism has become outdated and there is the need for a new policy approach because, as practiced in the Netherlands, the multiculturalist policy that encourages belongingness as experienced at the level of the individual has been submerged. The idea that belongingness builds trust and cooperation among individuals and groups and brings individuals and communities together seems to have failed and has been abandoned. However, it is important to recall that multiculturalism is not racial, far right, anti-immigrant, or nationalist. It is meant to be integrative. The problem this is perhaps less about multiculturalism as an ideology, and much more about its practical outcomes, notably the acceptance of mere co-existence as enough for social stability, leading inexorably to ghettoization and separatism among communities.

The wrong conduction of multiculturalism has opened the way for the returning of arguments in favor of assimilationism that the French were once accused of practicing (Horton, 2015; Joppke, 2007). The same cannot be said of the Canadian situation which is seen as a successful implementation of multicultural policy paradigm or a true practice of multiculturalism. Kymlicka (2010) notes,

“it would be misleading to say that it provides a model for how to deal with the challenges facing many other countries where immigration is often illegal or at any rate unselected and is composed mainly of low-skilled immigrants who are then disproportionately unemployed and on welfare” (p. 110).

Kymlicka draws our attention to the idea that the context and situation of Canada and the challenges in the country might not be the same as those in Europe, Africa, and other parts of the world. Therefore, one cannot use the Canadian situation as a yardstick applicable to all situations because the circumstances might not be the same and the types of immigrants and the skills, they have might not be the same. However, it is an example that tells us we should not declare so promptly the death of multiculturalism.

3.2 COMMUNITARIAN IDEA ON MULTICULTURALISM

Communitarianism, Masolo notes, “is a fairly recent doctrine in social and moral philosophy” originating from Hegel and his German predecessors as opposed to the French and British tradition from which liberal ideology of individualism emerged (Masolo, 2006, p.487). It is antithetical to individualism. Communitarians such as Michael Sandel, Charles Taylor, and Michael Walzer argue that tradition and social context in human life is very important for the self – individual. In their critique of liberalists, who defend freedom of the individual to choose and pursue her view of the good that stands superior to the good of the society, communitarians such as Charles Taylor reject the view, that “the individual is prior to the community and that the value of social goods can be reduced to their contribution to individual well-being. They instead embrace ontological holism, which acknowledges collective goods as “irreducibly social” and intrinsically valuable” (www.plato.stanford.edu/entries, 2016); Taylor, 1995). Charles Taylor’s argument is on the recognition of individual identity as part of the collective identity under his idea of “politics of recognition”.

Masolo believes that communitarians see the socio-political and moral community as “having rights which are not only independent of those of the individual but also important enough in some crucial ways to warrant the adjustment of the freedoms of the individual to the conditions of the good of the collective whole” (Masolo, 2006, p.483). Individual right is not basic, and in some cases, it can also be submerged for the good of the community. The recognition of individual identity as stated by Taylor, implies reciprocal acceptance of each other and varied cultural values as equals with mutual respect and maintenance of collective cultural values.

The individual’s identity is defined in relation to the collective identity i.e., “we define our identity always in dialogue with, sometimes in struggle against, the things our significant others want to see in us” (Taylor, 1994, p.33). The individual does not solely identify with himself. Rather, he does that in relation to other individuals or people hence Haste (2004) notes, “self and group identity, negotiated through narrative and dialogue as well as through trying to make sense of social structures and representations, are crucial to understanding the construction of the citizen” (p. 420). We should state that non-recognition or misrecognition can lead to conflict situation because our identity is formed in relation to and is dependent on the recognition of others. In the same way, remaining fixed to one’s culture in a globalized world will lead to cultural isolation. Therefore, the need for a cosmopolitan approach to multiculturalism. Waldron (1995) put it better,

“We live in a world formed by technology and trade; by economic, religious, and political imperialism and their offspring; by mass migration and the dispersion of cultural influences. In this context, to immerse oneself in the traditional practices of, say, an aboriginal culture might be a fascinating anthropological experiment, but it involves an artificial dislocation from what actually is going on in the world” (p. 100).

This underlines the need for recognition and awareness of the importance of the idea of social citizenship in the context of this project. Social citizenship as used here implies the belief that people have an undeniable right to belong to or be part of a welfare service in a society that no other person or government can take away from them (see King and Waldron, 1988, p.417).

To adapt to prevailing conditions, it is necessary to recognise the indispensable role cultures play in the growth and development of the human being and her identity. But to think of preserving a culture as a goal in itself might bring the risk of privileging one allegedly pure version of it, thus crippling the opportunity and capacity of adapting to the changes that come with the opportunities (see Appiah, 2005). Of course a call for privileging one culture over the others thereby preventing it from adopting to new challenges and realities with the signs of the time, would be a call for cultural supremacy (and ironically a call for the death of the crystallised ‘supreme’ culture) which is totally out of question within the communitarian perspective.

On the other hand, cultural and social constructivists argue that we live in a world of diversity and plurality which is also a world of anarchy. Therefore, the social construction of interests and relationships between institutions and structures help reduce the effect and level of anarchy between states and in the world. Cultural integration in this context, is based on the social relationship that exists between states. But these relationships between states are based on interests i.e., what each state *wants* and the possible benefits they can derive from the relationship (Barnett, 2005; Wendt, 1995). Therefore, socio-cultural integration will be based on interests and the relationship between the countries involved and their people. For instance, countries with common colonial power can easily establish common relationships as seen among Commonwealth countries. But the same cannot easily be implemented in parts of Africa due to ethnic compositions and traditional ethnic conflicts that spread across borders. Though interest-based relationships exist between governments and countries in Africa including Ghana and Western countries, it will not be easy to practice in Ghana for the purposes of enhancing the integration.

3.3 INTERCULTURALISM AS A POLICY PARADIGM

Multiculturalism as an ideology - though less as a public policy (Kymlicka, 2010), seems to be exhausted. Diversity seem to have suffered a backlash as a consequence of multiculturalism used as a ghettoization device in a “patch-work” society. Consequently, Zapata-Barrero (2017) agrees with Kymlicka’s call for “[...] the need to reframe multiculturalism within a new context, something we can label, for lack of a better term, as the post-multicultural era” (p. 4; Kymlicka, 2010). This is an epoch that replaces the outmoded multiculturalism (no more relevant it seems, in today’s emerging policy debate on migration-related diversity), by growing sympathy for European far-right political parties and their Eurocentrism (though EU-skeptic) xenophobic discourses.

Support for solidarity in the making of public policies has also declined in many countries (Kymlicka, 2016). In this time of ideological crisis and turmoil, Zapata-Barrero (2017) agrees: “[...] interculturalism may help light the way, enjoying as it does some traction in policy and political spheres, and some support from experts and in academic circles, indispensable conditions for being considered a policy paradigm” (p. 2). Therefore, he calls for the implementation of “interculturalism” as “a contact-based approach to foster communication and relationship among people from different backgrounds including national citizens” (Kymlicka, 2016, p.1) amid increase in multiple identities and transnational practices that are becoming more evident. Interculturalism comes to bridge the vacuum created between acculturation or assimilation and multiculturalism.

Interculturalism therefore is a policy paradigm that is not based on differences but on common bonds or ground that promotes social cohesion, social integration, community cohesion, and diversity within cultures. It promotes communication and the building of relations among people with different cultural backgrounds and nationalities. It must be noted that intercultural policy paradigm is not antagonistic to multicultural policies. Rather, it builds upon the elements of multiculturalism in establishing “equality, power-sharing and inclusion” (Zapata-Barrero, 2017 w.p). Though multiculturalism sets limits to recognition, interculturalism promotes socio-cultural diversity. Diversity policy, including multiple identities and transnational practices, is driven not only by birth, origin, and nationality, but also social class, gender, age, working conditions, and the legal framework that exists currently in promoting public common culture and unity.

Interculturalism goes beyond right-based and duty-based policies to embracing dialogue between cultures for a better and effective intercultural interaction. This dialogue is much needed not only between two cultures but among and within cultures, particularly in times of epistemological crisis. Interculturalism fosters intercultural citizenship and socialization, social and

civic integration and promotes intercultural values, for instance, common understanding, trust, the culture of diversity, interpersonal relationships, and common identities (Zapata-Barrero, 2016, p.53-76; Carvalhais, 2007).

Interculturalism as established above, enhances common cultural unity and foster intercultural citizenship and socialisation but this is not a denial of cultural differences. It is not a call for cultural unity, elimination of gender, class, and ethnic inequalities. Also, the implementation of this concept in an African context and in Ghana should not be seen as equivalent to its implementation in the West because the two worlds have different political structures and organisations with varied concept of citizenship. Hence the need for a discourse on national citizenship in Ghana is inevitable in our discourse for better understanding of the concept under review.

CHAPTER IV

4. NATIONAL CITIZENSHIP IN GHANA

The second chapter has already introduced the essentials about the historic and the theoretical set underneath the construction (mostly in the Western world) of the key-concept under review, that of citizenship.

We have also established that “nation” is a term that can only be understood in relation to the emergence of the modern state and to the wider idea of “nationalism” as a political ideology of the modern State. In all, “nationalism”, nation or nation-state are, broadly speaking, imaginary concepts. Not that they exist simply as ideas in our imagination, but in the sense that their empirical existence is profoundly dependent on belief and will: a nation is defined on the grounds of what we (as society, as State, as people and institutions, over times) believe to be important such definition. Thus, a nation is an object born of intersubjectivities.

In the same perspective, citizenship as a concept has no specific definition universally agreed upon. The various theoretical positions have proved to be insufficient hence the continuous debate on the concept. Therefore, the discourse in this chapter is based on “citizenship construction in Ghana” and how it is “enhanced to bring all and sundry along – inclusion” considering the complexities involved - for instance, has to be done bearing in mind these complexities. This chapter deals with the idea of citizenship construction in Ghana, and explore the concept of “nationalism” as understood in the first stage of this work, in an “African” perspective i.e., among African scholars to be able to focus on and situate the Ghanaian situation in particular, in its proper context .

4.1 AFRICAN WORLDVIEW OF NATION AND NATIONALISM

At this point, we must clarify the use of the term “Africa” or “African”, taking as reference the perspective of some “African” intellectuals, in order to situate our discourse in the context of citizenship construction and enhancement in Ghana. Kwame Gyekye, a Ghanaian philosopher, says “Africa” is an invention” (Gyekye, 1995) to mean, as will be discussed, that Africa is a multi-faceted continent with diverse cultures that cannot be grouped into an entity – a mono socio-cultural group - called “Africa” or “African” culture or people. But what informed this strong idea from Gyekye? His affirmation is made in defense of the idea that “Africa” was not adopted as a term to show that “there were people on that continent who could be described as Africans as

such” rather, it was used to “facilitate the classification and definition of places on the globe” (Gyekye, 1995, p.xxiii). This was the beginning of the European invention of “Africa”. But the idea of the denial of any cultural unity in Africa by some scholars is still maintained. Some of these scholars commonly use the term “invention”. Gyekye’s argument is in partial support of Mudimbe and rejection of the view of Anthony Appiah, both of whom use the term.

Anthony Appiah in his work *In My Father’s House*, speaks of “The Invention of Africa” while one of the works of Mudimbe (1988) is entitled *The Invention of Africa*. In his critique, Gyekye (1995) notes: “[...] the exaggerated diversity of African cultures is [...] a consequence of the European invention of Africa” (p. xxiv). On his part, Appiah believes that it is not Europeans that invented Africa. Gyekye concludes that the arguments of both are on the same tandem i.e., unrealistic and imaginary concept of “Africa” is due to European constructions on the one hand and a construction of African intellectuals on the other hand. Gyekye concludes, that to say Africa is invented does not mean the continent does not exist as part of the globe. Rather, it means, that

“[...] the cultures of the numerous groups of people who inhabit that continent are so radically diverse that, given cultural heterogeneity, neither the people nor their cultures can really be grouped under the generic term ‘African’. In terms of the view of Africa as invented, they can only be grouped under their various ethnic names – Akan, Yoruba, Igbo, Gikuyu, Luo, Ewe, Mende, Shona, and so on – even under sub-ethnic names [...] (Gyekye, 1995, p.xxiv-xxv).

The multiple cultures manifest that neither is there a unified culture under one umbrella called “African culture” nor can there be, in some cases similarities or a common ground between cultures. Gyekye notes that it is not always the case that “invention” means untruth or falsity or something that is not really the case. Rather, the epoch in question gave rise to the creation or the coming into use of the word as seen in the “invention” of nation-state and citizenship in the West especially during the French Revolution. It is necessary to bring this argument to our debate on “citizenship construction in Ghana” because these cultural diversities contribute to a large extent, to the complexities involved in discussing the topic in Ghana as will be seen later.

Returning to our earlier debate, the discussants of “nationalism” in Africa are not alien to what we have seen in the West. Rather, their thoughts are enriched by the contacts these African scholars had with their counterparts in the West or Western cultures. This is because most of them had their education in Western countries. Consequently, their thoughts, as we shall discover in our discourse, are interculturated thought. African scholars commented on Western political philosophy in most of their discourses on African socio-cultural and political thought. In his reflections on nationalism as a concept in the West, the Kenyan scholar in African studies and an Albert

Schweitzer Professor, Ali Mazrui's position is quite informing: "Nationalism can be both an ideology with specific constituent ideas or a set of sentiments, loyalties, and emotional predispositions" (Mazrui, 2006, p.473). He went further to explain some key ideas in the concept of nationalism as conceived in the West, its constituent elements, and the forms in which it can manifestly be projected. Finally, he elaborates the influence it had and continues to have from the era of colonization in Africa and the African version or perspective in both colonial and post-colonial era – a view that is essential to our discourse. The "metamorphosised" Western nationalism as implemented in Africa in the colonies and African interpretation of the same is our concern.

It is Mazrui's believe, that outside Africa, the emergence of nationalism is as a result of "the development and maturation of the European nation-state" (Mazrui, 2006, p.472). He proceeded that both European and African nationalists do not distinguish between loyalty to the state and to the nation. Mazrui sees the "state" as "a system of authority (vertical allegiance)" and the "nation" "as a fellowship of community (horizontal allegiance). To most of these nationalists - Europeans and later Africans - citizen's or individual's loyalty is supremely owned to the state or nation (Mazrui, 2006, p.472). He argues that European history has shown that the decline in loyalty or allegiance to feudal system or "localized feudal fiefdoms" and the (decline in the) transnational influence of the Church, served as the basis for the emergence of nationalism. The vacuum created by the transition between defeudalization and the beginning of secularization, creates room for the desire for a new interpretation or concept of loyalty to fill the gap. Mazrui notes that the signing and coming into effect of the Treaty of Westphalia of 1648 was the "midwife of the new nation state" but by the eighteenth century, nationalism became one among the many ideological forces in Europe. "In Africa, defeudalization sometimes took the form of detribalization – to be followed by wider allegiances" (Mazrui, 2006, p.472). As a result, there were divided loyalties among citizens to groups and organizations such as religious, economic, political, and other interest groups i.e., loyalty to tribes and kinships, were dismantled.

In his discourse on Francophone African nationalism, Mazrui used the complex political philosophy of Jean-Jacques Rousseau (1712-1778), eighteenth century philosopher, composer, writer, and a poet, even though it did not include "nationalist" proclivity or inclination. Mazrui (2006) notes:

"His distinction between "the general will" and "will of all" was a distinction between the inviolate will of the nation, on one side, and the will of all the citizens at any particular moment in time, on the other. The "general will" was superior to the "will of all". The nation was more enduring than its citizens" (p. 472).

The above logic of Rousseau, according to Mazrui, subsequently influenced nationalism in French-speaking African countries or French colonies where the nation is seen as more enduring - supremacy of the will of the nation - than the will of citizens of the state. Furthermore, Mazrui notes that the eighteenth and nineteenth centuries saw the era in which “nationalism” was combined with democratic “liberal values”. The result is what we saw at the period in which nationalists and authoritarian rulers sought to unify their territories under their rule. As such, there was combination of nationalism with militancy.

A typical example, he notes, is Adolf Hitler’s Nazi philosophy in the twentieth century. In our African context, we can cite what Mazrui refers to as “Tutsiphobia among the Hutus in 1994 as the nearest African equivalent to genocidal Nazism” (Mazrui, 2006, p.472) i.e., the Rwandan genocide. But it should be stated that modern nationalism as an ideology in Europe only got to the international realm after it spread to other continents like Africa under the tentacles of colonialism.

In African perspective, Mazrui notes, “The anti-colonial struggle gave birth to both localized nationalisms and to pan-African movements” (Mazrui, 2006, p.473), and one can add, just as the Arab world combined nationalism with “transnational pan-Arabism” (Gause, 1992, p.444-445). He also observed that the quest for building an empire can be “a goal of nationalism” (Mazrui, 2006, p.473). For instance, Rudyard Kipling aspired for this in his poem as a nationalist by glorifying the “empire building by the white man” as an appeal to American nationalism in the attainment of imperial power in the Philippines (Mazrui, 2006). In the same context, Mazrui cites Cecil Rhodes, a British nationalist, who appealed to British pride as imperial nationalism.

Also, Nationalism can take the form of a call for the defence of a “culture” of a people or revival of a culture rather than the struggle for or the effort at reinforcing loyalty to the state. Mazrui cited the French as an example of cultural nationalism where there is the call for the defence of the French culture coupled with loyalty to the French state (Mazrui, 2006). Consequently, cultural nationalism was propagated in the colonies on the idea of assimilation of the colonized through the teaching and learning of the French language. This is the aim of assimilation.

Race can inspire nationalism. Mazrui cites various examples to elaborate his argument. For instance, the movements in the African world such as Negritude (a term first coined by Aimé Césaire from West Indies), Black Power (in the United States), certain schools of thought of pan-Africanism, and the late Mobutu Sese Seko’s politico-philosophical doctrine of “authenticity” (Mazrui, 2006; Mbiti, 2006, p.263) are few instances that we can mention. Furthermore, Mazrui states, that Luis Farrakhan did the same in the United States as the leader of “the nation of Islam

[...]” as he “combines nationalism with both religious and racial symbolism” (Mazrui, 2006, p.473). We have seen earlier that the National Socialists – Nazi – or Nazi nationalists also combined nationalism with racism just as South African Afrikaner nationalism has racism or racial awareness attached to it (Mbiti, 2006). Let us briefly look at what the term “Négritude” means to be able to situate the arguments of Mazrui on nationalism in Africa in its proper context. For this will later help explain the basis for some of the declarations of some Ghanaian scholars on race, African identity, and Ghanaian citizenship.

“Negritude,” Mbiti notes, is a philosophical as well as cultural ideology with a Western origin. Mbiti (2006), citing Léopold Sédar Senghor, states:

Négritude [...] is not the defence of a skin or a colour [...] Négritude is the awareness, defence and development of African cultural values. Négritude is a myth [...] It is the awareness by a particular social group of people of its own situation in the world, and the expression of it by means of the concrete image. ' He sees it in relation to political life: ' It is democracy quickened by the sense of communion and brotherhood between men ' ; and in the cultural context, Négritude ' is more deeply, in works of art, which are people ' s most authentic expression of itself, it is sense of image and rhythm, sense of symbol and beauty ' (p. 261; see Senghor, 1965, p.69).

