

Dual Citizenship as a Possible Tool to Elevate Diaspora Engagement in Ethiopia: The Quest for Legislative Action

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Abstract

Due to intense competition for foreign direct investment (FDI), states have been turning their attention to the diaspora. It is believed that diaspora communities can play a critical role in sustaining development by fostering socio-economic and political progress in their home state through investment, remittances and the transfer of knowledge. In order to facilitate diaspora engagement home states can employ various policy options and strategies. Despite the large number of Ethiopian diaspora, Ethiopian diaspora engagement remains low. The non-recognition of dual citizenship is believed to be one of the core variables that is blamed for this low diaspora engagement. This article explores the connection between dual citizenship and diaspora investment by applying a doctrinal research methodology.

Key terms: Diaspora, Dual Citizenship, investment, Nationality, FDI

1. Introduction

Due to the existence of stiff competition for foreign direct investment (FDI), states have been focusing on their diaspora, as a potentially reliable source of investment. As the emerging body of research suggests diaspora communities play a critical role in supporting sustainable development,¹ through economic, social, and political contributions.² Diaspora economic engagement ranges from remittance, technology transfer, diaspora direct investment (DDI) and

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¹ Dieu Hack Polay and Juliana Siwale (eds.), "African Diaspora Direct Investment Establishing the Economic and Socio-Cultural Rationale," *Palgrave Studies of Entrepreneurship in Africa*, (Springer International Publication AG ,2018), p. 66.

² Kassaw Tafere Merie, *Perception of Ethnic Federalism and the Ethiopian Diaspora Community in the US*, Walden University, Walden Dissertations and Doctorial Studies Collection, (2007), p.12.

diaspora bond arrangements.³ Diaspora investment, remittances and know-how make up critical part of social capital and political relationship.⁴ Promotion of public relation and lobby work is another potential contribution that the diaspora can offer to the country of origin. The diaspora can freely promote their original home state in the host state in variety of ways, and through public diplomacy thereby channeling home states and foreign governments and international agencies.⁵ To reap the services of the diaspora, states employ multiple strategies. In this regard the provision of dual citizenship is pivotal.

The Ethiopian diaspora has expressly pleaded for dual citizenship during the Prime Minister's visit to the West immediately after his appointment.⁶ It was also invoked by numerous scholars and journalist through publications. In the high time of diaspora movement in support of the Prime Minister, the diaspora aggressively pleaded for enactment of citizenship law to enhance involvement of the diaspora in the socio-economic and political aspect of the nation. Recognition of dual citizenship would level a playground for people interested in the advancement of the nation and will enable the diaspora to enjoy the full rights and privileges of the Ethiopian citizenship. The idea of greater diaspora engagement derived from the open arms approach that PM Abiy has extended toward the Ethiopian diaspora. PM Abiy's

³ Addisu Melkamu, *African Diaspora Engagement to their Home Countries: A Comparative Analysis between Ethiopia and Nigeria*, MA Thesis (Unpublished), Center for African and Oriental Studies AAU (2020), p.61.

⁴ *Id.*p.14

⁵ Seyoum Tefera, "The Cause and Magnitude of Brain Drain in Higher Education Institutions with Particular Reference to AAU" "*Go West , Young Man, (Go)*" Vol. 1 NO. 3 (2000), p. 20.

⁶ Ayenachew Assefa Woldegiyorgis, *Diaspora Engagement and the Question of Dual Citizenship in Ethiopia*, (Borkena, Addis Ababa, December 1, 2018), available at <https://borkena.com/2018/07/26/diaspora-participation-should-create-more-spacefor-community-organizations-ayenachew-aseffa-woldegiyorgis/> (accessed on 20 Feb 2021).

approach to the diaspora has sparked a debate for and against dual citizenship in social media platforms and other forums.⁷

