



# ANALYSIS OF DUAL CITIZENSHIP IN ZAMBIA

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# ANALYSIS OF DUAL CITIZENSHIP IN ZAMBIA



# DUAL CITIZENSHIP



## INTRODUCTION

The Constitution (Amendment) Act No. 2 of 2016 came into effect on Tuesday 5th January 2016, when President Edgar Lungu assented to it at the Heroes Stadium in Lusaka. The Constitution was signed into law with some amendments that largely bordered on the electoral process. Some of the new provisions in the amended Constitution included, “**Dual Citizenship**”, which allows Zambians who obtained citizenship in another country to maintain their Zambian citizenship.<sup>1</sup>

Before the enactment, Zambian citizens in the diaspora who had changed their citizenship status to the country of residence lost their Zambian citizenship. However with the introduction of the dual citizenship, Zambian citizens living in the diaspora are now allowed to hold two citizenship status; that is, Zambia

1. PMRC - Analysis of the Constitution Amendment, 2016

and the country they reside. The Citizenship of Zambia Act, 2016 defines Dual Citizenship as the acquisition of the citizenship of one other country in addition to Zambian citizenship<sup>2</sup>.

In its simplest meaning, ‘citizenship’ is used to refer to the status of being a citizen – that is, being a member of a particular community or state<sup>3</sup>. Citizenship brings with it certain rights and responsibilities that are defined by law, such as the right to vote, the responsibility to pay tax and so on. It is sometimes referred to as nationality. The constitution of Zambia clearly states the requirements for one to acquire the status of citizenship. According to the Constitution of Zambia (Amendment) Act, 2016; Zambian citizenship may be acquired by birth, descent, registration or adoption<sup>4</sup>.

The amended constitution clearly states that a citizen shall not lose citizenship by acquiring the citizenship of another country and to those who lost their citizenship, the constitution is clear by stating that a citizen who ceased to be a citizen, before the commencement of this Constitution (The Constitution of Zambia (Amendment) Act, 2016) as a result of acquiring the citizenship of another country, shall be entitled to apply, as prescribed, to the Citizenship Board of Zambia (CBZ), for citizenship and the Board shall bestow citizenship upon the individual<sup>5</sup>. In essence therefore, those living in the diaspora who wish to have dual citizenship status are to register with the Citizenship Board of Zambia. A dual citizen shall, subject to the limitations contained in the Constitution, be entitled to a passport and other travel documents and to such other rights that citizens are entitled to. Cap 1 of the Citizenship of Zambia Act further states that for those who denounced their Zambian citizenship before the enactment of the amended constitution can now register for their Dual Citizenship status with the Citizenship Board<sup>6</sup>.

Government through the Ministry of Foreign Affairs has started receiving applications from people seeking Dual Citizenship as provided by the amended Zambian Constitution. Most of the people who have shown willingness to acquire Zambian citizenship were former nationals who had become citizens of other countries.<sup>7</sup>

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2. The citizenship of Zambia Act, 2016

3. Citizenship Foundation, 2006

4. The Constitution of Zambia (Amendment) Act, 2016

5. The Constitution of Zambia (Amendment) Act, 2016

6. The citizenship of Zambia Act, 2016

7. [www.zambianobserver.com/home-affairs-has-started-receiving-applications-from-people-seeking-dual-citizenship/](http://www.zambianobserver.com/home-affairs-has-started-receiving-applications-from-people-seeking-dual-citizenship/)

There are several advantages of **Dual Citizenship that the country stands to benefit**. The following is a list of a few of the advantages of Dual Citizenship for Zambia:

### ECONOMIC ADVANTAGES:



1. It **encourages economic investments in Zambia** from Zambians living abroad.
2. It **promotes transfer of remittances and money** through the formal sector, thus increasing foreign currency flow into the Country.
3. It **encourages capital investments into creation of businesses** that generate jobs, goods and services.
4. It **promotes information and technological skills transfer** between countries

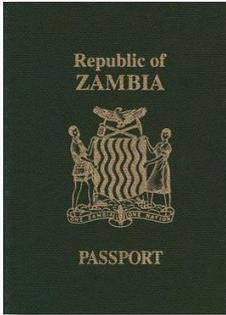
### POLITICAL ADVANTAGES:



1. It may **strengthen political ties** between Zambia and the host countries that host Zambian Diasporas.
2. Zambians abroad that hold government positions in their host countries would be better positioned to **influence policy changes abroad that are mutually beneficial for Zambia and that of host nations** as they are citizen of both countries.
3. It may **strengthen democratic institutions in Zambia** through citizens and the interaction of individuals from countries with democratic institutions.
4. Zambians in the **diaspora will have the opportunity to participate and exercise their citizenship rights** e.g. voting, acquiring land.