Mbiti proceeds, that with a surprising emotional outburst, Senghor notes in his works “Prose and Poetry” that “ ` Négritude, then, is a part of Africanity. It is made of human warmth ' ; therefore, Senghor urges Africans to opt for Négritude and subscribe to it: ` We ought not to be neutral towards Négritude, with lucid passion [...]. (Senghor, 1965, p.96). Based on the aforementioned arguments, Mbiti (2006) believes, that it is “only in so doing can African people make a contribution to the growth of what he calls Africanity and beyond that point to the construction of ` the civilization of the universal ' (p. 261). For ` Négritude is the sum total of the values of the civilization of the African world. It is not racialism, it is culture ' ” (Senghor 1965, p.96; Mbiti, 2006, p.261).

The above discourse on Négritude has brought to the fore most, if not all, of the elements that sustain nationalism or forms of nationalism in the comparative analytical discourse of Mbiti as expressed above. In the concept of Négritude as expounded by Mbiti from the perspective of Senghor, we can see the presence of the quest for the will of the “African people” and the struggle or need for their identity. We can argue that it is the desire for the revival of the culture of a people i.e., “defence and development of African cultural values” (as cited in Mazrui, 2006, p.261). Therefore, Négritude is a cultural struggle for identity and the survival of the African “culture” or cultures.

Therefore, we can argue from the above, that the unintended but known element in Négritude – a fruit of Pan-Negroist cause - is the idea of “race, race-pride, love of the fatherland (Africa)” (Van Hensbroek, 2006, p.80). Mbiti notes, that Negritude is the “defence of a skin or a colour” which Senghor tried to reject – the dark, black, or brown African “colour” in relation to others (Mbiti, 2006, p.263-264). It is a call for the awareness of the black African – Negro. That is the “we” against “them” or “other” (Smith, 2013, p.16), a philosophy of “a particular social group of people of its own situation in the world” (Mbiti, 2006, p.261). He also expressed this idea in his argument that it is a democratic sense of “` communion and brotherhood between men in a cultural context’ [...] as a visionary civilization of the universal” (Mbiti, 2006, p.261). But the question that emerges is “Which people?”. To this, the definite answer is “the black man or black people”. What about the others who are not (like the) African? Can one be wrong in stating that Négritude is implicitly a “racial” movement or a radical nationalist movement? In a response to this, Van Hensbroek believes that Negritude, in the thoughts of some Africanists like Edward Blyden Wilmot (1832-1912), a Liberian, “is an idea of anti-racist racism in the twentieth century” (Van Hensbroek, 2006, p.80). In all, Senghor notes that this concept should be expressed in the works of art, a sense of symbol, of rhythm/music, beauty and, one can add, language. In other words, it is the desire for the creation of an “African Identity,” and culture in terms of the medium of expression – language (Mazrui, 2006, p.473; Gyekye, 1995, p.180-181)⁸.

To add to the above is the combination of nationalism with idealized memory of the past, political nostalgia, that has been sustained in history in the quest for its survival. A good example of nationalism of nostalgia is the Zionist movement that established the state of Israel. Mazrui (2006) then put the rhetorical question: “Was Liberia born out of Black Zionism – the return of African Americans to their ancestral continent?” (p. 473-474). This is based on the historical background to the creation of Liberia as a state.

Rivalry for territory and border disputes sustain recurrent nationalism as is the case of the dispute between India and Pakistan over the region of Kashmir (Mazrui, 2006). The war between Ethiopia and Eritrea over their common border and the skirmishes between Cameroon and Nigeria over Bakasi Peninsula are examples (Mazrui, 2006). A judgment recently delivered on the maritime

⁸ We must state that the political philosophy (humanism) of the nationalist leaders in post-colonial era was meant for integrating all citizens in an attempt to create a national unity out of the fragmented ethno-religious, socio-political, cultural, and regional divisions that existed before and during colonialism that were suppressed under the colonial era. In other words, political ideologies of Kwame Nkrumah of Ghana – *conscientism*, Kenneth Kaunda of Zambia – *humanism*, Julius Nyerere of Kenya - *ujamaa*, Leopold Sédar Senghor of Senegal – *Négritude*, and Obafemi Awolowo of Nigeria - *democratic socialism*, have humanistic underpinnings in their narratives aimed at social cohesion and national unity and identity devoid of ethnic, social, political, religious, and cultural sentiments linked to social policies interventions at state levels to bridge the poverty gap (See Beland, et al., 2018; Kpessa, et al., 2011; Aminzade, 2016).

boundary dispute by Special Chamber of the “International Tribunal of the Law of the Sea’s” (ITLOS) between Ghana and Côte D’Ivoire saved the two countries from a bloody war over their maritime borders (Ansah, 2017).

Finally, Mazrui argues that nationalism also seeks to unite a people who have been divided by imperialism and by history, as for instance in the case of Somali nationalism. Also, “nationalism may want to pull out of an enforced territorial marriage” for example, “the separatist nationalism of Eritreans before 1992 to pull out of Ethiopia, or the nationalism of the Igbo to pull out of Nigeria in the Biafra war (1967-70)” (Mazrui, 2006, p.474), and the agitation that continues till date (2017) in the Eastern part of Nigeria. Although in the case of Ethiopia and the separatist nationalism of Eritrean, “the nationalities were to be accorded autonomy, the unity of Ethiopia was paramount [...]” (Smith, 2013, p.72). Therefore, “ethnic conflict” in Ethiopia was seen as merely an aspect of class struggle. Ethnic nationalism has been part of the history of post-independence struggle in most African countries including Ghana as will be elaborated soon. This is the basis for secessionist and irredentist struggle and wars.

Mazrui concludes that “nationalism” has passed its original meaning, its etymology, and has attained a wider and a more diverse meaning than the unit of a nation (Mazrui, 2016). The term has now assumed a sense of militancy or “militant patriotism” and with diverse groups of allegiance that has gone beyond the unit of the nation-state. The reality the above will be a key factor in the discourse on citizenship construction and enhancement in Ghana.

4.2. HISTORICAL CONSTRUCTION OF CITIZENSHIP IN GHANA

The historical construction of citizenship in Ghana cannot be properly addressed without having a look at the historical composition of the country. Van Gunsteren (1994) states: “Modern republics strive for citizenship for all people, including those who are not wealthy” (p. 37). But we will recall that in most advanced Western democracies, Smith (2013) argues, there have emerged challenges to the concept of citizenship due to globalisation, migration, security concerns, and the power of commerce. Furthermore:

“Somewhat surprisingly, however, the analytical lens of citizenship has rarely been deployed in many parts of the developing world. This is problematic for a number of reasons, not the least of which being that challenges of citizenship in postcolonial contexts such as sub-Saharan Africa are distinct from those in the western liberal democracies with relatively defined political boundaries, developed capitalist economies, and political and social traditions of individualism and autonomy. It has also resulted in the primary focus on formal politics that are of limited usefulness in explaining contemporary political and social dynamics in Africa” (Smith, 2013, p.19).

Smith believes that the concept of citizenship has been an issue in more developed Western democracies, but the reality is that new challenges emerged to the extent that the discourse resurfaced. The concept of citizenship therefore, one may argue, is a process; unfinished process in constant contestation and construction in history. For instance, Smith cited the continuous use of English-language by the bureaucratized system of the United States of America in the face of high percentage increase of Spanish-speaking Latin American migrants as a phenomenon that challenges the category of citizenship in a country with “a standardized citizenship rule” (Smith, 2013, p.20).

Furthermore, “[...] where legal citizenship is not at stake, full rights and privileges of citizenship are sometimes denied to individuals within states based on various identities, behaviors, or other assumptions” (p. 20). In most advanced countries, citizenship is not attained or acquired easily. Many factors are considered beyond the legal basis in the issuance of citizenship status. In Ghana, the voting rights of Ghanaians residing outside the country is denied even though Article 43 of the 1992 Constitution guaranteed this and there is legislative instruments – Representation of the People (Amendment) Act 2006 (Act 699) to allow all Ghanaians abroad eligible to vote. In the Ivory Coast, now Cote d’Ivoire, clauses in the laws on citizenship based on “indigeneity” - *Ivorité* - has been used to expel as well as deny voting rights to people considered as non-indigenes or “foreigners” (Dorman, 2014, p. 161, 163-167; Manby, 2014, p. 172-174).

In all, the discourse on citizenship arises as a contentious issue in more advanced democracies with well-defined constitutional and legal basis on citizenship, policies, structures, and borders. Smith notes that the problems existing in more advanced democracies turn to be worse in the developing countries “as the actual legal, political, and social meaning of citizenship is actively under construction” (Smith, 2013, p.21). Smith (2013) notes:

“The legacy of European colonization is not only a patchwork of illogical state borders but has created deep and persistent structural inequalities within those same states. Colonial laws, institutions, and practice created in most of Africa a legacy of unequal citizenship based on some combination of ethnicity, region, religion, and gender” (Smith, 2013:21).

The creation of borders between countries in sub-Saharan Africa has created animosity between states because the traditional factors that guide the people were not considered. The history, tradition, narrative, and culture of the people were ignored in the creation of those states hence the aftermath turned to be chaotic. This is the fear expressed at “independence”, Dorman notes, “by many observers who predicted widespread inter-state wars in postcolonial Africa as a

result of its arbitrary, colonially imposed borders” (2014, p. 162). For instance, Sierra Leone “discovered” by the Portuguese Pedro de Sintra in the 15th century became an important hub for slave trade as well as the base for the returnees of the slave trade after it was abolished in the 19th century, to be precise in 1807. This establishes the idea that the interest of the local or indigenous people was not the basis for the creation of Sierra Leone.

Rather, the interest of the colonial masters, and in this case Britain, was at the base of the formation of the country as a trade hub until it attained independence in 1961.

Countries like Nigeria, Cote d’Ivoire, and Ghana are other examples that come to mind in the discourse on the creation of countries with borders based on colonial interests. For instance, writing on the current politico-religious conflicts in Nigeria, Igbokwu and Orhero (2015) argue, that “Nigeria is a creation or a man-made country” (p. 56). Quoting the late Obafemi Awolowo’s work *Path to Nigerian Freedom* written in 1947, Igbokwu (2015) noted: “Nigeria was a mere geographical expression. There were no Nigerians as there were French and Germans [...] Nigeria” is an invention. It does not exist *ab initio*” (p. 56). That is, In reference to Bamidele (2011), a Nigerian educationist, Igbokwu (2015) states:

“A geographically demarcated piece of land called Nigeria came to being in 1914 when the Northern and Southern protectorates were merged together by the then Governor-General, Lord Lugard. And with coming together of over 400 ethnic groups forcefully against their own volition, tendencies are there for contradicting behaviours and conflicting ways of relating to one another” (p. 56).

As a result of this haphazard creation of states and union of ethnic groups to form a state, Igbokwu and Orhero in a research paper argue, that there exist many conflicts in the country – Nigeria - especially in the northern part of the country due to the non-acceptance of the “union”. Therefore, they posit that terminologies or words such as “‘indigenship’ should be de-emphasized and discouraged” because it is a tool for deepening “discord and acrimony” that has the potential of “causing disintegration amongst Nigerians while emphasis should be placed on ‘citizenship’ as it tends to breed unity and collectivity” (Igbokwu, 2015, p.56). In the same context, there should be preference in the use of the term ‘residency’ to ‘indigenship’. They suggest that a constitutional and legal backing should be given to the use of such words as “citizenship” and “residency”.

Conflicts in some parts of Ghana based on land dispute is evidence of the Ghanaian version of what has been said of Nigeria. The issue of states created by colonial masters based on their criteria and necessities, had generated many problems in most African countries. In Ghana, villages

are divided into two parts, families are separated by wire-nets as borders between two countries, a situation that people in those communities find difficult to accept till date.

Ethnic compositions were not considered in the creation of States, hence ancient tribal disagreements on land disputes, kingship, and political office holders – stools or skins – turn to emerge from time to time. Ethnic groups mostly in the northern part of Ghana that were considered as farm labourers before colonization, continued to be used as food baskets during the colonial era. Consequently, education was late in arriving at those parts of the various African countries like Ghana. Derogatory comments and names are given to some ethnic groups the mention of which causes severe anger.

Smith (2013) rightly observes, that “[...] the geography and politics of the greater colonial project lead to states that have persistent border disputes with neighbors, spillover of domestic conflicts across national boundaries, human refugee and migration flows” (p. 21). There are many examples that one can cite for instance, the border disputes between Eritrea and Ethiopia (Smith, 2013), a conflict that turned to be complex due to the geographical and “commonality of polity, land tenure, culture and religion” (Smith, 2013, p.47; Gebru, 1991, p.230). This is because the people especially at the northern part of Ethiopia turn to identify themselves with those at the Eritrean part of the border during the conflict. The conflict in Cote d’Ivoire, the civil war in Liberia and Sierra Leone, are evidences of spillovers of conflicts in a given region. The fear for instability within an ethnic group and the threat to the existence of ethnic groups, individuals, and the collective identity are evident in the xenophobic attacks mostly on African immigrants in South Africa who are seen as “foreigners” (Dorman, 2014, p. 161; Manby, 2014, p. 176; Carvalhais, 2007). Also, the slavery in Libya after the overthrown of Colonel Muammar el Gaddafi in 2011, in which citizens of sub-Saharan African countries are used as “commodities” for trade including human organs trade, are evidence of migration flows, citizenship diversities, porous borders, communities fleeing violence, poverty, and failed states (see Theguardian, 2017; Myjoyonline, 2018).

The situation of Nigeria may help explain better the reality of African citizenship construction in its historical perspective. Modern African states do not exist as states before colonization and even before independence. They are products of European colonialism. Consequently, “[...] the demarcation of territorial boundaries was an arbitrary process that involved lumping together different, and in some cases, hostile ethnic communities and tribal entities to constitute most of what represent states in modern sub-Saharan Africa” (Kpessa, Béland, and

Lecours, 2011, p.6). For instance, a plebiscite held in 1956 led to the union between Trans-Volta Togoland and the Gold Coast which attained independence in 1957 and became the Republic of Ghana. Before this union, the Trans-Volta Togoland was part of the Gold Coast Regions with distinct Constitutional positions as Trusted Territory of Togoland under British Administration. The Gold Coast (regions) was then made up of the British colony or the Gold Coast, the Ashanti Kingdom, and the Norther Territories. In the same way, Nigeria, with many ethnic groups, was made up of kingdoms, empires, and of course an Islamic caliphate. This is the basis on which Obafemi Awolowo noted in 1947 that Nigeria was and continues to be a mere geographical expression i.e., very different from countries in the West, as France or Germany, Belgium or Portugal. The same can be said of Ghana but the interesting part of this divisions is that all the various sections lived in harmony with each other.

It would be logical to assume that this peaceful coexistence among various autonomous ethnic groups and territories would continue to exist in colonial and post-colonial era, but that has not been the reality. Sara Rich Dorman disagrees with the above arguments. She (Dorman) reminds us, that the conflicts in African politics is not basically on the arbitrary, colonially imposed borders. It is not border conflicts between nation-states that provoke most of the political conflicts. She (Dorman) () believes, that

“the emergence of citizenship as a major factor in civil conflicts and political battles reveals the ongoing legacy of Africa’s state formation. Rather than conflicts between states, politics plays out in battles for control within states – and citizenship has become the preferred battleground”, (2014, p.162).

This development is due to the idea of controlling the state and subsequently controlling political power i.e., the one who controls commerce controls the power of the state. Taking Dorman’s argument on board, one can say that we will reduce the cause of most conflicts in Africa to the creation of nation-states and borders if we do not extend the argument to the power struggle for control of the economic strategic points of the country which has citizenship as its fertile ground for breeding. How is the construction of citizenship in modern socio-political and historical period done and how is it contested in order to foster inclusiveness as in those communities or territories before colonialism? This is our concern in this discourse. But we can state that the contestation and consolidation of national identity is a prime priority for many African countries amidst diverse ethnolinguistic dynamics.

The geography of Ghana is evidently clear on this point raised by Smith as stated earlier. Ghana, before independence, was governed by traditional rulers as kings and chiefs with stools

and stool names - mostly in the southern and middle belt regions of the country or skins and skin names in the northern part of Ghana i.e., chiefs and chiefdoms and kings and kingdoms respectively. These territories were attained through tribal conflicts/wars and conquests. The territories were autonomous with their languages and socio-cultural practices most of which transcend present borders. For instance, the Asantes and Brongs are situated in the middle part of present-day Ghana, spreading into Côte d'Ivoire just as the Fantes in the south-western part of Ghana. Northern ethnic groups such as the Frafras, Mamprusis, Dagombas, Kokombas, Builsas, and the Wales (in the three northern regions and part of northern Volta Region), spread across the borders into northern Togo, Burkina Faso, and Cote d'Ivoire. The Eastern part of the country has Ewes, Apesors, Guans, Basari, that spread across the Volta Region of the country into Togo, Republic of Benin, and the western part of Nigeria according to the history of migration of the people. Most of these people still speak the same language.

In fact, with the presence of diverse groups divided by artificial boundaries that saw families and friends of the same culture and tradition belonging to different countries and "nation-states," explains better and further the varied identities that there are in the country and in the continent. Therefore, the complexity involved in attempting to make peace during conflicts in the West African sub-region and in Ghana.

The politics of identity in West Africa and in Ghana has lost its traditional base. Democratisation and Modernity have destroyed the fundamental fabric of the identity of the people in the region and their demography as a country. Therefore, it is not surprising that there will be a search for identity and changes in loyalty with the sensitivity (emotional sentiments) attached to it in filling the - identity - gap. Identity in terms of Family and kin is a delicate issue in most African cultures and discourses in this context are mostly done with passion/emotions rather than critical rational basis. Identity is linked to the land tenure system practiced in a culture. Consequently, Democratisation and demarcation of boarders have touched the very essence of a people and their existence. Key political actors have taken advantage of this by exploiting it in their political discourse during election. Their political debates are driven by citizenship ideologies and political contestations are structured on issues of "indigeneity" and "autochthony". This is the major problem that confronts us.

Consequently, citizenship is defined in terms of "belonging to" a traditional, socio-cultural, political, and geographical territory and group of people with a common language. "To be" or to exist among the Akans of Ghana, Gyekye argues, means "to be somewhere" or "to be or exist in a place", and

“identity” means “to be identical with” (Gyekye, 1987, p.177-179)⁹. Citizenship in precolonial era is therefore seen in terms of “belonging to” or being “identified with someone” through blood relations or kinships or marriages and inter-marriages, and land ownership or land tenure. Any other relationship including migrants is not considered as “belonging” or “citizen” in modern terms but conditions are created for the distinction between the true “natives” or “indigenes” and strangers.