Though apparently late, the Government of Ethiopia has realized the untapped potential of the Ethiopian diaspora and the motivation to promote the social, economic and political growth of the nation.⁸ Although, participation of Ethiopian diaspora in the political, economic and social life of their nation had been one of the most debatable issues in Ethiopia over the past twenty years, the recent dynamism has enticed a hot issue that need adequate and immediate response from all concerned. The ongoing political reformation and multifaceted influence that the nation has been enduring has encouraged a number of diaspora to stand on the Ethiopian side. During the northern Ethiopia conflict, the Ethiopian diaspora all over the world has aggressively worked to change political conspiracy and disinformation through lobby work. This positive contribution would be best regulated if the diaspora political rights sustained through constitutional process.⁹

Although foreign citizens of Ethiopian origin are legally permitted to engage in almost all forms of economic activities in Ethiopia, the diaspora community is still reluctant to involve in the economic sector on account of restraints apparent in business regulations and productive engagements.¹⁰

This article explores the policy challenges to diaspora investment and the possible restraints that could discourage investment from foreign nationals of Ethiopian origin. In examining diaspora engagement

⁷ *Id*

⁸ Samuel Alemu, *The Case for Granting Ethiopian Diaspora Dual Citizenship*, THE REPORTER, (15September 2018).

⁹ Biruk Abdu, *Passport Politics: Ethiopia's Political Reform and the Diaspora*, THE REPORTER (17 November 2018).

¹⁰ Yonnas Kefle, *Ethiopian Diaspora Business and Investment Council in Washington DC*, THE REPORTER (27 October 2018).

policy this work bases its argument on, Gamlen's typology.¹¹ It holds policies on capacity building, extension of rights, and imposition of obligation on the diaspora. Then the diaspora engagement policy follows. This policy is built on the rationale that rights vested on the premises that the diaspora plays a role which will ultimately benefits the nation.¹² Rights that may be conferred on the diaspora community may include political rights, such as, dual nationality, oversea voting (embassy, postal, proxy...etc. voting), parliamentary representation, and the ability to run for government office.¹³ After the brief introductory points in Part I, Part II deals with general overview of diaspora investment, socio-economic and political implications of dual citizenship. The third part focuses on the experience and best practices of other nations on dual citizenship and diaspora political engagement. Finally, the implication of dual citizenship in diaspora investment and political participation are briefly outlined.

2. Diaspora Investment, Dual Citizenship and Diaspora Political Participation: An Overview

Before exploring the implications of dual citizenship on diaspora investment, or socio-economic and political engagement, it is befitting to determine persons that may be viewed as diaspora. Who is a diaspora? What are the requirements and contours of labeling one as a diaspora? Are all Ethiopian migrants marching to the Middle East, South Africa or the West are diaspora? Is the nature of stay abroad and

¹¹ Theoretical approach to diaspora studies that was devised by Alen Gamlen reveals three types of diaspora engagement policies. The Policies that are captioned as Gamlen's Typology were initially published in 206 by the Gamlen's working paper entitled: "Diaspora Engagement Policies: What are they, and what kinds of states use them?"

¹² Alan Gamlen, *Diaspora Engagement Policies: What are they, and what kinds of States use them?* Center on Migration Policy and Society Working Paper No. 32, Oxford University, WP-06-32(2006), p. 6.

¹³ Katie Kuschminder and Metka Hercog, *The power of strong state: A comparative Analysis of the Diaspora Engagement Strategies of India and Ethiopia* , Maastricht Economic and social Research institute on Innovation and Technology, UNU MERIT, (Working Paper Series, 2011), p.26

duration matter? Thus, it is significant to determine persons that may be regarded as diaspora for investment and other purposes. As defined in the 2013 Ethiopian Diaspora Policy document, “diaspora” is any Ethiopian or foreign national of Ethiopian origin residing outside Ethiopia.¹⁴ Apart from the inclusion of “permanently resides abroad,” the Ethiopian Diaspora Agency Establishment Regulation No. 432/2018 provides a similar connotation.¹⁵