## SOCIAL ADVANTAGES:

1. It provides a platform to mitigate the effects of the brain drain. Those that leave seeking education would be more likely to return for **short-term or long term contracts** due to legal employment authorization in the same process encouraging many Zambians to seek knowledge and advance their potentials and skills.
2. Zambians in the diaspora have an understanding of both foreign and Zambian culture. It provides a unique position to exchange ideas, knowledge, expertise, and training that would benefit Zambia. The exchanges would be a plus for Zambia as it may tend to attract investors whose culture and way of life is known. For example the Chinese investors in Zambia; (the case of language barrier can be cushioned).
3. It helps those Zambians who lost their citizenship abroad to retain a sense of **national identity and personal identity**.
4. It prevents future generations of Zambians from losing ties or linkages to Zambia.
5. It **promotes Zambian culture in countries with Zambian Diaspora**.
6. It provides a better quality of life for Zambians being supported by those in the diaspora.
7. It allows **Zambians to travel freely between countries without obtaining additional documentation**. For instance countries that require a visa for one to enter become easily accessible for a person who holds Dual Citizenship as they will not require the Visa.
8. Zambians living in Zambia will be able to leave their land to their descendants that are in the Diaspora. They can **own property without fear of it being lost**.
9. It will allow **Zambians to take advantage of Zambian Athletes abroad**, by allowing them to compete internationally for Zambia in major sporting events like the Olympics or football (soccer) competitions and also allowing the athletes to live in other countries and advance their career/skill.



## Dual Citizenship —————

Despite the many benefits that Zambia will gain, there are certain challenges that would be faced especially during the implementation of the Dual Citizenship. In Africa several countries have not yet accepted Dual Citizenship as it is seen as a divider in many countries as there might be a conflict of loyalty by dual citizens. African countries are developing countries thus unity plays a key role in National Development.

Conflict of loyalty always arises when dealing with Dual Citizenship, the loyalty of those that possess Dual Citizenship tends to be questionable as it is divided by the two counties therefore becoming a possible threat to the country.

Dual Citizenship might bring about loss of jobs, there is a possibility for those living in the diaspora taking up certain jobs once they return back home. The possibility of dual citizens benefiting twice from two systems can't be ignored, belonging to two countries will come with one enjoying certain rights/benefits from both countries. Although it is to the advantage of the dual citizens, they may likely be taxed twice thus getting financially strained.

Zambia has joined over 23 countries in Africa that have accepted Dual Citizenship. In the wave of independence in Africa, many African countries decided not to allow Dual Citizenship. The primary reason for this was because the newly independent African nations wanted to ensure loyalty to their countries as part of a nation building activity. Dual Citizenship has been growing in Africa over the past few years. Many African diaspora citizens have been managing to get their governments to concede that Dual Citizenship does not mean conflicting loyalties.

Many African countries have approved Dual Citizenship with restrictions or qualifications. For instance, in many African countries dual citizens may not hold specified public office. In addition, nearly 20 countries impose delays of between 3 and 10 years before naturalized citizens can hold office which includes those that are dual citizens.

## EXAMPLES

In Rwanda citizenship is governed by the Organic Law No 30/2008 of 25/07/2008 relating to Rwandan nationality and by the 2003 Constitution as revised in 2015. The law provides for gender equality in transmission by descent, and for a child born in Rwanda to be able to apply for citizenship at the age of 18 years. The law also allows for Dual Citizenship and protects persons who are Rwandan nationals by origin from being deprived of their nationality .

In Angola the basis of Angolan nationality law is the Lei no.13/91 Da Nacionalidade (Law No. 13/1991 of 11 May 1991, Nationality Law). Acquisition of Angolan citizenship is by birth, descent, marriage and naturalization, however birth in Angola alone is not sufficient grounds for a right to Angolan citizenship, unless the parents are unknown or stateless. The law in Angola allows Angolan citizens to hold dual or multiple citizenships. Angolan citizenship acquired by birth may be revoked as a consequence of performing certain services for a foreign state. These are some of the threats that come with Dual Citizenship, the revoking of citizenship as a consequence of performing certain services for a foreign state is likely so for those holding dual citizenship, the same can be said for those who acquired citizenship by naturalization.