The historical account of citizenship in Africa and in Ghana is not the only factor that defines and contributes to the contemporary concept of citizenship. It is not the only factor that leads to the construction, contestation, and expansion of citizenship in a socio-political liberal democratic country like Ghana. Rather, contemporary and historical factors brought along challenges that accompany the democratisation process to independence. The post-independence, composition of Constitutions and Constitutional Reviews, elections and post-election events, military interventions from 1966 in the case of Ghana, authoritarian or dictatorial governments, migration, gender, communities of those fleeing conflicts within host-states and mistrust among the people – citizens - of recipient states, globalization, and we can add welfare rights and voting rights, electoral apathy as part of the issues at state, are relevant factors that have to be analysed in a discourse on citizenship construction and inclusiveness in Ghana.

In a multiethnic, multicultural, and a plurilingual African country like Ghana, a discourse on citizenship should draw attention to the need for analyzing the various ethnic groups in Ghana so that one can comprehend the effects of ethnic dynamics in the country on social, cultural, economic, geopolitical, and geostrategic progress since independence. We must state that moral, religious, and cultural foundations are key in the construction and creation of citizenship in Africa and in Ghana and they influence the types of citizenship identities and the priorities given to them i.e., multiplicity of projects on citizen creation.

⁹ “Belongingness” here in a traditional Ghanaian context can be compared or likened to the Western concept of *jus sanguinis* but with a restriction on women who married outside the community due to patrilineal practices. Women and their progenies (children) are considered as assets to their husbands (Manby, 2014; Mbiti, 1986).

4.3 ETHNIC COMPOSITION, IDENTITY, AND MULTICULTURALISM IN GHANA

Hobsbawm (1992) states:

“Many more post-colonial African states may collapse into chaos and disorder, as has recently happened to some [...]. Yet it is to stretch the sense of words to see the collapse of Somalia or Ethiopia as being brought about by the inalienable right of peoples to form independent sovereign nation-states. Friction between ethnic groups and conflicts, often bloody ones, between them, are older than the political programme of nationalism, and will survive it” (p. 164).

Hobsbawm draws attention to the multiple cultures in Africa with their traditional and historical disagreements and conflicts that were not considered in the formation or creation of multicultural countries in the continent. These factors raise tension between factions within and without ethnic groups that were not in good terms in the past together as a modern or post-independence sovereign nation states. He avers that ethnic conflicts historically, persist beyond the creation of nation states and survive even when nations cease to exist. He believes, that these historical disagreements form the basis for the friction – ideological civil war - between ethnic groups i.e., friction that turned to be bloody in most cases as in the horn of Africa. One can cite Somalia and Somali Land, Ethiopia and Eritrea, Senegal (Casamance region), and presently, Cameroon, Nigeria, and the Sahara-Wee Republic. In Ghana, agitation of some people in the Volta Region for secession is a good example. It is in this context that ethnicity is relevant because it is used to “reinforce distinctions between ‘us’ and ‘them’, including national ones” (Hobsbawm, 1992, p.65; Carvalhais, 2007). The same can be said on ‘race’.

Ghana is a multicultural and multilingual state with an estimated population of about twenty-nine million six hundred thousand inhabitants (See Citifmonline.com, (2018)¹⁰. The provisional results of the 2010 Population and Housing Census recorded the following details by Region and Sex from 1984 – 2010. But for the purposes of this work, we will consider only 2000 - 2010.

¹⁰ This, according to David Kombat, the Chief Statistician with the Ghana Statistical Service, means an increase 2.5 percent annually in the 2010 population and housing census results of 24.5 million. The youth form 38.8 percent of the total population. Indicators from the United Nation’s World Population Review Report (2017) gave an estimated details of life expectancy for female in Ghana as 64, male is 62.1 years, and fertility rate at 3.8 children per woman. Citifmonline.com. (2018) Ghana’s population hits 29.6m – Statistical Service. (Retrieved: <http://citifmonline.com/2018/03/12/ghanas-population-hits-29-6m-statistical-service/>. (Consulted: 12 March 2018; see Ghanaweb.com. (2018) Ghana’s Population hits 29.6m. <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Ghana-s-population-hits-29-6-million-633378>. Retrieved: 12 March 2018).

Table 1

	2010			2000		
	TOTAL	MALES	FEMALES	TOTAL	MALES	FEMALES
Ghana	24.223.431	11.801.661	12.421.770	18.912.079	9.357.382	9.554.697
Western	2.325.597	1.76.189	1.149.408	1.924.577	978.176	946.401
Central	2.107.209	998.409	1.108.800	1.593.823	760.221	833.602
Greater Accra	3.909.764	1.884.127	2.025.637	2.905.726	1.436.135	1.469.591
Volta	2.099.764	1.884.127	2.025.637	2.905.726	1.436.135	1.469.591
Eastern	2.596.013	1.252.688	1.343.325	2.106.696	1.036.371	1.070.325
Ashanti	4.725.046	2.288.325	2.436.721	3.612.950	1.818.216	1.794.734
Brong Ahafo	2.282.128	1.161.537	1.120.591	1.815.408	911.263	904.145
Northern	2.468.557	1.210.702	1.257.855	1.820.806	907.177	913.629
Upper East	1.031.478	497.139	534.339	920.089	442.792	477.597
Upper West	677.763	333.355	344.408	576.583	276.445	300.138

The table above shows the population distribution in Ghana according to regions¹¹ (UNHCR, 2017). It can be seen from the table above that the Greater Accra Region and the Ashanti Regions have the highest population density. The population of these regions continue to increase because their regional capitals serve as the hub of major economic and educational activities in the country¹². Another major contributing factor is the internal migration from the hinterlands into the cities to avoid abject poverty in the less developed regions.

It can be argued, that most of the regions have many cultures with different cultural practices, languages and dialects or vernacular versions - multilingualism (Anderson, 2006). Officially, there are six major languages studied in schools and used on televisions and print media (Akan/Twi, Dagbani, Ewe, Ga, Nzema and Hausa) but “Twi” – the language spoken by the Ashanti/Akans/Asantes - is the most widely spoken language in Ghana. These are the languages used for instruction at the lower primary level in the regions. But there are over forty-five dialects within these cultures, yet the people live together. Therefore, one agrees that “there is no reason to suppose that language was more than one among several criteria by which people indicated

¹¹ The composition of ethnic groups and their growth rates in percentage has been done in a research by Maastricht Graduate School of Governance (MGSoG) on Ghana between 2010-2015 as follows Ghana: Akan speaking Ghanaians 47.5%, Ewe 13.9%, Mole 16.6%, GaDangme 7.4%, Gurma 3.7%, Guan 3.7%, Grusi 3.5%, Mande 1.1%, others 1.4% (see Maastricht Graduate School of Governance (MGSoG). October, 2017) *Ghana Migration Profile: Study on Migration Routes in West Africa and Central Africa*. (Retrieved: [file:///C:/Users/User/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/1518185722%20\(3\).pdfa](file:///C:/Users/User/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/1518185722%20(3).pdfa)).

¹² They also host the major universities in the country – Kwame Nkrumah University of science and technology (KNUST) Kumasi in the Ashanti Region and University of Ghana, Legon in the nation 's capital Accra. This is due to mainly economic, commercial, and educational activities in these cities.

belonging to a human collectivity” (Hobsbawm (1992, p.62). Language is one of the many unifying factors for ethnic cohesion and identity of the various ethnolinguistic groups.

Ethnicity or ethnic differences exist for instance, in most socio-political, religious, economic, educational, and social sectors in Ghana. These differences in most cases have historical antecedent due to land disputes, the quest for domination – power - for superiority of one ethnic group over other ethnic groups. Citing Wunsch and Oluwu (1990, p. 5), Béland, et al. (2018) notes that

“colonial policy also frequently drew sub-administrative boundaries which placed one group in dominating position over another”, “as chiefs were designated from one ethnic unit and granted unprecedented powers over a second, previously quiescent group, ethnic relations became increasingly rivalrous, and at times hostile” (p. 24).

This is evidence of the cultural, ethnic, and religious hostilities that emerged in post-colonial era. In some situations, the landowners became subject to their migrant farmer who were favoured by the colonial powers as the time while other paramount chiefs became subordinates to the local political power or office holder who in some cases came from other ethnic groups. These and many others served as basis for the emergence of hostilities in post-colonial multiparty democracies. Consequently, political parties were formed along ethnic, regional and religious lines “to promote and protect the regional, ethnic, or religious identities and perceived interests of their members” (Béland, et al. 2018, p. 24; see Buah, 1998)¹³. One will agree with Gause (1978) who, quoting Ronald Cohen argues: “Ethnicity is [...] one of the many outcomes of interaction in which there is differential power between dominant and minority groups. From this perspective, ethnicity is an aspect of stratification, rather than a problem on its own” (p. 386). We speak of ethnic groups when we are considering different groupings lining together in a community. In Ghana, there are many different groupings living together in communities. These groupings are intertwined through kinship, marriages, friendship, contacts through education and services in the public and private sectors, and religious beliefs. There is constant interaction between these ethnic groups and their identities are sometimes defined through these interactions. Yet there are challenges or differences between them which sometimes lead to conflicts in which identity or loyalty play key role. Therefore, Gause argues, that it is “the weakening of the state, if not the collapse, of those state building projects” that brings about conflicts within and between ethnic groups and states (Gause, 1978,

¹³ For instance, the *National Liberation Movement* (NLM) party that fought for federal system of government in Ghana according to the colonies under colonialism – Ashanti Province, Northern Territories, and Trans Volta Togoland - but failed, turned into an ethnic based political party for the Ashantes. There was the *Anlo Youth Organization* (AYO) in the southern part of Volta Region, the *Togoland Congress* (TC,) also in the middle part of Volta Region, the *Muslim Association Party* (MAP) in the north, and the *Ghana Congress Party* (GCP) (see Béland, et al., 2018).

p.4). One can state that kin groups have an important role in the identity struggle of a people. But what do we mean by identity?

Identity is a complex reality within practices, narratives, cultures, and traditions along human history. Most of the struggles for identity by groups are age old events in most parts of Africa and in Ghana. In an African context, “identity,” is an ideological concept that forms the basis for African politico-philosophical concept of Négritude, Africanism, pan-Africanism, nationhood and all the other concepts that were used in the fight against colonialism and post-independence “nation-state” formation and nationalism. “Identity,” is an ideological concept that runs through the politics and geopolitics of Africa, a continent with various territories marked with multicultural and ethnic compositions. Identity is neither trans-historical nor perennial. Rather, it is relational, a concept that deals with the relationship between individuals/peoples and groups identical or non-identical close together or far from one another.

Consequently, identity plays an important role in the definition of citizenship as “belonging to” a traditional, socio-cultural, political, and geographical territory and group of people with a common language. “To be” or to exist in the Ghanaian context as argued by Gyekye, means “to be somewhere” or “to be or exist in a place” and “identity” means “to be identical with” such groups (Gyekye, 1987, p.177-179). Identity takes the form of an individual by his name that is unique but he “is” because he “belongs to” or is “identical with” a group of people through blood relations or kinships or marriages and inter-marriages, and land ownership or land tenure.

In support of the liberal communitarian Mervyn Frost, Boucher (2008) states: “we live our lives in the context of social institutions which are constitutive of our identity. Who we are is bound up with what we do and who we do it with” (p. 378).” That is, we are part of the society in which we live and the society has its influence on who we are, what we do, and with whom we do it. In this regard, Zalewski and Enloe (1995) observe: that “Identity determines how you are treated, what is expected of you, what you expect of yourself, what jobs are available to you” (p. 282). Therefore, Carvalhais (2007) observes that the awareness of the “other” in a society through daily experiences demographic change or “a change in population’s cultural and ethnic composition is normally accompanied by a set of specific problems” for instance, “the personal unfitness to traditionally conveyed notions of social cohesion and collective national identity; and blurred idea of insecurity and threat” (Carvalhais, 2007, p.81). Smith notes that “Ethnic identities,” is not a new concept i.e., they have existed with human history as major actors (Smith, 1986). Therefore, identity is not a new concept and should not be ignored in a discourse on citizenship construction

and inclusiveness in Ghana. Cultural identity as such, is not in itself bad but the extent to which this concept is stretched.

On his part, David Boucher believes that the assertion of particularism in contrast with universalism has given rise to what he refers to as “special rights” appropriate to persons and, or groups of persons and “[...] spheres of life within which they have social meaning and valid claims to be recognised and sustained [...]” both by individual groups involved and others in the wider community that is constituted by social pluralism (Boucher, 2008, p.377-378).

Furthermore, political theory and international relations theories have in recent times revealed common interests on the question “who are you?” or self-referentially “who am I?”. The question of identity is at the basis of this debate (Boucher, 2008, p.378). One will agree that identity defines a person and his/her role in a society. Therefore, “Identity” is not restricted to state boundaries or borders where sovereignty, legitimacy, and authority begins – principium - and ends - finis. It goes beyond ethnic groups, territories, and frontiers. It includes competing intra-national and supra-national groups that in most cases arise as a result of migration, the movement of goods and services within and across borders. Identity, just as citizenship in relation to the state, has “constitutive qualities that results from and also overlaps with the state” (Kanu, 2017, p.53). For example, we have seen how the ethnic groups in the Northern, Eastern, Western, and South-Western Regions of Ghana, spread across the borders of Ghana into neighbouring countries like Burkina Faso, Côte d’Ivoire and Togo.

Anthony Appiah, a Ghanaian philosopher, writer, poet, and anthropologist contends that in African context, the core socio-cultural and philosophical issues that confront any contemporary African of “a reflective disposition” is based on “the question of identity. A great deal of ethical and political weight is borne by many identities – ethnic, national, racial, and continental – in the life of modern Africa” (Appiah, 2006, p.538). The identity of a human, whatever the origin, is very important not from a racial, differential, and abusive context but from the point of view of realising and situating the individual in her socio-cultural and natural state so that she can accept herself as she is, and be able to relate to others within and outside her culture in a globalised world. Consequently, the late famous Nigerian poet and prolific novelist Chinua Achebe (2006) states:

“I ‘m an Ibo writer, because this is my basic culture; Nigerian, African and a writer [...] no, black first, then a writer. Each of these identities does call for a certain kind of commitment on my part. I must see what it is to be black – and this means being sufficiently intelligent to know how the world is moving and how the black people fare in the world. This is what it means to be black. Or an African – the same: what does

Africa mean to the world? When you see an African what does it mean to a white man?" (p. 538).

Achebe, draws our attention to the idea that the African as an individual, does not see himself as an isolated individual in a village but a "black person," who belongs to an "ethnic group" such as Ibo, Yoruba, Kikuyu, Bantu, Ewe, Akan, or Mende. His status or occupation is a writer with a cultural background which serves as the basis for understanding his works. This does not eliminate his identity as a person in the community – a human being.

It must be stated that identity, in most cases, defines the power-politics and the complex power relationship in African and Ghanaian politics and the ruling elites most of the times take advantage of this ideology in pursuing their politico-ideological interests with ethnic sentiments. In this regard, some African scholars criticize the introduction of party system as an ill and the form of the "democratization" process in Africa as alien to the African culture. Wamala (2006), a Ugandan scholar notes:

"Africa today is being encouraged to "democratize." Invariably, this has meant the introduction of party political pluralism. We note that the resulting "democratization process" is largely externally generated, and has not taken full cognizance of the internal cultural dynamics of societies in which these changes are being introduced. In fact, the multiparty system, as also the party system itself, is inhospitable to the consensual values of traditional Ganda society" (p. 440).

Wamala argues that the democratization process involving partisan politics is detrimental to the African people and their cultures. The principles of this type of democratization are alien to the people of Africa because they are based on parliamentary democratic principles and processes with elected representatives which is alien to monarchies in some African states and in Ghana. We must state that the epistemological roots of consensus building in traditional African societies as in Ghana helps to avoid legitimation crisis and it is at the heart of the socio-political organization and ethos of Ghanaian societies. This is absent in the implementation of the "Democratisation" process in most African countries including Ghana. African and in particular Ghanaian traditional society does not have in its political set-up an elected parliament nor people 's representatives as in Western democracies but there are modes of fulfilling or representing the people through elders.

Wamala believes that partisan politics brought about many (unfulfilled) promises made to the electorates by political parties but with inherent problems. Wamala (2006) argues:

"The party system destroys consensus by deemphasizing the role of the individual in political action. With the rise of the party system, the party replaces the "people." Thus the candidates proposed by a party no longer appear as individual men and women of

flesh and blood. What you have are party members resplendent with party cards. With the massive help of the party machine, party members will try to win the people's votes by appealing to their basest instincts and sentiments. Driven to a frenzy, the electorate, in turn, is not so discriminative. Finally, those who are elected are representatives, not really of the people but of the party, which has become a power in itself. Party members do not really have loyalty to the people whom they are supposed to represent, as is understood by the principles of political delegation" (p. 440).

In fact, the words of Wamala is a résumé of the current political trend in most post-independence democracies in Africa, including Ghana under the Forth Republican Constitution. The identity of the individual and his loyalty as a citizen is no more to the state but to the political party in power or to the party they belong. Therefore, Wamala (2006) asks: "where is the room for consensus formation?" (p. 441).

As a result, nepotism is visibly practiced in most African democracies including Ghana in addition to the post-electoral violence in which many lose their lives. We have already cited the Kenyan election-related violence of 2007-2008, the xenophobic attacks against other African migrants in some cities in South Africa, and the post-election attacks and forceful take-overs of public offices by supporters of a winning party after elections since the coming into force of the Forth Republican Constitution 1992 in Ghana though the Constitution demand integration or national unity (1992 Constitution, Articles, 17; 35; and 55).

In other jurisdictions, there were efforts at eradicating "tribalism" in the national political discourse and focus on national unity and cohesion but it has failed. Lahra Smith notes that a Kenyan intellectual has affirmed that "the postindependence project of eliminating tribalism has miserably failed" (Smith, 2013, p.23). What Kenya needs is a "constitution that names and recognizes the tribal nations within our nation" (Smith, 2013, p.23; Wainaina, 2008). This serves as the basis, in most cases, for the surge in adaption of Machiavellian principles in attaining and or retaining power i.e., applying any means to achieve their aims of attaining political power (Machiavelli, 1975).

We can equate ethnic identity to kinship related arguments such as language, blood relations, colour, culture, endogamous marriages, and religious beliefs. Yet ethnic differences go beyond the above elements. It is not related to people of the same race or culture but involves various groups. The history of Ghana has shown that there were many ethnic groups in existence before colonization through to the post-colonial era as they exist today. One of the main aims of the first President of Ghana Kwame Nkrumah, after independence, was to bridge the gap between the ethnic groups and their diversity and interests as such he introduced boarding school systems

in the country. It is this same idea that serves as the brain behind his Pan-African movement (Nkrumah, 1963). Nkrumah was faced with remodelling and rebuilding democracy in a multiethnic state like Ghana. This nation-building and the effort at national integration “[...] almost universally understood to mean a shift from subnational, ethnic, or communal loyalties to state loyalties” (Smith, 2013, p.28; Elaigwu, 1993). But Chinua Achebe states that “It is, of course, true that the African identity is still in the making. There isn’t a final identity that is African” (Achebe, 1982, p.538). The same can be said of Ghana that Ghanaian identity construction is a process and that there is no specific identity of a Ghanaian as such. But, at the same time, Achebe (1982) argues:

“there is an identity coming into existence. And it has certain context and a certain meaning. Because if somebody meets me, say, in a shop in Cambridge [England], he says “are you from Africa?” Which means that Africa means something to some people. Each of these tags has a meaning, and a penalty and a responsibility. All these tags, unfortunately for the black man, are tags of disability [...] I think it is part of the writer’s role to encourage the creation of an African identity” (p. 538).

Achebe affirms that identity is constructed, and it is an unfinished project with no fixed end. He believes that just as African democratization, African identity is in construction. In the same context, the Ghanaian identity construction is in the making and the coming into force of the Forth Republican Constitution does not finished it either. Therefore, Achebe says that philosophy and literature must work towards the construction of African and Ghanaian identity. But this is not what is seen on the grounds as a practice (Carvalhais, 2007, p.33).

Kanu makes it clear that identity is strongly linked to citizenship and that citizenship and identity are linked to the state. He notes: “The idea of identity connotes a sense of belongingness or identification with certain values, practices or ideologies” (Kanu, 2017, p.55). Furthermore, in its most basic appeal to the state, Kanu (2017), citing Haste, observes:

“any construction of identity must reflect the constitutive and communitarian qualities in its understanding, as well as in expression. While civic knowledge of existing norms and values would not be enough, authentication of identity requires that “such knowledge become salient to the individual through the experience of participation in relevant action, through the negotiation of identity with others, and through incorporating narratives about values, selfhood, and national identity into one’s self-definition”” (p. 55; see Haste, 2004, p.433).

The above reference has brought to light the need to belong to a group of people – a community - and learn from the practices and norms that guide the daily life of the group to be able to acquire the habits in their narratives. It involves participation in an activity or activities to acquire habits. It is from this context that the virtues in that communal life – and its tradition - can

be acquired to the extent of defining not only the socio-cultural life of the community but also the individual identity as a member of the whole – “the state-civil society relationship” (Carvalhais, 2004, p.34).

The struggles for identity by groups are old events in Africa and in Ghana. Though it is an age-old challenge, the apex of the fight for identity originates from the coming together of all the territories under British rule as the Gold Coast. Still, most of the people or ethnic groups consider themselves superior or autonomous for territorial identity. This reaction is a response to the modern response to jarring internal and external changes before and after independence. It affirms the idea of Makdissi that Sectarianism, like ethnicity, is about contests for power in uncertain settings (Makdissi, 2000).

As noted earlier, in the past, territories were acquired through desert conquest, tribal, or religious movements. There were identities according to cities and villages and territories based on ethnic, family, culture, and land. For instance, commenting on the political turbulence in the Middle East, Bill and Springborg (2000) state:

“In our world caught in the midst of rapid transformation, the Middle East is marked by political turbulence, economic uncertainty, and social upheaval. The dialectical clash between the challenging forces of modernity and the persistence of tradition is a fundamental reality in the region. Old human relationships crumble while new patterns are not yet born. In the midst of such incoherence, many citizens hold a vision of an unknown but promising future; others refuse to let go of a more familiar past [...] the people of the Middle East find themselves confronted by the challenges of unprecedented change” (p. 1).

This unprecedented change, as mentioned in the reference above was as a result of modernism. In a society of an Empire in which there was co-existence between ethnic and religious groups, modernity with its imperialist ideologies broke these bonds with no well-structured replacement. It was this that brought about the uncertainties and fragile state in which the region lived during and after World War I through to the era of World War II, the Cold War till the Twenty First Century. This scenario can be applied to the African as well as the Ghanaian situation in which cultural change is a challenge to most people and ethnic groups in postcolonial democracies. In this respect, Carew (2006) notes that “The unravelling of the postcolonial state is a crisis the framers of constitutional decolonization did not anticipate” (p. 464). But the Ghanaian situation is a bit improved as the constitution recognizes Customary laws and the role and offices of traditional leaders with the creation of the National House of Chiefs (The 1992 Constitution. chapter 4 art. 2; Art. 24 and 106 sect. 3).

It was stated earlier that identity is not 'genetically transmitted mentally, an ineluctable set of traits, or a communally rooted phenomenon and must not be understood as such (Carvalhais, 2007). We must underline the idea that collective identities seen from the perspective of sectarian identity level, influence, not only the political representation of the people, but also, the action and respective social organizations of a Ghanaian society. It can be said that factors such as language, art forms, ideological concept to mention a few, continue to mark the common feature uniting the people of the country of Ghana.

4.4 CONSTITUTIONAL AND LEGAL BASIS FOR GHANAIAAN CITIZENS

Wilfred Cartey and Martin Kilson, quoting Léopold Sédar Senghor, states critically that the Western and Middle Eastern world view of reality "is founded on separation and opposition, on analysis and conflict, the African conceives the world, beyond the diversity of its forms, as a fundamentally mobile, yet unique, reality that seeks synthesis" (Cartey, 1970, p.184). For the African, the idea of 'a final ultimate foundation' forms the basis for his existence. In African worldview, man, the cosmos, and the metaphysical world are in harmony. Metaphysical first principles are implied factors for intelligibility for the social and historical existence of the African. Therefore, there is resistance to postmodern perspectivism. The colonial master lacks a traditional knowledge of the teleological and ontological needs of the people in relation to the formulation of constitutions and laws.

Consequently, most of the constitutions were modelled on the Western Constitutional provisions as in the 1957 Constitution of Ghana. Subsequent constitutions of the Republic of Ghana including the 1992 Constitution made provision for the recognition of the teleological demand of the life of the people. In its preambles, the framers of the Forth Republican Constitution in 1992 state, "IN THE NAME OF THE ALMIGHTY GOD" i.e., referring to the divine or ontological aspect of the belief of the citizens as implied in their traditions (Preamble of the 1992 Constitution).

Our focus in this study is on the Forth Republic that begun with the enactment of the 1992 Constitution. But we must also note that Ghana has passed through disturbing moments of military interventions or coup d'états the first of which was against the efforts at creating a One-Party State in Ghana by the first president of the country Kwame Nkrumah. The effort at creating a one-party state, in most African countries including Ghana, was meant to foster or improve the consciousness of Ghanaians on the importance of what Kpessa et al., (2018) call "national unity" or "national question" or "national identity" (p. 2115-2117). Major problems like non consideration of the local

political boundaries, ethnic differences, tensions, and hostilities that existed prior to colonialism and before independence became a worrying problem for nationalist leaders hence their effort at uniting the people. At the same time, other politicians with different political ideologies and opponents for instance, of Kwame Nkrumah who advocated for federalism did not see the need for national unity in the content of Kwame Nkrumah¹⁴. They believed that autonomous states according to ethnic composition was a better way out. These personal ideological disagreements between Kwame Nkrumah and J. B. Danquah in the case of Ghana, has generated severe political tension between the two sides that led to the imprisonment of some of the opponents of the Nkrumah regime (see Kpessa, Béland, and Lecours, 2011, p.3). Subsequently, the outcome of the One-Party State led to “deep resentment and internal opposition to the Nkrumah regime, resulting in numerous military take-overs and unstable military regimes in 1966, 1969, 1972, 1978, 1979 and 1981” (see International IDEA, 2016).

The construction of citizenship in Africa and in Ghana has been and continues to be a complex process. It must be stated that Ghana was ruled for eleven years by a military regime under the Armed Forces Revolutionary Council (AFRC) from 1979-1980 (Ghanaweb). In what can be termed as a comeback, Jerry John Rawlings staged another coup and overthrew the democratically elected government that he handed over power to after the first coup under the Provisional National Defense Council junta (PNDC) (1981-1992). He later contested elections as the candidate for the party he formed - the National Democratic Congress (NDC) and ruled for two terms as a democratic leader NDC 1 (1992- 1996) and re-elected NDC 2 (1996-2000). The leader the chairman of the Military Junta was Jerry John Rawlings. The reign of the junta has seen a lot of excesses including the disappearances and the murder of three Judges of the High Court of Ghana in 1979 (see Ghanaweb.com, 2017). Bearing the above in mind, the drafters of the 1992 Constitution made the effort - through the Constituent Assembly - to define or redefine citizenship in Ghana i.e., who is a Ghanaian. One will argue that the long military rule has almost disintegrated and polarized ethnic groups who feel aggrieved under the Jerry John Rawlings’ long rule - as the leader of the AFRC, PNDC, NDC 1, and NDC 2 (totaling 19 years) - on ethnic line.

As a result, the framers of the Fourth Republican Constitution sort to affirm the commitment to the recognition, promoting, and protecting the human rights of all citizens as has

¹⁴ The ideological differences led to disagreements between leaders in other African countries as well for example, “Fily-Dabo Sissoko and Mamadou Konate in the French Sudan; Lamine Gueye and Leopold Senghor in Senegal; Sardauna of Sokoto, Obafomi Awolowo and Nnandi Azikiwe in Nigeria; Godwin Lewanika and Harry Nkumbula in Central Africa; and Jomo Kenyatta and Eliud Mathu of Kenya” (Kpessa, et al., 2011, p. 2116). It is true that the ethnic conflict existed during colonial rule. Ethnic and cultural divisions within the country was strategically oppressed by the governing style of the colonial administration hence there was the view that the people were united. But the reality after independence was to the contrary.

been done in other African countries (see Geschiere and Jackson, 2006, p.1-7). The framers of the Fourth Republican Constitution of 1992 in its opening declaration states:

“We the People of Ghana, IN EXERCISE of our natural and inalienable right to establish a framework of government, which shall secure for ourselves, and posterity the blessings of liberty, equality of opportunity and prosperity; IN A SPIRIT of friendship and peace with all peoples of the world; AND IN SOLEMN declaration and affirmation of our commitment to; Freedom, Justice, Probity and Accountability; The Principle that all powers of Government spring from the Sovereign Will of the People; The Principle of Universal Adult Suffrage; The Rule of Law; The protection and preservation of Fundamental Human Rights and Freedoms, Unity and Stability for our Nation; DO HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION” (p. 1).

The opening words of the preamble of the Constitution draw attention to the importance attached to the careful choice of words. It states, “IN THE NAME OF THE ALMIGHTY GOD, We the people of Ghana, [...]”. It is evident that there is reference to a divinity or “God” i.e., establishing the religiosity of the people of Ghana as Africans. As Mbiti (2006) notes, “Africans are notoriously religious, and each people has its own religious system with a set of beliefs and practices. Religion permeates into all the departments of life so fully that it is not easy or possible always to isolate it” (p. 1). Religion therefore serves as a unifying “agent” not only for communal harmony but also the harmony with the cosmos and the other world – the world of the spirits – the Creator God. Gyekye (2006) notes: “African religious activities are chiefly focused upon the relationship between human beings and the departed; which really means that man tries to penetrate or projects himself into the world of what remains of him after this physical life” (p. 26). The “universe”, to the African, is religiously “ordered” (Mbiti, 1986, p.36). Therefore, any study of or on Africans will imply a study of religion and “language” (Mbiti, 1986, p.27). Mbiti (2006) notes:

“Wherever the African is, there is his religion: he carries it to the fields where he is sowing seeds or harvesting a new crop; he takes it with him to the beer party or to attend a funeral ceremony; and if he is educated, he takes religion with him to the examination room at school or in the university; if he is a politician he takes it to the house of parliament” (p. 2).

This is not only an affirmation of the inclination of the people towards a divinity or a supreme being but a whole conception of the cosmic world by Africans and Ghanaians. Human beings are living beings in harmony with the living dead or ancestors, and God - the creator. “Ancestors” are those who lived on earth and served as good examples to emulate, defend their patria, and died peacefully or in the defense of their people and are venerated by the living and referred to as authorities in traditional discourses; “This is what the ancestors said”, “This is what the ancestors did” (Gyekye, 1997, p.257). But this mode of thinking prevents people, in most

cases, from seeing beyond or thinking outside the box. There is no separation between the real cosmic world, man, and God - the creator – in whom they - Africans - believe hence “in traditional society there are no irreligious people” (Mbiti, 2006, p.2). This is affirmed by Mbiti (2006) who arguments that:

“To be human is to belong to a whole community, and to do so involves participating in the beliefs, ceremonies, rituals and festivals of that community. A person cannot detach himself from the religion of his group, to do so is to be severed from his roots, his foundation, his context of security, his kinships and the entire group of those who make him aware of his own existence”. [...] Therefore, to be without religion amounts to a self-excommunication from the entire life of the society, and African peoples do not know how to exist without religion” (p. 2).

The religiosity of the people of Africa and of Ghana is not in dispute. It is a sign of the continuous maintenance of peace and harmony among the people. It is not strange that the word “people” was used instead of “citizen” to refer to the “true” inhabitants of Ghana. The Ghanaian sees each other as a people living a communal life that is recognised by the 1992 Constitution.

The 1992 Constitution has articulated in clear terms the recognition of individual, ethnic, and regional differences yet went ahead to state the importance of unity of the people. It promulgates a constitution that stresses the “natural and inalienable right” of the people. It defends the liberty of all people - with exceptions as stated in Art 14 - equal opportunity, and prosperity for all in the “spirit” of friendship and peace among the people and with all other people in the world. But Manby, reminds us that citizenship laws in post-independence African countries were gender discriminatory (2014, p. 174-175). Therefore, this position in the 1992 Constitution in Ghana is not a panacea for liberty or freedom for all.

The exceptions to the freedom of expression and movement as expressed in the 1992 Constitution occurs when there is execution or a court order in relation to criminal offence that leads to conviction. At this moment, the person loses his freedom to free movement, and freedom of expression. It can also occur in a case of contempt of court for which punishment is meted out to the person i.e., disobedience to an order from a Court of competent jurisdiction or denigrating or prejudicial statements are made on a case before the court. Limitations occur when one is brought before a court either through arrest of subpoena, a person suffering from infectious diseases or unsound (mentally challenged) or drug addiction or welfare of a teenager as a measure of education or on a reasonable suspicion of committing an offence or crime or during extradition of a suspect to or from Ghana. In all, the person or persons involved shall be informed of the crime

or offence (Art. 14[1 and 2]) before or at the time of the execution of the order. The traditional call for communal living “being with” is stressed by the framers of the constitution.

Also, the Constitution underlines the importance of freedom of the people. The 1992 Constitution states, that ‘All persons shall have the right to freedom of speech and expression, press and media, academic freedom; freedom of thought, conscience, belief, practice; freedom of religions and manifestation of the same’ (Art. 21). The Freedom of speech, worship, assembly, movement – of people, goods, and services - and justice for all the people is guaranteed. Freedom of association, demonstration, processions and of formation and belonging to political parties are given constitutional support. It promotes property ownership and privacy to individuals and groups, probity and accountability are rights given to all people. Government is to be formed based on the “Sovereign Will” of the people. The constitution vests power in the people. This “Sovereign Will” is based on the principle or concept of Universal Adult Suffrage or common suffrage i.e., the right of all adults to vote.

In addition, it is stressed the principle of Rule of Law (hence the supremacy of the Constitution) by which all people, including political actors, are called upon to play by the rules of the State. The sovereign power resides in the people with the recognition of individual rights. One can notice the efforts of the framers of the Constitution to minimize ethnic affiliations and “tribalism” i.e., entrusting political power to the people instead of ethnic, regional, or religious affiliations. Therefore, identity is not based on ethnic affiliation, religious beliefs, groupings, or political affiliations, but on national identity.

Of key interest to our work is the constitutional position on “protection”. The Constitution states “The protection and preservation of Fundamental Human Rights and Freedoms, Unity and Stability for our Nation [...]” as elaborated in the Articles 12 to 21. Ghana has signed many international treaties, including the Universal Declaration on Human Rights of 1948. The Constitution gives equal rights to women (granting leave with pay during antenatal and postnatal periods for nursing mothers Art. 27), children, spouses (Art. 22; Provisional National Defence Council Law 111/112, hereafter called simply PNDC Law), the physically challenged or disadvantaged people, and the right to work (Art. 24). It can be said that the PNDC Law 111/112 is a follow up on the implementation of what has already been discussed as Principles in the Declaration of Mexico in 1975 in the “Report of the World Conference of the International Women’s Year” held in July 1975 in Mexico which calls for “equal dignity for women” (See Mexico Declaration 1975) .

Ghana has signed also many other treaties but the actual implementation of those treaties is a different story. The PNDC law 111/112 supports the need to implement the ideas or accords signed, in other ordinary laws of the state of Ghana. In parallel, this law also predicts that restrictions to freedom of the individuals may occur in extreme cases, therefore not even the rights of the president are absolute, which is understandable in a democratic regime.

It must be noted that Article 6 of the constitution states: “Every person who, on the coming into force of this Constitution, is a citizen of Ghana by law shall continue to be a citizen of Ghana” (Art. 6[1]). In fact, the word used in this article is no longer “people” but “citizen” of Ghana. The questions that here come to mind are thus ‘who is a citizen?’ ‘Who is a Ghanaian?’. To this, the Constitution is silent. Previous constitutions are also silent on this issue of who a “citizen” of Ghana is. For instance, the 1957 constitution states: “citizen of Ghana” means any person who, by the law of Ghana has the status of a citizen of Ghana and, pending the enactment of such a law, mean a British subject or a British protected person” (Ghana Const. Order in Council 1957 Art. 1) This reference or definition before the country attained its republican status, lacks legal basis or backing as to which law makes a person in Ghana a Ghanaian. It rather speaks of a law that will later be established. Therefore, as at the time of the 1957 constitution, there is no law that defines who a Ghanaian is.

The constitution of 1960 did not establish any specific law that defines who is a Ghanaian. Article 1 of the 1960 constitution states:

“That, without distinction of sex, race, religion or political belief, every person who, being by law a citizen of Ghana, has attained the age of twenty-one years and is not disqualified by law on grounds of absence, infirmity of mind or criminality, shall be entitled to one vote, to be cast in freedom and secrecy” (Const. 1960, Art. 1).

Article 13 of the 1960 Constitution recognized the role of chiefs “That Chieftaincy in Ghana should be guaranteed and preserved” (Art. 13). The concern here in relation to our work is not about the right to vote but the idea that “[...] every person who, being by law a citizen of Ghana [...]”. The question is: which law defines who a citizen is? One can argue that there is no specific law so far mentioned or referred to that defines a Ghanaian citizen. The question of the “law” is not stated not stated. For instance, Marshall sees “Citizenship (or nationality)” as “the legal relationship between an individual and a state, in which the state recognizes and guarantees the individual’s rights” (Marshall, 1963). Commenting on the effect of migration on citizenship, Yang-Yang Zhou (2017) notes: “More broadly, citizenship implies an emotive tie between citizens and the imagined community of their nation, engendering solidarity and social cohesion amongst each other and

legitimacy to the state (Anderson, 1982; Gellner, 1983)” (p. 1). The Ghanaian Constitution has no law that defines “citizenship” or has the parliament of Ghana passed a Legislative Instrument (LI) on the definition of who is a citizen of Ghana.

The Fourth Republic Constitution enacted in 1992 is silent also on that law, though it notes: “Every person who, on the coming into force of this Constitution, is a citizen of Ghana by law shall continue to be a citizen of Ghana” (Art. 6[1]). But no such law existed in the past or at the time before the coming into force of the new constitution that defines who is a citizen. Consequently, any foreigner in Ghana before the coming into force of the 1992 Constitution can equally register, claim to be a Ghanaian, or opt for citizenship.