It is currently legal in Nigeria to hold Dual Citizenship; the Nigerian nationality law allows dual nationality of people of Nigerian descent only either through birth or parentage. They are also allowed to hold public office in Nigeria. However some in Nigeria feel that dual nationality damages nationality unity of the country.

Close to Zambia is South Africa which has also recognized Dual Citizenship. Prior to 2004, South Africa in principle did not recognize the multiple citizenship of its nationals unless the citizen applied for an exemption or permission letter under a 1995 law permitting South African citizens to travel using foreign passports. Since 2004, South African dual nationals may travel without hindrance as long as they enter and leave South Africa using their South African passports. Dual nationals may petition for temporary, emergency or “permanent” South African passports for this purpose. However, a South African citizen who by a formal and voluntary act acquires the citizenship of another country, automatically loses his or her South African citizenship unless they apply for, and receive permission to retain their South African citizenship before acquiring the citizenship of another country . According to the South African Citizenship Act, it is an offence for a South African citizen with Dual Citizenship to enter or depart the Republic of South Africa making use of the passport of another country. Once a person has been granted Dual Citizenship, the holder must always enter and depart South Africa on their valid South African passport. In essence legislation provides that a South

African Dual Citizen can use his or her foreign passport/citizenship/nationality freely outside South Africa. However, in South Africa, he/she may not use his or her foreign citizenship to gain an advantage or to avoid a responsibility or duty, which he or she as a South African citizen would otherwise have or have not been entitled or subjected to .

## RECOMMENDATION

### *Recommendations based on the lessons learnt and other observations*

1. There is need for increased information sharing for public awareness on the details of the legislative change and what it means to Zambia and Zambians.
2. Government must ensure the systems are adequate enough to provide for equity, and effectiveness.
3. Provide adequate information on the processes and procedures to ensure the legislative instrument translates into the effective tool it has the potential to be.
4. Speed up the Diaspora Policy for guidelines.
5. Make platforms for Zambia's engagement with its citizens in the diaspora.

## CONCLUSION

Zambia is not the first country in Africa to recognize Dual Citizenship, it stands a chance to benefit in different sectors of society as seen from countries like South Africa and Nigeria whose economy have grown strong due to accepting Dual Citizenship for their citizens abroad. The Zambian government will need to **determine** what type of rights or restrictions that will be given to those with Dual Citizenship. From the countries profiled above, the government will need to clearly state if those holding Dual Citizenship will be able to hold public offices and if so on what grounds. Unlike in Nigeria where some citizens feel that Dual Citizenship damages nationality unity of the country, the government should try to promote and encourage citizens to hold on to their Zambian Citizenship status as a way to unite the country further. The government should consider adopting the South Africa's policy on Dual Citizenship when it comes to dual citizens traveling in and out of the country and the use of the Zambian passport and national registration card.

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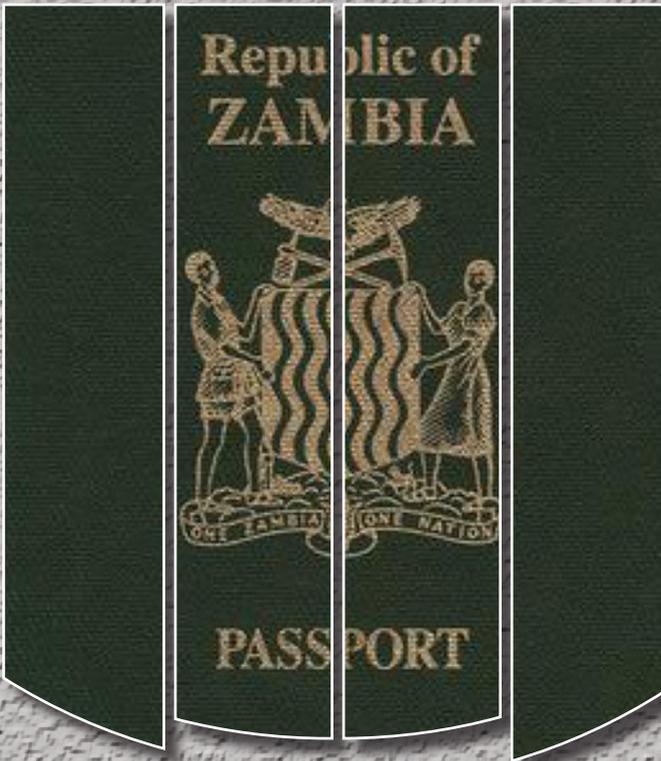
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