But there is something new in the 1992 Constitution. Indeed, the new Constitution brought a novel idea, stating that: “Subject to the provisions of this Constitution, a person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was a citizen of Ghana” (Art. 6[1]). This has given a new twist to the issue of who is a Ghanaian. It has shown that there is the notion of being “born in or outside Ghana after the coming into force of this Constitution.” Thus, those born in Ghana after the Gazette i.e., officially published or announced in a State newspaper on 15th May 1992, are Ghanaians. Those born outside the jurisdiction of Ghana but whose parents are or one of his parents is or was or whose grandparents are or were Ghanaian can be a citizen of Ghanaian or is a Ghanaian. In this context, there is a clear definition of who a Ghanaian is at least, for the first time in the constitutional history of Ghana. A child less than the age seven (7) found in Ghana whose parents are not known shall be registered or considered a Ghanaian (Art. 6[3]). Furthermore, a child under the age sixteen (16), who is not a Ghanaian but is adopted by Ghanaians or a Ghanaian shall, by virtue of his adoption, be a citizen of Ghana. There is also recognition of a person born after the death of a parent as a citizen of Ghana in relation to the citizenship of the parent before death (Art. 10 [1 and 2]). Citizenship can also be acquired according to the legislative instrument in force on the condition that he can speak one of the local languages (Art. 9). Those who reside permanently in the country are eligible to acquire Ghanaian citizenship under parliamentary provisions or legislative instruments (LI) as stated under Article 7[1]. Children of couples whose marriages are registered in Ghana are citizens (Art. 7[4]).

Also, the Constitution provides for the cessation of citizenship of a person i.e., citizenship is not irrevocable or is not absolute. It has established in clear terms not only who a Ghanaian is but also under what condition a person can cease to be a Ghanaian. The Constitution 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” (Art. 8[1]). A citizen who renounces his nationality voluntarily, ceases to be a Ghanaian. It also prohibits dual nationality.

“A person who becomes a citizen of Ghana by registration and immediately after the day on which he becomes a citizen of Ghana is also a citizen of some other country, shall cease to be a citizen of Ghana unless he has renounced his citizenship of that other country, taken the oath of allegiance specified in the Second Schedule to this Constitution and made and registered such declaration of his intentions concerning residence as may be prescribed by law, or unless he has obtained an extension of time for taking those steps and the extended period has not expired” (Art. 8[2]).

A person who has or obtains Ghanaian nationality and immediately acquires a citizenship of another country ceases to be a Ghanaian citizen unless he renounces the citizenship of the other country and reregister by going through the necessary processes as stipulated by law. A Ghanaian who renounces the citizenship of another country that he acquired – having then lost his Ghanaian citizenship - shall, become a Ghanaian citizen. Having established some of the above ideas, let us turn to the rights and duties of a citizen of Ghana.

4.5 RIGHTS AND DUTIES OF A GHANAIAN CITIZEN

In the wisdom of the framers of the 1992 Constitution as stated in the preamble, the people of Ghana ascent to “the protection of Fundamental Human Rights and Freedom, Unity and Stability” of the Nation. In fact, the formation of the constitution is a natural “right” of the people. Therefore, it calls on all citizens to protect the fundamental human rights and freedom of the people and defend the Constitution to the point of using arms (Art. 3[4]). The Constitution stipulates that the “Sovereignty of Ghana” resides in the people of Ghana and their welfare (Art. 1[1]). Hence the right to defend it and resist any attempt at its subversion, overthrow, abrogation, or suspension.

Chapter Twelve of the 1992 Constitution is dedicated to the Fundamental Human Rights and Freedom of all citizens. It states that the fundamental human rights of the people of Ghana shall be respected by the three arms of government i.e., the Executive, Legislature, and the Judiciary (Art. 12[1]). It must be respected my all government agencies and all legal persons in Ghana and shall be enforced by the law Courts as defined by the Constitution. Clause two (2) of the same article says that every person in Ghana shall be entitled to the fundamental human rights and freedom of the individual no mater his race, class, ethnic or political inclination, religion, creed,

or gender but this is subject to the respect for the rights and freedom of others and for the larger public interest (Art. 12[2]).

Gorham (1995) states: that in “providing rights, society and the state do not simply give them to citizens gratis; citizens must, on the other hand, subject themselves to the procedures and institutions necessary to ensure that the state can continue to provide rights” (Gorham, 1995, p.29). Therefore, citizenship implies obligations on the part of the state and vice versa. This is what the people of Ghana sought to do. In this regard, the Constitution states that every person is entitled to personal liberty and no person shall be denied or deprived of his liberty except as provided by law (Art. 14). For instance, drug addicts or vagrants or alcoholics, serious infections, those ordered by a court of competent jurisdiction or sentences for criminal offence for rehabilitation, contempt of court, and for the purposes of education to mention a few. It states: “All persons shall be equal before the law” (Art. 17[1]) and that “No person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted” (Art. 13[1]) This article prohibits the taking of lives of others but there are exceptions to this Constitutional provision. A person may take the life of another in defense of violence on another person or in defense of property. It can be legal if it is done in a lawful arrest or preventing a person from escaping from lawful arrest, suppression of riot, insurrection, or in a situation of mutiny in an effort to prevent the committing of crime (Art. 13[2a, b, and c]).

The Constitution provides that a person arrested shall be informed immediately of his offence in the language he understands and the reasons for his arrest, detention, and or restriction and his right to a lawyer (Art. 14[2]). The detainee shall be presented or brought before a court within forty-eight hours after his arrest (Art. 14[3]). This is an affirmation that individual rights are preserved and defended by the constitution as it states: “A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status” (Art. 17[2]). This Article falls in line with Article 18 that establishes the right to property ownership by all people either as individuals or as a group (Art. 18[1]) and Article 19 that speaks on the right to fair hearing to all citizens (Art. 19[1]). This further explains the Constitutional position that all peoples are or shall be equal before the law. But a person charged with treason or high treason shall be tried by a judge and a jury and the penalty is life imprisonment or death, but when the sentence is death, the decision of the jury shall be unanimous. For life imprisonment, the

decision shall be by majority (Art. 19[2]). The Constitution provides for the formation or extinction of civil right groups and the conditions on which there can be adjudication (Art. 19[13]).

But it is not surprising when Ban Ki-moon, the former Secretary-General of the United Nations states; in his opening remarks in a “Moratorium on the use of death penalty” in 2014, that “The death penalty has no place in the 21st century” (Ban, 2014). This comment was made after the long years fight by the International Covenant on Civil and Political Rights (ICCPR) which begun in and around the 1960s with the aim of ending capital punishment or death penalty. Ban Ki-moon’s statement draws our attention to the fact, that though many member countries of the UN including Ghana - whose membership dates back to 8th March 1957 and signatory to the Universal Declaration of Human Rights 1948, - the discourse on the abolition of capital punishment to be specific death penalty has seen little or no progress.

The constitutional position on human rights and freedom as partially stated above is clear on the need for equality of all before the law as far as citizens are concerned in terms of gender balance. It speaks of the liberty and freedom of all citizens and frowns on slavery or servitude and forced labour. The 1992 Constitution speaks of equal rights to education and working conditions of all citizens and the defense of human life - rights. Yet Article 3, clause 3b (Art. 3[3b]) still maintains the death penalty which has not been annulled or repealed in the constitution though none of the Presidents of the Fourth Republic has signed the execution of those condemned to death.

The 1992 Constitution recognizes and respects ethnic groups and calls for the promotion of ethnic diversity: “The State shall actively promote the integration of the peoples of Ghana and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs.” (Art. 35[5]). There is constitutional recognition of the cultural diversity of the people of Ghana hence an attempt or provision for the integration of all. Though this is stated in the Constitution, there are still challenges as will be discussed later in our analysis, but the fact remains that there is a vision for integration of all into the socio-cultural and political life of citizens in the country. In spite of this, the Constitution affirms the supremacy of loyalty of citizens to the state over loyalty to ethnic, sectoral, or any other interest groups. In other words, State’s interest overrides ethnic, religious, or any political interest. To promote this entrenched Constitutional position, the framers of the 1992 Constitution said that the formation of political parties “shall have a national character” and shall have membership devoid

of ethnic, religious, sectoral, or regional connotations or divisions or identities (Art. 55[4]). Party paraphernalia should not bear religious, ethnic, or regional symbols (Art. 55 [7c]).

But with the above arguments, can one say that the constitutional provisions are being implemented in Ghana in view of building citizenship and enhancing integration of all people? The existence of forced labour, disguised forms of modern slavery, abuse of women and children, salary disparities based on gender bias, are current phenomena in Ghana that legitimate the need for the previous question. Likewise, we wonder about the real opportunities that are being enhanced to promote the integration of the physically challenged and of rural folks in education, public spaces, and labour market. To explain better what these worries signify, we will look now, though briefly, into the particular case of gender (im)parity in Ghana.

4.6 GENDER PARITY

Ghana has a rich political history. In precolonial era, there were prominent women whose role were recognized and who are honoured till date. But lacking in this history is a discourse on women political history or the role of women especially in postcolonial history of Ghana. In precolonial era, reference can be made to Yaa Asantewaa, a leading political figure in Ashanti history who led a war against the British; in the struggle for the protection of the Golden Stool, known as the Yaa Asantewaa War in early 20th century to be precise 1900-1901 (Adu Boahen, 2003). This happened at the time that most Asante chiefs were in exile as the British demanded for the Golden Stool which is the symbol of unity and authority of the Asante Kingdom. She is still venerated for her role in the history of her people and Ghana. Yet there is lack of women political history in the historiographical discourse of Ghana. It does not mean that women do not play roles in the pre-independence and post-independence history of Ghana, but that women role has been treated as a “footnote” in the historical discourse in Ghana.

On his part, Francis Mading Deng, a South Sudanese scholar and diplomat, made a statement that is important and informative to our discourse on gender parity. Commenting on the sensitive issue of gender equity in Africa, Deng (2008) argues:

“A constitution can address issues of gender and level the playing ground between men and women by providing gender equity and non-discriminatory treatment. For example, a constitutional provision can grant women a certain percentage of seats in official and representative bodies of the nation. However, just as is the case with human rights, national context is crucial. The example of a women’s quota for seats in parliament might be regarded as too provocative within certain cultures and thus may be deemed an inappropriate provision for the constitution” (p. 180-183).

Deng draws our attention to the idea that gender parity or equity is a problem that is evident on the African continent i.e., revealing the poor state of the relationship between the state and the society and within societies. His statement is not only a problem in Sudan or Southern Sudan but also in other African countries including Ghana. He believes, that in the framing of a constitution, efforts must be made to address the issue of gender equity with specificity. The composition of a Constitution of a state can address gender related issues to promote gender equity thereby encouraging inclusion and equality for all as citizens to diminish discrimination.

Deng states that Constitutional provisions can be made to promote women's participation in politics and other social activities as a civic right of women for instance, the legislature can allocate number of seats to women to promote gender balance. But he is aware of the cultural dynamics at play in most African countries including Ghana hence his call for considering the national inclination towards women. He believes that this call might be provocative in some traditions and to some cultures where women are considered as the "underclass". In the Ghanaian context, the 1992 Constitution recognized this by stressing on equality for all without prejudices to gender i.e., promoting a level playing field for all citizens. But it failed to create concrete steps towards the realization and implementation of the checks and balances against gender inequality. One can argue that the role of the legislature is to bring the constitutional position to concrete or practicality, but it has not been done either.

We have stated earlier that Ghana is a multicultural country. Most cultures are patrilineal except the Ashanti culture which is matrilineal. Yet there is a common element that runs through all these cultures that is the "look-warm" attitude towards women. The preconceived ideas for instance, that the place of a woman is the "kitchen" and that educating a woman is a waste of resources because her wealth is for her husband lead to the cold attitude towards promoting women rights. James Emmanuel Kwegyir Aggrey (1875-1927), a Ghanaian scholar, missionary, and educationist in the Gold Coast is quoted to have a contrary view on women expressed his view on "Education" thus:

"I do not mean simply learning. I mean the training of the mind, in morals and in a hand that helps to make one socially efficient. Not simply the three R's, but the three H's the head, the hand and the heart [...] No race or people can rise half slave, half free. The surest way to keep a people down is to educate the men and neglect the women. If you educate a man you simply educate an individual, but if you educate a woman, you educate a family" (Ephson, 1969:5).

Kwegyir Aggrey's ideas express the need for educating boys and girls i.e., giving equal opportunities to all children of school going age. This laudable vision before independence should

have been a guiding principle for leaders but no, it was not. In traditional Ghanaian societies, women are educators – they raise children. Educating a woman is educating her offspring i.e., children and grandchildren. This was expressed in the early part of the twentieth (20th) century but it has been relegated to the background. Till date, even those women who fought against all odds and rose to higher levels in education and in public services sector are called names and tagged as deviants or people who are placed at their positions not on their merits but due to favours. For example, the appointment of a woman in her forty's (40s) Mrs. Charlotte Osei on the 26th June 2015 as the Chairperson of the Electoral Commission (EC) of Ghana by a sitting president according to Article 70[2] of the 1992 Constitution was met with a suit in a court and it is still in litigation at the Apex Court of the land because she is suspected to have been favoured by the President to occupy that office not on merit (See Daily Graphic Online 2015). But nobody challenged her academic competence and capacity. There are still disparities in salaries of women and men of the same scale at workplaces.

In most parts of Ghana, though there has been effort at promoting girl child education in the country as stated in Article 25[a] that “basic education shall be free, compulsory and available to all”, the ratio of boys to girls in most schools in Ghana is still low especially in the northern part of the country especially in the hinterlands. Child marriages also prevent young girls or minors from going to school though there are laws that protect children against this practice. This resulted in school dropouts and teenage pregnancy.

It is in this context that the word “underclass” was used to express Myrdal's argument that because of “inadequate schooling and a paucity of marketable skills” as in the case of majority of rural folks especially women and the lack of government support, a growing segment of the disadvantaged in our society is consigned to the very bottom of the economic class structure in Ghana. This has led to a major problem of rural-urban migration of most of the youth who in most cases find it difficult to integrate in their new urban communities as will be demonstrated subsequently.

In fact, wealth creation and economic success of women is frowned upon by many but for men, it is accepted as “normal”. The rhetorical question one can ask is where is the principle of equality of all before the law, the right to work in a healthy condition, receive equal pay for equal work without distinction of any kind and the equal right for all citizens as stipulated in Article 24? Also, Article 25 states that all citizens have the right to equal opportunities to education but is it what is practiced? Unequal opportunity for women to progress in the society has created an

economic restriction or segregation between men and women hence the poverty rate among women in Ghana is higher than men. Let us have a look at the literature and the role of multiculturalism.

CHAPTER V

5. CONSTITUTIONAL REFORMS AND MIGRANT INTEGRATION

The formulation and implementation of the Forth Republican Constitution in Ghana in the period under consideration (1992 - 2012), has neither been easy nor smooth due to many factors as will be elaborated later. But before discussing the reforms and how they came that far, let us look at some basic issues that confront Ghana i.e., provoking the need for amendments of the Forth Republican Constitutional position on citizenship.

5.1. MULTICULTURALISM/INTERCULTURALISM – ACKNOWLEDGING CHALLENGES, EMBRACING NEW OATHS

Countries and cultures in the world, are challenged due to various phenomena, among which is the easiness and speed of people ´s movements from one place to another. This has certainly brought an entire new meaning to multiculturalism as a concept that has been discussed earlier. Migration, in the case of Africa is extraordinarily complex. It is mostly caused by long years of civil wars, ethnic conflicts, political instability, hunger, draught, political and ethnic persecution, and a search for greener pastures due to economic hardships and failed states. This affirms the call of Yang-Yang Zhou: “As forced migration reaches unprecedented levels, understanding how it impacts local, host communities is critical” (Zhou, 2017). It is necessary thus to look at the effect of migration on Africa and particularly on countries such as Ghana. Carvalhais (2007) reminds as that nations face “challenges deriving from globalization process” that affects “citizens´ expectations about their social and economic rights that were granted by the state and have been traditionally supported by its welfare mechanisms” due to what she calls “international human mobility” or “international migration flow” (p. 2-3). She believes that the integration of immigrants in a society has a long-term consequence for the political elites, and we might add, the individual migrant and the society as a whole (Carvalhais, 2007, p.8).

A look at Ghana ´s situation reveals that there is a challenge to ethnic relations, as indigenous people see others residing among them as a threat or as enemies instead of people in need of security and peace in most cases. The threat or at least the perception of its existence provokes conflicts, identity struggles, other internal migrations, and causes difficulties in terms of immigrant integration in communities and the society (Carvalhais, 2007). Traditional trans-border co-operations are put to test and are threatened due to globalization trends, creation of entities

based on economic interests such as the European Union (EU), the Economic Community of West African States (ECOWAS), and removal of trade barriers between states. In parallel, diversity management within such economic-political spaces, is lacking a new orientation after the failure of multiculturalism as interculturalism is still an emerging paradigm that cannot be said to be already widely implemented and embraced. What then of African countries like Ghana?

In Africa, there is tension between the Democratic Republic of Congo and its neighbours like Rwanda, Burundi, Uganda, Sudan, and now South Sudan as evidence of the difficulties that exist (Shah, 2014). The Liberian conflict and its spillover to Sierra Leone, Guinea, and later Cote d'Ivoire are other examples. This argument is affirmed by Monie Captan, a former Foreign Minister in the Charles Taylor's regime in Liberia,

“[...] during the various phases of the Liberian civil war, Sierra Leoneans, Ivorians, Burkinabes, Ghanaians, Gambians, Senegalese, Guineans, among other nationalities, fought for at least one faction. The same had occurred, with Liberians involved, in other conflicts that had emerged in the sub-region, including conflicts in Sierra Leone, Guinea Bissau, Guinea, and Cote d'Ivoire” (Ghana News Agency, 2004).

This affirms the idea that conflicts are contagious and spill over to neighbouring states. Captan noted that the prolonged nature of the conflict in Liberia had generated a pocket of mercenary groups operating in the sub-region. Ghana is not exempted from this threat as there is still uneasy calm between Ghana and Togo due to the political turmoil in Togo. Bensah Emmanuel believes that ECOWAS had the same fear of the spill over of conflicts in the region hence it created her intervention in the conflict in Liberia by the formation of ECOWAS monitoring group ECOMOG for fear of “regional instability” (Ghana News Agency, 2012). The above difficulties led to the evacuation of refugees to safety in Ghana. Though some of the refugees have been repatriated to their countries, there are still 7% of the migrant population from Liberians in Ghana¹⁵. It is also clear that the spill over effect puts Ghana on the alert for the fear of her fragile internal security i.e., a threat to her domestic democracy.

This is an affirmation, that the concept of citizenship is challenged as “indigenous” people who are citizens feel superior to and threatened by “the other” (Carvalhais, 2007) – foreigners whose status is in debate. Our attention in this project is on Ghanaian citizens who live outside Ghana legally or illegally. This includes, those studying outside the country, immigrants for various reasons among which is the search for greener pastures, those who went out of the country to fight

¹⁵ The origin of Migrants in Ghana is as follows: “Togo 22%, Nigeria 17%, Burkina Faso 14%, Niger 3%, Benin 4%, Liberia 7%, Côte d'Ivoire 8%, Other North 10%, Other South 14%” (UN DESA, 2015, UNHCR, 2017, MGSOG, 2017). At the same time, Ghanaians also migrate with mainly to the West (Europe and United States of America).

wars in neighbouring countries, the sub-region, also in Libya and Iraq on the side of the factions involved. For instance, the government and the various warlords or rebel factions in Liberia, Sierra Leone, and in Côte d'Ivoire for monetary gains or on ethnic affiliations. The group also include ex-military personnel who staged failed coups and went on (self-imposed) exile for fear of being court marshalled for violating the constitution. It is a fact, that some of these ex-combatants have returned to Ghana. But there is no “updated” official records of Ghanaian emigrants who have returned to the country, but it is an open secret that some of those who left the country for good or bad reasons have returned. The table below shows the number of Ghanaian emigrants in other countries. At the same time, the table below shows the details on migrants from Ghana and their destinations.

Table 2

Refugees and Asylum Seekers from Ghana by Country of Destination, Mid – 2016

<u>Country of Destination</u>	<u>Refugees</u>	<u>Country of Destination</u>	<u>Asylum Seekers</u>
Togo	9,608	Italy	2,693
Italy	3,027	South Africa	2,681
France	524	Germany	2,429
Canada	301	USA	866
United States of America	301	Brazil	572
Others	966	Others	1,459
Total	14,727		10,900

(See UNHCR, 2017)¹⁶

The table indicates that Ghanaians also immigrate to neighbouring countries and even beyond. Togo registered the highest number in the subregion. But Europe serves as a hub for many Ghanaians as refugees and also migrants in search of greener pastures. There are many professionals who left the country due to inequality in salaries and poor remunerations. The health and educational sectors are the most affected as shown on the table below.

¹⁶ UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), International Organization for Migration (IOM), and UNICEF. (2017, April). Refugee and Migrant Children- Including Unaccompanied and Separated Children - in Europe: Overview of Trends in 2016. (Retrieved: https://www.unicef.org/eca/Factsheet_refugee_migrant.pdf).

Table 3**Immigration of Health Professionals or Workers 1999- 2004**

Main Cadres	1999	2000	2001	2002	2003	2004	Total
Doctors	72	52	62	105	117	40	448
Pharmacists	49	24	58	84	95	30	340
Allied Health Workers	9	16	14	12	10	8	69
Nurses/Midwives	215	207	235	246	252	8	1237

(see Awumbila, 2008)

Some of these emigrants have returned either as retirees or do visit Ghana. But one thing is clear, immigration of Ghanaian health workers and other professionals is alarming. One can ask; *do these exiled, “refugees” - including ex-combatants -, and other people who are living in Ghana, qualify to be citizens and have the “right” equal to those who are citizens by birth or origin?* This kind of question exemplifies quite pungently the type of challenges that confront countries like Ghana as well as many others in Africa and other parts of the world. The case of Ghana is more complex because there are millions of Ghanaians who have no formal identification. The borders are porous for easy entry and exit hence the difficulty in stating who is a Ghanaian and who is not a Ghanaian. Consequently, it is difficult to state – statistically – the number of Ghanaian ex-combatants or fugitives that returned to the country. The difficulty arises due to absence of records on the part of past and present Governments on these detailed. Also, families and friends who know some of these people will not reveal their names for fear of persecution.¹⁷

For instance, confronted with the challenges of multiculturalism, the Council of Europe (2013) notes:

“Globalisation has created an era of ‘super diversity’ in which most western societies have become far more dynamic and complex. This has impacted upon notions of both personal and collective identity and necessitates a re-think of policy and practice and a new vision of how we live together [...]” (p.1).

European countries have realised that multiculturalism is as much a solution as it is a challenge confronting most nations, with great influence on identity issues. Therefore, policy approach towards the “super-diversity” that globalization has created, should be changed

¹⁷ We must state that many people fought on the part of Samuel Doe’s government and warlords like Charles Taylor, Roosevelt Johnson, Sam Bockarie also known as “General Mosquito in Liberia, The Sierra Leonean Government and the rebel leader Fode Sankor were also helped. The same can be said of Côte d’Ivoire thus Gbagbo and Alassane Ouattara.

according to the signs of the time. Multiculturalism must be thus accepted, and such pragmatic approach is in fact, needed to address the reality it presents. Because it has affected the idea of identity at both personal and collective or communal levels, there is the need to adopt a new way of accepting to live together: the way of interculturalism.

Indeed, the Council of Europe concluded that “[...] we must all begin” to work towards communal cohesion. So, it calls for a new approach - “interculturalism” - which is not based on ethnic or “racial” identity, but “embraces all areas of difference” and which is not based on mere co-existence but on actual inter-relations as ways to meet and know each other. This is meant to create solidarity. It is a call on all to engage with “difference” - cultural difference i.e., a detachment from our community certainties and principles. Zagar (2001) summarises it better, by stating that the construction of common European identity could be realised as a long-term project through multiculturalism and interculturalism to eliminating “existing exclusionist nationalist concepts and politics” (Zagar, 2001, p.337). In this regard, one will agree with Putnam (2000) that

“successful immigrant societies create new forms of social solidarity and dampen the negative effects of diversity by constructing new, more encompassing identities. Thus, the central challenge for modern, diversifying societies is to create a new, broader sense of ‘we’” (p. 4).

In fact, the idea is that “successful migrant societies” contribute to the well-being of a society in diverse ways as such what modern diversifying societies must do is to create a broader sense of what Putnam refers to as a “`we’” that is inclusiveness. This calls for a sense of inclusiveness on the part of migrant societies and the recipient communities and states. How does Ghana approach this problem and the challenges posed to its concept of citizenship?

5.2 THE CHALLENGES OF CITIZENSHIP IN GHANA

The dynamics in the Western world is a reality not very different from the problems that Africa and Ghana have to face. Our focus here is on the construction of citizenship and citizenship enhancement in Ghana. But to arrive at this, we need to consider the reality in Ghana, that is, to look at those who live in the country, others who left the country in search of greener pastures and citizens of neighbouring states residing in Ghana under refugee and other status. The word “Refugee” as used here is in accordance with the definition of the Convention on the Status of Refugees of 1951, which defines a Refugee as:

“someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership

of a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” (The 1951 Convention Relating to the Status of Refugees, Article 1§2,).

The above definition notes that a “refugee” is not only a person fleeing from war or conflict but also with a real “fear of being persecuted” based on one’s race, ethnic group or a social group that one belongs. The cause of fear can be political opinions, ethnic belonging, or religious beliefs for which they are “unwilling” to return to their countries of origin. It could be then that a person might not be a citizen of a country but simply residing there for a long time, feeling unsafe to go back to one’s country due to insecurity. Therefore, refugee is used in this work in a broader sense, though Ghana’s situation in terms of refugees is mostly due to political persecutions and displacements during civil strife or wars and the search for peace. It does not mean that other types of refugees and migrants do not exist in Ghana. There are all classes of refugees in Ghana including young girls running away from forced marriages yet most of them are political refugees arriving from other countries. The table below shows the origin of migrants in Ghana as reported by United Nations Department of Economic and Social Affairs and Population Division (UNDESA) 2015.

Table 4
Refugees and Asylum Seekers in Ghana, Mid-2016

Côte d'Ivoire	10,935	Côte d'Ivoire	790
Togo	3,274	Togo	458
Liberia	1,368	Sudan	245
Sudan	313	Central African Rep.	148
Central African Rep.	139	Syrian Arab Rep.	86
Other	363	Other	298
Total	16,392		2,025

(Source: UNHCR, 2017).

It must be stated that poor culture of record keeping in Ghana, the porous crossing points or borders into the country, and ethnic affiliations among people living closer to the borders contribute in large extent to the number of known but unregistered refugees in Ghana. Some of the people only register with the Ghana Refugees Board when there are remittances.

Yang-Yang Zhou notes that “Global forced migration has reached unprecedented levels” as a result, the discourse on multiculturalism and interculturalism are key concepts that must be considered in the formulation of laws on citizenship for instance, in Ghana. Furthermore, Zhou argues that “the presence of refugees can play an unexpected role in national boundary-making, specifically citizenship consolidation, for border regions belonging to nation states that were artificially created” (Zhou, 2017, p.8). This is just one of the threats that this reality poses to the security situation in Africa and in Ghana.

Ghana is surrounded by Francophone countries all of which had gone through civil strife and wars. This led to forced migration into Ghana or movement of displaced persons to Ghana. For instance, some Liberian refugees are still residing in Ghana in a suburb of Accra known as Kasoa and Budumburam which is now a city on its own, Ayanfuri in the Central Region of Ghana (See Awumbila M., et al., 2008). The same can be said of Sierra Leoneans. But how has the state of Ghana been progressing on the issue of citizenship in the Forth Republican Constitution? What are the steps taken in terms of policy making towards cohabitation, integration, political participation, and the establishment of a broader sense of “we” amid cultural sense of diversity such that citizens and non-citizens feel belonged?

It is never enough to underlined that our concerns in this work go beyond the need to rethink the terms of inclusiveness of Ghanaians within national citizenship. We are interested in questioning the terms of citizenship as a land and language of inclusion and empowerment where individuals may have a place and a say, regardless of their place of birth or ethnic belonging. This is all the more relevant as the population of Ghana reveals great demographic complexity as shown in the **Table 1** above (see unstats.un.org, 2011).

5.3 CONSTITUTIONAL AMENDMENTS ON CITIZENSHIP

The notion, concept, and laws on citizenship has been the born of contention in most post-independence African countries or states. The contention hovers around who “belong” and “who does not belong”. Manby draws our attention to the central issues of “the act of being a citizen” instead of limiting the debate to “citizenship as a political instrument or instigator of conflict” (2014,

p.169). It has been noted earlier in this work, that Ghana is signatory to many international conventions¹⁸ but when it comes to integrating those policies and conventions into laws and daily practices, it becomes a challenge. Roland Aminzade observes, that “citizenship or membership in political communities, spans a range of spaces, from the local to the global,” yet “the nation has become a central locus of political community around the globe, providing a key source of political belonging and identification in the modern world” (2013, p.335). Furthermore, “the process of developing policies governing membership in this community, or access to national citizenship, always involves exclusive as well as inclusive dimensions” (Aminzade, 2013, p.335). Subsequently, the 1992 Constitution of Ghana is not sacrosanct or a perfect document. It is a product of a military regime¹⁹. It has imbedded in it what Charles Tilly (2005), refers to as “the creation of “others”, and “the politicisation of us-them boundaries” (p.181). Its formulation was also marred by the rejection of the then opposition parties that did not accept the strategy of a military leader metamorphosing into a democratic president. Therefore, they did not participate in the formulation of the 1992 Constitution and campaigned for “NO” in the Referendum of April 1992 that ushered in the Constitution (see Ghanaian Constitutional Referendum, 1992). Though opposition parties boycotted the legislative elections, rejected the election results, and boycotted the Legislative Assembly - Parliament -, a government of the National Democratic Congress (NDC) was formed. It ruled for eight years i.e., two terms of four years after winning the 1996 poles (1992-1996 and 1996-2000). In the 2000 elections, the opposition New Patriotic Party (NPP) won the poles and was sworn into office in January 2001.

Ghanaians realised later, that there are loopholes in the Constitution as it fails to address some constitutional issues including citizenship in its totality. For instance, the 1992 Constitution is silent on the status of a child found in Ghana of unknown parents. This has resulted in the Constitutional Amendment made on nationality law in the year 2000. For the purposes of our work, we will concentrate on the Constitutional Amendment on Dual Citizenship or on the citizenship Act, 2000 (ACT 591). This amendment came into force on November 1, 2002. But let us recall, for the purposes of clarity, the 1992 Constitutional position on citizenship.

¹⁸ For instance, the conventions to which Ghana appended her signature include: *Abolition of Forced Labour Convention*, *African Charter on Human and Peoples' Rights*, *Beijing Convention*, *Convention on the Rights of the Child*, *International Convention on Civil and Political Rights (ICCPR) in 2000*, *International Convention on the Elimination of All Forms of Racial Discrimination*, *Convention on the Rights of Persons with Disabilities*, *Indigenous and Tribal Population 1957*, *Constitution of the International Labour Organization*, and *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, to mention a few.

¹⁹ Ghana's 1992 Constitution satisfied the requirement that Aminzade (2013) refers to as “...the creation of “others” who are outside the boundaries of the political community” (p.335) in the concept of a *nation*.

Chapter Three of the 1992 Constitution contains the Constitutional position on Citizenship.

Article 6 of this chapter states:

“(1) Every person who, on the coming into force of this Constitution, is a citizen of Ghana by law shall continue to be a citizen of Ghana. (2) Subject to the provisions of this Constitution, a person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was a citizen of Ghana. (3) A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth. (4) A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana” (1992 Constitution. Art 6[1 to 4]).

The 1992 Constitution is clear on what constitutes “citizenship” in Ghana or who qualifies to be a citizen. It notes that citizenship can be by birth, by registration through marriage, and by naturalization. Ayisi, (2018) states: “Aside from these three (3) main categories, one can become a citizen of Ghana through Foundling and Adoption” (p. 1). Foundling and adoption will be discussed briefly later. In the amendment to the 1992 Constitution on Citizenship, it is stated in the preambles, that the Citizenship Act, 2000 (Act 591) is an “Act” meant to “consolidate” the legal provisions or conditions applicable at a given time in conformity to the Constitution in operation. What are the main features of this amendments?

The seven-page document referred to as Citizenship Act 2000, (Act 591) is divided into four (4) parts. Part I is captioned “EXISTING CITIZENSHIP; CITIZENSHIP BY BIRTH”. This part deals with Citizenship By Birth. It continued the position of the 1992 Constitution thus stating that “Every person who on the coming into force of the Constitution was a citizen of Ghana by law shall continue to be a citizen of Ghana” (Ghana Immigration Service, 2001). In this context, the Amendment Act of 2000 restated or made reference to all the Constitutional era in the history of Ghana before 1992. Section three (3) of Act 591 states, that “A person born before 6th March 1957 is a citizen of Ghana by birth if (a) he was born in Ghana and at least one of his parents or grandparents was born in Ghana, or (b) he was born outside Ghana and one of his parents was born in Ghana” (Ghana Immigration Service, 2001). Section 3). Section four (4) of ACT 591 states: that

“A person born on or after 6th March 1957 and before 22nd August 1969 is a citizen of Ghana by birth if; (a) he was born in or outside Ghana and either of his parents and also one at least of his grandparents or great-grandparents, was born in Ghana; or (b) in the case of a person born in Ghana neither of whose parents was born in Ghana, at least one of his grandparents was born in Ghana. Under the Ghanaian law, nationality by birth is determined by the date and year the person was born” (Ghana Immigration Service. 2001).

There is provision for a person born in or outside Ghana before or after the Second Republican Constitution (22nd August 1969) and the Third Republican Constitution (24th September 1979) with either of his parent being a citizen of Ghana by birth is a Ghanaian (Section 5). Section 6 says that a person born on or after the Third Republican Constitution and before the 7th January 1993 is considered a citizen of Ghana if “(a) he was born in Ghana and at the date of his birth either of his parents or one grandparent was a citizen of Ghana; or (b) he was born outside Ghana and at the date of his birth either of his parents was a citizen of Ghana” (ACT 591, Section 6). It states in Section 7 that persons born on 7th January 1993 or born after the 1992 Constitution in or outside Ghana is a citizen of Ghana if either of his parents or grandparents was or is a Ghanaian. There is in this ACT specificities on who qualifies to be a citizen of Ghana. Section 8 of the Citizenship Act, 2000 (ACT 591) states that a person can be a citizen of Ghana by “Foundlings” to mean “A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth” (ACT 591, Section 8). It is evident that the Act does not state whether the child must be born in Ghana or outside Ghana. From this perspective, one can state that Act 591 opened up a new horizon or took a positive stride which was absent in previous Constitutions.

Part II, entitled “ACQUISITION OF GHANAIAN CITIZENSHIP OTHERWISE THAN BY BIRTH”, deals with other forms of qualifying for citizenship in Ghana. Section 9 speaks of Citizenship by Adoption i.e., a child less than sixteen year whose parents are not Ghanaian but is adopted by citizen of Ghana shall by virtue of adoption be a citizen. This is a novelty in the history of democracy in Ghana. It has not been part of the history books. Though Ghanaians adopt children, they have always been seen as “strangers” in their communities. Section 10 elaborates Citizenship by Registration. It states:

“A citizen of age and capacity of any approved country may upon an application, and with the approval of the President, be registered as a citizen of Ghana if he satisfies the Minister that— (a) he is of good character; (b) he is ordinarily resident in Ghana. (c) he has been so resident throughout the period of five years or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately before the application; and (d) he can speak and understand an indigenous language of Ghana” (ACT 591, Section 10).

There are over forty local languages spoken in Ghana hence the requirement of speaking only one of the indigenous languages is not very demanding on those who want to acquire Ghanaian citizenship. In addition, the person must reside in Ghana for at least five (5) years or less depending on the case at hand. For instance, in matrimony, be it traditional, religious, or civil, involving a non-

citizen and a citizen of Ghana, the non-citizen can through proper application, register to be a citizen of the Republic of Ghana. In the case of divorce, the person remains a citizen until she renounces her Ghanaian citizenship. The Oath of Allegiance is taken by the person before the application and on the date stated on the certificate of Registration, he becomes a citizen of Ghana. The person shall take the oath of Allegiance else he will not be given the citizenship status.

Section 13 and 14 of Citizenship Act 2000 (ACT 591) deals with Nationality By Naturalization. It states that a “Minister with the approval of the President of the Republic, may grant a certificate of naturalisation to a person who satisfies the appointed Minister that he is qualified under the conditions stated under Section 14 of ACT 591 on naturalisation. If the person satisfies the conditions under the law, then he can take the Oath of Allegiance and become a citizen of Ghana by Naturalisation and is issued by a certificate as stated in Clause 2 as noted earlier.

A new aspect in the Ghanaian Jurisprudence is the addition of “DUAL CITIZENSHIP, RENUNCIATION AND DEPRIVATION OF CITIZENSHIP” as discussed in Part III of the Citizenship Act (ACT 591). Dual Citizenship as stated in the ACT 591 means that it is now permitted by law in Ghana, that a person who is a citizen of Ghana can equally hold a nationality of another country while maintaining his Ghanaian citizenship. This was not the case in the 1992 Constitution. But a person who holds Dual Citizenship status is prohibited by law in holding public office in Ghana as stated in Section 16. Offices indicated include for instance, Chief Justice and Supreme Court Justice, Ambassador or High Commissioner, Head of the Security Services such as the Police, Military, Legislature as a Speaker or Legislator, Secretary to the Cabinet, or to mention a few. The reason for this prohibition is due to the problem of national security, conflict of interest, and state intelligence.

Regarding the renunciation of Ghanaian Citizenship, a Ghanaian can Renounce his citizenship by applying properly to the Minister who will then cause the declaration to be registered upon which the person ceases to be a Ghanaian or citizen of Ghana. It states that “Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage [...]” a Ghanaian who contracted this marriage and for the reason of which he loses his Ghanaian citizenship shall, by virtue of “the dissolution of that marriage, become a citizen of Ghana” (Section 17 Clause 2).

Regarding the deprivation of Citizenship, in exception to citizenship by birth or adoption, a person can be deprived of his status by an Order of a High Court through an application by the Attorney-General; if the person’s activities are inimical to or threatens State Security, prejudicial to

public interest or morality or if the process of acquisition was fraudulent, improper, or irregular (Section 18a and b).

Finally, Part IV which concerns MISCELLANEOUS PROVISIONS, elaborates other provisions on posthumous children. It states that “the citizenship status of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship status of the parent at the time of the parent's death” (Section 19). In addition, there is a provision for certificate of evidence when there is doubt. That is, when there is a document to the effect that there was an entry in a registry that serve as an evidence under the Act shall, under the authority of the Minister, be granted the right to citizenship.

In sum, the Citizenship Amendment Act, 2000 (ACT 591) repealed some Military Decrees and amended various previous Parliamentary Acts. We can recall that ACT 591 underlines who qualifies to be a citizen of Ghana as follows: Citizenship by Birth, by Registration and Marriage, by Naturalisation, by Foundlings, Dual Citizenship or Nationality. These are the fundamentals that determine or defines the citizenship of individuals in Ghana. But a grey area remains on the status of these citizenships including Citizenship by Birth.

One grey area that needs to be addressed, though there are many, is of great importance to our discourse and begs for clarity both in the 1992 Constitution and in the Citizenship Amendment Act 2000 (ACT 591): it is the status of Ghanaians, including those by birth, who are presently living in diaspora, as far as the exercise of their citizenship rights, political ones included, is concerned. Article 42 of the 1992 Constitution guarantees to every Ghanaian the right to vote: “Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda”, (Art. 42). But why are citizens living outside Ghana not allowed to vote during Ghanaian general elections unless they travel to Ghana to do so? If the Electoral Commission (EC) of Ghana can supervise the elections for foreign nations whose citizens reside in Ghana, for instance, Niger, Nigeria, Burkina Faso (a neighbouring country), what prevents those countries and others in the West from doing same for Ghana?

In response to the above interrogations, the Diaspora Vote Committee (DVC) was formed to defend this cause thus stating the argument for those living outside Ghana on a proposed Bill before the Parliament of Ghana on the need to vote wherever they are in the world. In all, they are Ghanaians and have the right to vote. This Bill is referred to as “Representation of the People Amendment Bill (ROPAB). A delegation sent by DVC was in Ghana in 2005 to support the passage

of the Bill that allows Ghanaians living outside Ghana to exercise their Constitutional right. After a long debate, the law on Representation of the People Amendment Act (ROPAA), ACT 699 was passed and assented to by the then President of the Republic John Agyekum Kufuor in February 2006. Though ROPAA was passed into law – a Constitutional Instrument made by the EC for its implementation – the implementation was never realised by the Electoral Commission of Ghana till date (December, 2018).

In 2016, an electoral year, a United States-based advocacy group known as Progressive Alliance Movement (PAM) had to file a suit against the Electoral Commission of Ghana in a High Court in Accra “[...] praying the court to cause the Electoral Commission to immediately implement the Representation of the People Amendment Act (ROPAA), Act 699” (Myjoyonline.com, 2016). The reason the EC gave for non-implementation of ACT 699 is the cost involved – lack of funds.

But there was an opposing view to the demand of the DVC. One argument is that those living outside the country do not know the reality on the ground to be an informed voter and they do not pay taxes to the State for developmental purposes or projects. Therefore, they cannot vote for the election of a party that forms government for a country in which they do not live but only visit. Yet it will be recalled that the same Constitution allows Ghanaians working in Foreign Missions, Peacekeeping Operations, those Studying abroad on Government scholarships, to mention a few, to vote. So, what prevents others from voting i.e., exercising the same right of ACT 42?

The EC’s argument is that Section 7 of PNDCL 248 which permits Ghanaians to vote also prohibits those who do not reside in their constituencies for at least six months from voting: “(1) A person qualifies to be registered as a voter if- (c) he is resident in the polling division [...]” (Section 7[1c] PNDCL 248), as opposed to “A person shall not be deemed to be resident in a polling division if he has been absent from his place of abode for a continuous period of six months ending on the qualifying date” Section 7[4] PNDCL 248).

In conclusion, there is no evidence or surety that the High Court decision in favour of the DVC will ever be implemented. These are some of the challenges that continues to confront the actual Constitution and subsequent legislations in relation to citizenship creation and enhancement in Ghana.

5.4 GENDER EQUALITY IN GHANA

Citizenship debates are becoming more and more dominant with human migration problems of the day which intensifies the debate on gender. This is affirmed by Dorman, (2014) who says, “Questions of gender cut across those of migration and citizenship in ways that reveal the underpinnings of the system” (p. 166). Debates on gender cuts across many fields in a socio-political discourse of a people. It includes citizens within the geographical area of a state and those outside it – the diaspora group. In this case, “gender equality” is not used in reference to the relationship between men and women. Rather, it includes both men and women and also relationships among women (Okin, 1989).

Furthermore, Dorman explains that “Like many other postcolonial debates, justification for limiting women’s rights is couched in terms of class and tradition, but is also tightly interconnected to the questions raised ... about ‘belonging’ and control over labour and land” (2014, p. 166). Significantly, Manby reminds us, as we have mentioned earlier, that post-independence laws are gender discriminatory. Therefore, in countries all over the world – mostly in Africa - traditionally dominated by *patriarchal* laws, gender equality becomes problematic and a challenge to democracies (Manby, 2014; Dorman, 2014, Carvalhais, 2004, 2007; Mbiti, 1986, 1989; Sanyal, 2014, p.388-389; van Waas and Albarazi, 2014, p.205-207).

Consequently, in a male dominated or “male defined cultures” in Ghana, discussing citizenship based on Western model i.e., citizenship as making *of* and making *by* is problematic from the scratch²⁰. It is challenging due to the cultural dynamics in the geographical location of the country - Ghana. But the concept of citizenship and discourse on citizenship is conflictuous even in the West. Engin Isin and Peter Nyers, reminds us of the difficulty or lack of “a satisfactory clarity or comprehensiveness” we encounter in an attempt to define the term “citizenship” in an inter disciplinary studies in the field of citizenship (2014, p. 1). The 1992 Constitution of Ghana defends equality, fairness, and “social” justice. Justice or Social justice should improve equality – gender equality - which Susan Okin notes, must begin from the family (Okin, 1989, p. 135). To speak of citizenship, there must be equivalent system of justice that include gender equality. As a result, citizenship construction and enhancement in Ghana must take into consideration, gender equality bearing in mind the traditional cultural restrictions on women in Ghanaian societies.

²⁰ Citizens are those who make the laws, live by them. It is a status, a making, a doing, practice, and involves prioritization. It determines mode of life and social status of a people and above all, it affirms equality.

In her critique of libertarians – who defend individual liberty and says government 's activity (interference) must be reduced or minimised or eliminated -, Okin argues, that a just family is at the base of a just society. Academic libertarian theorists like Robert Nozick defends the liberation or freedom of the individual. Okin argues, that Nozick assumed the freedom of the family in his entitlement theory of justice but at the end, the family is “ignored” (Okin, 1989, p.75). For instance, granted that the family is not ignored, the question we ask is *which* individual in the family is Nozick considering if women continue to be marginalised? Social justice must begin from the family since a just family is at the base of a just society. The concept of family is very important in Ghanaian cultures therefore, we cannot discuss citizenship in Ghana without considering gender equality in a society in which women are marginalised²¹.

Susan Moller Okin, in her work entitled “Justice, Gender, and the Family”, observes:

“Due to feminism and feminist theory, gender is coming to be recognized as a social factor of major importance. Indeed, the new meaning of the world reflects the fact that so much of what has traditionally been thought of as sexual difference is now considered by many to be largely socially produced” (Okin, 1989, p.6).

Okin 's argument brings to the fore the importance that the discourse on gender has assumed in society. It should be recalled though that the discourse on gender and the debates on its relevance in human society did not begin in the twenty-first century. Gender parity among other gender issues have existed for long within humanity, even if subject to various forms of awareness and discussion (or silence).

The role of women in society along history has been verbally recognized on several occasions. However, in terms of equality and equity in socio-political life of all citizens, there has always been lackadaisical attitude towards women in relation to men. For example, in ancient Greek societies i.e., Homeric era, there was recognition of women as members of society who keep homes and raise children. But when it comes to virtues such as courage or justice, little is heard about women who, like craftsmen and artisans, belong to the inferior class and cannot acquire or “exercise the virtues” (MacIntyre, 2007, p.149).

In fact, the socio-historical patriarchal or patrilineal narrative of the people contributed to the status quo – women being placed at the lower ebb of the community. Okin notes that there was the “[...] social hierarchy of heroic societies and the heavy sanctions that reinforced it” that was not considered when theorists like Alasdair MacIntyre analysed Heroic society or world view

²¹ The concept of family is a complex idea quite at variance with the same concept in the West. The family in most African societies including Ghana is extended family concept. But at the base of the family is the marriage or the concept of marriage which is seen as “a sacred duty which every normal person must perform” to continue the “flow of life” (Mbiti, 1986, 98, 99-109).

(Okin, 1989, p.49). MacIntyre for instance believes, that the virtuous man in a heroic society fights for or pursues virtues such as harmony, courage, intelligence, and prosperity even till death with the aim “to protect and bring prosperity to their households and local communities, whose members therefore all benefited from their warrior elites” (Okin, 1989, p.49). MacIntyre’s argument as referred to by Okin, is informed by the idea that “relationship” or friendship in Homeric societies were based on the view that “each cares for the other primarily because of the relationship of each to the good” (MacIntyre, 2001, p.42). The common good, the communal good – the good in itself – is the driving force to be discovered and acquired in the virtues of the community or society.

It must be stated that the idea of “social hierarchy” that Okin claims was ignored by some theorists like MacIntyre in their analysis of the Homeric or pre-Homeric society cannot be factually established in the case of MacIntyre. Commenting on the discovery by the seamen of the English speakers of the Polynesian world view on taboo in the journal of the third voyage of Captain Cook, MacIntyre (2007) notes:

“The English seamen had been astonished at what they took to be the lax sexual habits of the Polynesians and were even more astonished to discover the sharp contrast with the rigorous prohibition placed on such conduct as that of men and women eating together. When they enquired why men and women were prohibited from eating together, they were told that the practice was taboo. But when they enquired further what taboo meant, they could get little further information” (p. 111).

MacIntyre’s analysis of the Polynesian system reveals that what Captain Cook has narrated as a discovery of the seamen, demonstrates that taboos do not exist for nothing. There are reasons behind them but as to whether those reasons are convincing or justify the continuous observance of those taboos turn to be problematic. It is a taboo for men and women to eat together because it is prohibited by social norms. The society has made it so! There is no rational justification for it. If there used to be a reason, that idea has been lost. In the same manner, there might be reasons for excluding women in some activities in Homeric societies that had been lost in history. Whether those reasons are valid today or not is for us to analyse in our days according to the signs of the time.

Alasdair MacIntyre also cites the need for equity in relation to women in the nineteenth-century utilitarian’s quest for standards. MacIntyre (2007) notes:

“Chadwick’s radical reforms in the provision of public health measures, Mill’s own support for the extension of the suffrage and for an end to the subjugation of women and a number of other nineteenth-century ideals and causes all invoked the standard of utility to some good purpose” (p. 64).

The above shows that utilitarians in the nineteenth-century were aware of the disparity in the social structure at their time hence their call for extension of the suffrage and an end to subjugation of women. This agrees with what Okin calls for in her argument for standards used to achieve a good purpose. This is not to say women have no virtue or do not deserve or acquire virtues. In his discourse on ingredients of friendship in Homeric societies, MacIntyre (2007) notes:

“My friend’s courage assures me of his power to aid me and my household; my friend’s fidelity assures me of his will. My household’s fidelity is the basic guarantee of its unity. So in women, who constitute the crucial relationships within the household, fidelity is the key virtue. Andromache and Hector, Penelope and Odysseus are friends (philos) as much as are Achilles and Patroclus” (p. 123).

This underlines the idea that morality and social life are not separated in Homeric societies and the same can be said in our days. In spite of individualism in the twenty-first century that is partially a fruit of modernism and emotivism, one can argue that social life is affected by our moral life since we are dependent on each other (MacIntyre, 2002). But the eighteenth century has brought women out of the household scope to the point of doing the same work as men for instance, in the mines and as factory hands. It is therefore informing when Okin contends that in the real world,

“justice is a virtue of fundamental importance for families, as for other basic social institutions. An important sphere of distribution of many social goods, from the material to the intangible, the family has a history of distributing these goods in far from just ways. [...] if justice cannot at least begin to be learned from our day-to-day experience within the family, it seems futile to expect that it can be developed anywhere else. Without just families, how can we expect to have a just society?” (p. 135).

Okin believes that inequality in gender is unjust or injustice in a basic social institution. Injustice is perpetuated in the distributive chain of the family which is the unit of socio-cultural life. To speak of virtues such as justice, it must be seen as lived and practiced in a family and in the society. Therefore, we cannot expect a just society if there is injustice in the family. She (Okin) notes, “In particular, if the relationship between a child’s parents does not conform to basic standards of justice, how can we expect that child to grow up with a sense of justice?” (Okin, 1989, p.135). Susan Okin reaffirms the role of the family and parents especially women in the moral upbringing of a child which later contributes to the social life of a people. Okin (1989) states that

“the way power is distributed in the family ... and the typical contentiousness of the issue of housework, it is not difficult to see how the *vulnerability of married women* in relation to the world of work and their inequality within the family turn to form part of a vicious circle” (p. 159).

Okin's emphatic argument or conclusion indicates the consequences or effects of traditions on the perception of women and on women in a society and the fact that most women (wives) generally earn less than their male counterparts (husbands) even before contracting their marriages. Yet no question is raised about the cause of this equalities especially for "unpaid house core or works", and "*vulnerability of married women* in relation to the world of work" among others, turn to be a vicious circle (Okin, 1989, p.134-140, 158-159). What then is the situation of gender parity in Ghana?

In a discourse on citizenship construction in Ghana, it will be necessary to recall that the struggle for gender equality or the fight against gender inequality in Ghana has been quite late. Equal citizenship must imply inclusion not division. Citing Dahrendorf (1992), Carvalhais notes that 'exclusion is the enemy of citizenship' (Carvalhais, 2004, p.61 quoting Dahrendorf, 1992, p.182). This consciousness was vivid in the minds of most postcolonial nationalists in Africa including the first president of the Republic of Ghana Kwame Nkrumah (Nkrumah, 1963; Kpessa, et al., 2018). In an effort to address this challenge and many others in the new nations, there was the effort at building national cohesion and national unity. Kpessa (2011) agrees with many other scholars that "there is a relationship between nationalism, social policy, and territorial solidarity in developed multinational states" (p. 2115; Béland and Lecours, 2008).

In his contribution to the study of nationalism, he (Kpessa, 2011) stresses "the ties between citizenship and economic solidarity stemming from social programs, on the one hand, and the drawing of contested national boundaries on the other" (p. 2115). To enhance this ideas, for instance, Kwame Nkrumah implemented social policy programs or social solidarity programs such as healthcare, education, and income support to enhance solidarity and inclusiveness in an effort to bridge the poverty gab among citizens (Kpessa, et al., 2011; Béland and Lecours, 2008; see Aminzade, 2016; Dorman, 2014)²².

The people of Ghana therefore accept and through the 1992 Constitution recognise this and have made legal provisions in order to grant equality to all (including women) as citizens, demanding equal opportunity – in education, politics, and civil service - for all. In fact, Article 27 of the 1992 Constitution states:

“(1) Special care shall be accorded to mothers during a reasonable period before and after childbirth; and during those periods, working mothers shall be accorded paid leave. (2) Facilities shall be provided for the care of children below school-going age to enable women, who have the traditional care for children, realise their full potential. (3)

²² Nkrumah was not the only head of state that implemented these programs. Julius Nyerere, Jomo Kenyatta, Kenneth Kaunda, and Obafemi Awolowo, and other nationalists implemented those policies aimed at poverty eradication, national integration, and improving on national unity in their political ideologies.

Women shall be guaranteed equal rights to training and promotion without any impediments from any person” (Art. 27[2 and 3]).

This demonstrates that the Constitution recognises the difficulties of women in the family especially in combining the raising of children and their professional work or other tasks like trading, farming, education, postnatal and anti-natal stresses, homecare, to mention a few. There are many factors that inhibits or prevent women from realizing their potentials and childcare or motherhood is one among many. Therefore, those who work in the public service and private sectors are to be granted leave with pay.

In fact, the 1992 Constitution recognises the hindrances in the inclusion of women into the mainstream economic and political life of the people. It was aware of the discrimination that exists in public and private sectors in terms of salaries (for equal works done by men and women on the same academic or professional levels) and in promotions at workplaces. This is a concept that is part of a patrilineal system as practiced in the various cultures and traditions in Ghana. For instance, among the Ewes of Ghana, land-tenure or family lands are inherited by the eldest son or daughter in the family. But it is a common knowledge that in cases where a woman is the eldest in the family and as such the head of the family land, it is the male after her or the younger brother that operates or administers the land. There is evidence of ethnic and gender inequality i.e., what Okin referred to as “social hierarchy” (Okin, 1989) based on cultural grounds, institutional, and historical roots (Dorman, 2014, p. 166-169). There is the believe, that educating a woman – a girl child - is a waste of resources because she will only benefit her husband and his family still exist in rural parts Ghana. This affirms the traditional idea that the role of a woman is restricted to domestic cores (Carvalhais, 2004, p.65-66). As a result, girl child education is very low in some parts of Ghana.

Considering the above disparities and subsequent efforts at addressing them, the 1992 Constitution states, “The State shall afford equality of economic opportunity to all citizens; and, in particular, the State shall take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana” (Art. 36[6]). The reference here to women “in particular, the State shall take all necessary steps so as to ensure the full integration of women” is evidence to the disparities that existed before the coming into force of the Forth Republican Constitution. Yet there are evident of discrimination against women in almost all sectors in Ghana. A good example is the appointment of the first female as Head or Chairperson of the EC of Ghana in 2015 and the opposition that it met for being a “woman” yet there was appointment

of a female Chief Justice of the Supreme Court, and the first Female Speaker of Parliament. But the argument the appointment of the EC Chairperson has raised is not about her qualification, capacity, experience, or maturity but that she is “a woman”. In her own words, the EC Chairperson Charlotte Osei, in a response to a question whether she regretted being appointed the Chairperson of the Commission, notes “Yes! It’s difficult on some days,” Mrs Osei confessed. Furthermore, she (Mrs Osei) notes:

“This is not a job that I think is easy anywhere in the world. But I think it is particularly difficult in Ghana and Africa when you are particularly a woman. I can take the stone but I’m worried for my children and on those days you get siblings calling and worrying you. I can take it but for those it is worrying” (Ghnewsnow, 2016).

Her comments confirm the difficulties that women go through and are confronted with in Africa and in Ghana in the socio-political life of the people. She admitted that the job is difficult but the most difficult part of it is her gender – woman/female. Her fears were confirmed by the attitude of those who opposed her appointment. Consequently, a citizen of Ghana went to the Apex Court of Ghana - The Supreme Court - seeking to revoke her appointment which was a Constitutional Rights and powers of the President exercised under Article 70[2] (See Ghanawebonline, 2016). But the case was thrown out by the court on its merit. But she was removed from office.

In fact, a sitting Member of the Legislature (Parliament) attributed her appointment to sexual favours received from the then President popularly referred to as “sex for job”. The interesting part of the story is that the actual Minister for Gender and Children’s Protection a woman herself, then in opposition, picked the story up in the media against the then President and the Commission’s Chairperson Mrs Osei calling on the President to come clean on the allegation (Yen.com.gh. 2017)²³. There is no consideration for the suspected accused persons on the issue bearing in mind that the Chairperson is a married woman with children and siblings and the President as well.

The problem is not only verbal abuses of women by men and other women but also there are institutional injustices, discrimination, and humiliation based on gender. For instance, the shameful news from the High Court in Accra, Ghana, asking the Ghana National Fire Service to “[...] to reinstate, pay ₵100,000 to 2 employees sacked for getting pregnant” (Myjoyonline.com. 2018). Their crime was that within the first three (3) years of their employment, they were pregnant contrary to the laws that regulate the institution. In fact, the Judge’s reason for the reinstatement

²³ She refused to retract the statements she made against the suspected accused persons (the President and Mrs Osei) and was supported by the Legislator Kennedy Agyapong who first made the statement. Thus, in most cases, women become their own enemies. Instead of defending the course of their colleagues, some ended up denigrating them.

is that the sections of the Fire Service Conditions of Service regulations are discriminatory. For instance, Regulation 33 (6) of the Ghana National Fire Service states; “A female employee shall not be dismissed on the ground that she is pregnant provided she has served the first three years.” (myjoyonline.com. 2018). The law is cunning in the sense that a pregnant service personnel can be expelled if she gets pregnant before the end of the first three years of her employment.

It is true, we can argue, that the Security Services under which the Ghana National Fire Service falls, is not part of the Ghana Labour Law of 2003, Act 651 as stated in the preliminary comments, “This Act applies to all workers and to all employers except the Armed Forces, the Police Service, the Prison Service and the Security and Intelligence Agencies specified under the Security and Intelligence Agencies Act 1996 (Act 526)” (See Ghana Labour Act, 651, 2003). The Labour Act, 651 of 2003 is emphatic on the employment of women and the conditions under which they can be employed and work. What are some of the specificities of the condition of service for women, especially pregnant women and nursing mothers?

We must state that the Labour Act 2003 notes there must be contract between workers and their employees. Section 12 of the Act 561 states: “The employment of a worker by an employer for a period of six months or more or for a number of working days equivalent to six months or more within a year shall be secured by a written contract of employment”. Furthermore, “A contract of employment shall express in clear terms the rights and obligations of the parties” (Labour Act, 561 2003. Section 12. Clauses 1 and 2). This law is meant for all genders and discrimination against any person is violation of section twelve (12) of the Act 651. Refusal to sign a contract agreement within the stipulated period as indicated in the law implies exploitation of the worker(s). Workers are permitted as a right by Act 651, to join labour organisations and Trade Unions without restrictions by their employers.

Returning to the earlier discourse, Part VI of the Labour Act, 651, 2003, is specifically dedicated to the “Employment of Women” and their engagement on night and overtime duties, assignments to pregnant women, annual, sick, and especially leave for women and nursing mothers. For instance, the Labour Act, 2003 (2003) states, that

“Unless with her consent, an employer shall not (a) assign or employ a pregnant woman worker to do any night work between the hours of ten O’clock in the evening and seven O’clock in the morning; (b) engage for overtime a pregnant woman worker or a mother of a child of less than eight months old. (2) The pregnant woman worker or the mother may present a written complaint to the National Labour Commission established under section 135 against an employer who contravenes subsection (1)” (Labour Act, 2003 (2003).

This Law existed since 2003 when it was passed but the implementation of the law is problematic or the institutions responsible for the implementation of the law have failed. In fact, two service women - Ghana National Fire Service - were dismissed for being pregnant within the first three years of their employment as mentioned earlier but there was no effort at correcting the wrongful dismissal from 2014 till 2016. Therefore, one can state that the assignment of pregnant women to night duties is not far from being a common practice in both public and private sectors in Ghana.

Section 55 clause 3 of the Labour Act, entrusted into the hand of the National Labour Commission adjudication of injustices at workplaces, labour disputes, and injustices at the labour front "The Commission shall investigate the complaint and its decision on the matter shall subject to any other law be final" (Labour Act, 2003). Yet the Labour Commission could not address the labour problems including those of 2013 which was addressed in April 2018 – the judgement that calls for the reinstatement of two wrongfully dismissed women from a security service.

The Labour Act, 2003 defends workers and their conditions of service invoking the need to protect the dignity of an employee by an employer. But other questions can be raised: are the security personnel not citizens? Do they not have rights? Does separating them from other citizens due to the nature of their roles not amount to injustice and discrimination contrary to Article 17 of the 1992 Constitution? The Constitution went further to explain:

"For the purposes of this article, "discriminate" means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description" (Art 17[3] 1992 Constitution).

The constitution frowns on unequal treatment to different people based on race, ethnic, tribal, gender, religious, stature, social status, or political affiliations. The same Article 17 gives parliament the powers to make laws to readdress socio-economic and educational imbalance in the Ghanaian society.

Discrimination does not only affect women but also their children. In situations in which women who have not got formal education because in some cases, they were betrothed to men sometimes older than them at tender age, end up having children that they cannot care for. Those children also end up on the streets as school dropout because their mothers do not have the means to educate them. The question is; where are the fathers? Some fathers abandoned their homes

while others have many other children in polygamous homes that they cannot care for due to poverty.

Still other men reject or deny being responsible for pregnancies leading to many single parents. There are situations in which a husband who is a breadwinner in the family is demised and no other person assists in the raising of orphans and caring for the widow. This is a major problem facing larger cities specially in the middle belt and the southern zones of Ghana.

In most cultures and traditions, polygamous marriages are practiced and accepted though the State legally recognised the first wife in a traditional marriage as the official wife of a man with many wives. Poverty in those areas lead to most young women including nursing mothers migrating to cities in search of non-existing jobs. Most of them end up on the streets in the larger cities as potters. (Graphiconline.com, 2018). Some women and teenagers in this situation are violated sexually on the streets. Children are sometimes forcefully married – child marriage. Therefore, the Beauty Queen of Ghana 2014 Abigail Baciara Bentie in collaboration with Action Aid and the United Nations Children Fund or United Nations International Children’s Emergency Fund (UNICEF) begun a fight against the practice through education²⁴.

It must be established that the gender inequality in Ghanaian societies is not only in relation to men and women but also between women. Some women continue to propagate the socio-cultural modes of sharing due to the taboos that cannot be explained or traditions in the past hence it is difficult to help in the fight against inequality. An example is the practice of Female Genital Mutilation (FGM) which is still being supported and practiced by women. In fact, those who do the practice are elderly women in the communities with the argument, that it is part of their customs and tradition. But the 1992 Constitution which promotes the integration of appropriate customary practices and values into national life, frowns on “injurious” practices:

“The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of the society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abolished” (Art. 39[2]).

The Article rejects those practices that are risky and dangerous to the welfare and wellbeing of citizens. The Constitution respects the traditions and customs of all ethnic groups and promotes the use of local languages to enhance social integration as well as promote social inclusion. But those practices that are dehumanizing and detrimental to the health, security, and wellbeing of citizens are not encouraged.

²⁴ The young girls also fall victim to sexual abuse and teenage pregnancy, but they are helpless due to institutional failure.

In the same context, traditional challenges continue to be a standing block in the implementation of the constitution. For instance, Trokosi practice among the Ewes in the southern part of the Volta Region of Ghana, is another example of a cultural practice that does not conform to the Constitutional, but some learned men and women defend it. Trokosi or Fiasidi is a practice in which virgins, in most cases teenagers, are given to a shrine in atonement for the ills or crimes committed by a member of her family. The person who committed this crime might not be a sibling or a blood relation to the victim but might belong to her kindred. It can be against the will of the victim and her biological parents (in some cases) but she must obey the orders of the elders (VOAnews.com. 2009). Ahadzi, a traditional priest states, that “If there is a calamity befalling a family and they go back to the divinity or shrine and it is said that such a person should be trained in the shrine to learn the skills and acquire the power of divination to protect the family, that is when that person is devoted to the shrine” (VOAnews.com. 2009). The statement of the traditional priest is evident that there is rejection of the use of the words “abuse of the rights of the children involved” as he defends the practice. But the question remains without an answer; if all citizens have the right to freedom of movement under the Constitution, why should the practice where young girls are being secluded from society continue? Why girls only and not boys? One can see the gender discrimination being exhibited.

We have seen in our earlier discourse the Intestate Succession Law PNDC Law 111/112 formulated under a military regime as a Decree and how it became necessarily part of the 1992 Constitution. For the purposes of space, we shall state as a reminder that that Military Decree adapted to the Constitution has led to the consciousness of many about the injustice towards spouses especially women and their children. But there is still a long way to go as the practice still exist clandestinely though the Federation of Female Lawyers and many NGOs are working towards its total eradication. Gender issues continue to plague Ghana in its socio-political and cultural dimensions. As a result, more needs to be done to remedy the situation.

Another area that has been addressed in terms of equality in a way to enhance citizenship is the physically challenged. Article 29 of the Constitution states: “Disabled persons have the right to live with their families or with foster parents and to participate in social, creative or recreational activities” (Art. 29[1]). The right to live is a fundamental right for all Ghanaians including the physically challenged or disabled. It notes that disabled persons “shall not be subjected to differential treatment in respect of his residence other than that required by his condition or by the improvement which he may derive from the treatment” (Art. 29[2]). The condition of life and the

environment in which they live be it confined or not should have the necessary conditions for habitation and close with those who are normal and who fall within their age. Article 29 calls for the protection of the disabled against exploitation, abuse, and discrimination. In cases of legal disputes in which a disabled is involved, the 1992 Constitution states that “[...] the legal procedure applied shall take his physical and mental condition into account” (Art. 29[5]). For instance, in cases where the accused is to mount the witness box, this rule can be bent to suit the condition of the disable.

Furthermore, Article 29 states: “As far as practicable, every place to which the public have access shall have appropriate facilities for disabled persons” (Art. 29[6]). This clause is one of the clauses that ridicules the Constitution and all Governments after the coming into force of the 1992 Constitution. Because, most, if not all Government edifices are not disability or disable-friendly. Most of the ministries buildings and other public edifices have no lift and those who have, the lifts are immovable or un-operational due to energy failure or lack of maintenance. Though the Constitution stipulates or suggests that disabled citizens who are engaged in economic activities should be assisted with incentives, this remains a white elephant in the law books. The reality is different and contemptable or despicable.

CHAPETR VI

6. CONCLUDING REMARKS

Though Ghana attained independence in the late 1950s, it has gone through many disturbing political and military adventures i.e., democratic and military rules. The composition of the State has been done according to the British imperialist interest that neither considered the diverse ethnic compositions, languages, traditional geopolitics and geostrategic plans, nor involved traditional political authorities. Unity among various ethnic groups continued thus to be a challenge though controlled under the colonial rule. Education and social programs were limited a privileged few, while the population was heavily taxed. This had severe consequences for Ghana`s democracy and challenged its understanding and practice of postmodern democracy and helps to explain why people continue to hold to some traditional socio-political beliefs and practices that contradict the 1992 Constitution. In parallel, this also has impeded the true process and practice of democracy, as well as the understanding and enhancement of citizenship.

In our effort to explore citizenship construction and enhancement in Ghana, we have argued that citizenship is a complex concept that is difficult to define even in the Western world. As a foreign concept, it becomes more difficult to implement in Africa and in Ghana where complex and multi-faceted traditions coexist. Citizens are linked to a sovereign state and its national identity, and according to that are entitled with rights and duties. Citizenship rights in a modern democratic state, become evident in the way individuals behave and relate to each other in their social – environment, that is, enabling individuals to live freely, with access to reasonable economic welfare, to feel protected by state`s security, to participate in political and civic spheres with dignity, with equal opportunities to choose their representatives and to demand accountability from their leaders (Carvalhais, 2007; Kymlika, 2004). But to exercise their civic rights and duties, there must be education – civic education that paves the way for social inclusion. This education is what is lacking in Ghana.

Education is key in the development of any country and in any democracy (Coleman, 1965). Citizens in Ghana often do not know their civic rights and obligations hence their constitutional rights are abused. Formal education has not covered the whole country and many school age children in most parts of the country, especially the rural areas, in the years under review have been out of school. As for those who fight for their rights, they are confronted with institutional and political resistance as seen in the implementation of ROPAA which should allow

citizens living outside the country to exercise their right to vote in Ghana 's elections. Delays in the justice system or low level of trust in the judicial system of Ghana and slow process in the resolutions of court cases also intimidate those who want to struggle for their citizenship rights.

There are still difficulties in accepting some ethnic groups in Ghana as true Ghanaians according to the law. Ethnic and tribal bigotry still exist in public discourses, political parties, state institutions, formation and appointment of boards of state enterprises, and the security services. Participation in political activities seem to be ethnic-based with nepotistic approach before, during, and after elections (Manby, 2014). Foreigners who got Ghanaian nationality still find it difficult to integrate into the Ghanaian society and participate in the socio-political activities due to stigmatisation based on their cultural, religious, ethnic, racial, and political backgrounds and their gender - the laws are not "gender neutral" (Manby, 2014, p. 175). The issue of gender inequality or discrimination in the legal system runs through the history of Ghana i.e., pre-colonial, colonial, and post-colonial era.

Traditional cultures are recognised by the Constitution, but some practices are incompatible with or contravenes the Constitution and the concept of citizenship. Some of these traditional practices are being held in parts of the country with impunity while the law enforcement agencies look on unconcerned. Labour laws are not enforced as stated in the constitution, hence the exploitation of workers in contravention of the laws.

Gender equality is still a challenge in Ghana. It is an aspect that shows that discrimination against women persists an idea that does not support the view that they (women) are also citizens. This is due to some traditional cultural beliefs and practices that remain unchanged in various cultures which governments fail to address. This ranges from disparities or unequal pay for equal job/work done, late promotion of females at their work places, domestic, sexual and verbal abuses. There are many cases of child abuse, female genital mutilation, domestic abuse of women and children, and Trokosi or Fiasidi being practiced though the laws are against those practices. Surprisingly, most of the practices, including female genital mutilation, are being perpetuated and defended by elderly women in those societies.

We agree, that a regular intense debate on citizenship can help improve civic education i.e., giving people the basic information on their civic rights and duties at the family level. This will help them see civic life, political life, and social life as compactible and key to their living. The various labour organisations must be motivated and equipped, to enforce the laws. Here, it will be

necessary to indicate that budgetary allocations must be increased for ministries, departments, and agencies to perform their constitutional duties.

The constitution protects all citizens including children. Therefore, the practice of Fiasidi must be reviewed with new legislative instruments in addition to the already existing laws. We believe, that the enforcement of these laws will aid parents and children who suffer these injustices to have their right to freedom re-established. The patrilineal system practiced in Ghana has placed men in superior status in society as compared to women. Men are also abused by women. But with the traditional beliefs and practices still in force among the people, most authorities and law enforcement agencies like the police, ridicule men who complain about domestic violence. This is because traditionally, men are considered as strong hence a man complaining of being beaten or attacked or verbally abused or any type of abuse is considered weak. Through education – formal and informal - and enforcement of the laws, citizens will come to understand the possibility of the abuse of men.

We suggest that civic education that used to be part of school curricula, should be reintroduced to educate citizens from childhood about their civic rights and those of others. Citizens, especially those in the rural areas, need to be informed of or educated on their citizen/civic rights and duties and on the need to fulfil their civic rights and obligations to appreciate their own cultures and those of others. The National Commission for Civic Education has contributed a lot to the constitutional dispensation of the country in terms of the maintenance of peace during and after elections. But there is a lot to be done. The almost dead adult education – in most cases informal programs of the NCCE - must be reactivated to fulfil the objective of the NCCE as defined by the Law and backed by the Constitution. This, we believe, will help in the construction and enhancement of citizenship in Ghana. It will also help in the construction of an identity as citizens of Ghana rather than being a member of an ethnic group which in most cases brings about conflicts. Through civic education, women empowerment will be re-enforced through affirmative action that is generally rejected by political parties who refuse to give a quota to women who want to contest for political positions for instance, in legislative elections. Participation of women in socio-political activities will motivate other women and the girlchild to aim higher and become conscious of the fact that being a female is not a stumbling block for progress in a society.

Similarly, we believe that civic education alone is not a panacea for a better construction and enhancement of citizenship and identity i.e., citizenship in which everybody sees himself or herself as belonging to an “institution” that “mediates rights between the subjects of politics and

the polity” to which he or she belongs (Isin and Nyers, 2014, p. 1). Commenting of T. S. Marshall, (1950) Kpessa, et al., (2014) notes, that “governments were required to invest in social programmes that have a direct impact on the well-being of the citizenry through state provision of social services and cash transfers” (p. 2122). Kwame Nkrumah recognised this when he stated, in an address to a conference of nationalists in the post-independence era, that “‘colonial rule has left a high degree of illiteracy among our people, and we all know that in conditions of ignorance and superstition’ (Nkrumah 1962, p. 4; Kpessa, et al., 2011, p.2123), it will be easy to exacerbate ethnic or tribal or regional conflicts by “pitching groups against one another, especially in the context of existing ethnic differences” (Kpessa, et al., 2011, p. 2123). Therefore, his condemnation of federalism according to ethnic, religious, or regional groupings. We support the idea that adequate implementation of social policies such as health care facilities, modern housing units, basic education, primary healthcare facilities, and state provision of other social services are necessary tools for a better construction and enhancement of citizenship in Ghana.

From the above, “political competition” (Dorman, 2014, p. 164) will not be seen as a contest between ethnic groups, regional blocs, or religious affiliations. Rather, it will be considered as a healthy competition of people and ideas to serve the people for a common good. That is, “political institutions” in a society must serve as a place for building a good relationship between citizens and the state where the rights and duties of citizens are established and practiced while political office holders render account to those who elected them to office (Dorman, 2014). This will help reduce to a minimal level or eliminate the concept of citizenship as “characterized by acceptance of authority, rather than being about changing the relationship between citizens and states” (Dorman, 2014, p. 170).

In all, Ghana has achieved a lot in its democratic dispensation since 1992 but there is still a lot to be done to improve upon what already exists if we want to move away from the rhetoric of a common African and or Ghanaian identity that political leaders are not ready to prioritise. A common view as citizens of Ghana, will help bridge the gap between different ethnic groups and in building a society that practices solidarity and cooperation as true patriotic citizens in a postmodern democratic state.

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