However, one may fairly question the reliance on mere residence abroad. There are numerous people of Ethiopian origin residing in almost all of the neighboring States, like Djibouti, Sudan, South Sudan, Kenyan part of Moyale. Some of them look for immigration benefits and others are staying beyond the national border as a mean of sustaining life. Should all these people considered as diaspora and enjoy the benefits accorded to the diaspora? Or should we confine the diaspora status to foreign residents that can contribute to the socio-economic system of the nation? Is it not unfair to make distinction based on economic or another consideration? Depending upon their national reality, some nations set requirements based on economic and other parameters. As Feissel Nasir witnesses, some nations do not grant the status of “diaspora” unless the foreign resident nationals is willing and able to contribute to the nation of their origin.¹⁶ Should the Ethiopian law define the notion of “diaspora” in terms of economic other contribution that foreign residents can make to the nation? Whatever justification may be suggested elsewhere, the current Ethiopian law does not consider factors other than foreign residence.

¹⁴ Ministry of Foreign Affairs, *Ethiopian Diaspora Policy* (2013), p. 8.

¹⁵ Ethiopian Diaspora Agency Establishment Regulation No.432/2018, Art. 2(3).

¹⁶ Interview with Ato Feissel Nasir Investment Counselor at Ethiopian Diaspora Agency, the Ministry of Foreign Affairs of Ethiopia, on 13 September 2014 E.C.

2.1. Implications of Diaspora Investment

No doubt, resources flowing to the nation boost up economy. The diaspora has been contributing to the national economy and wellbeing of nations in multifaceted ways. Generally, diaspora contribution may be classed into four categories: diaspora philanthropy, diaspora remittances, diaspora direct investment (DDI), and Diaspora Portfolio Investment.¹⁷ One of the noticeable advantages of DDI is “brain gain.” Brain “gain” occurs when talented migrants return back home thereby bringing knowhow, and technology, resources and best practices. Diaspora investors are facilitators of transnational knowledge. Unlike FDI, in which foreign entrepreneurs may be unwilling to share their technology with local workers. DDI may be less subject to this because diaspora investors may be less profit-driven. The other advantage of DDI is stability of investments.¹⁸ Diaspora investors have cultural affinities and market knowledge of their country. They hold strong emotional relationships to their homeland. Due to this, diasporas’ have better knowledge about investment opportunities and challenges to overcome. Exposure to situations abroad, and awareness of all available opportunities offer diaspora investors a better preference to international investors that may consider FDI a risky venture, particularly in weak democracies, like Ethiopia.¹⁹ Simply put, diaspora investors are less averse to political risk and economic shocks than other foreign investors. Despite uncertainties, the diaspora is more likely to invest and less likely to pull out in when they face potential risks. Moreover, diaspora investors can play a big role in attracting

¹⁷ Getahun Seifu Gesso “Regulatory Space” in the Treatment of Foreign Investment in Ethiopian Investment Laws” *The Journal of World Investment & Trade* Vol. 9 No. 5 (2008) p. 406.

¹⁸ Eduardo Rodriguez Montemayor, “Diaspora Direct Investment Policy Options for Development,” *Inter-American Development Bank Integration and Trade Sector Policy Brief* No. IDB-PB-183, (2012), p. 6.

¹⁹ Terrazas, Aaron, *Diaspora Investment in Developing and Emerging Country Capital Markets: Patterns and Prospects*, Washington, DC: Migration Policy Institute, (2010), p. 9.

non-resident FDI by setting up joint ventures and promoting export for domestic companies.²⁰ Appropriately leveraging the potential of diaspora needs understanding of the relative benefits of diaspora investment over FDI and diasporas' emotional attachment with their homeland.

2.2. Dual Citizenship: Concepts, Requirements and Merits

2.2.1. The Concept of Citizenship & Dual Citizenship

The term “citizenship” or “nationality” may appear a self-explanatory having no issue, but in legal sense, there are certain requirements that need to be met. Is one’s mere residence in Ethiopia or birth in Ethiopia make one a citizen of Ethiopia? How is citizenship defined? How one acquires the status of “citizenship?” As international court of justice (ICJ) elaborated in Nottebohm case,²¹ citizenship is “[...] a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interest and sentiments, together with the existence of reciprocal rights and duties.”²² Therefore, in order to say one a citizen of a state, assessment of the following is a mandatory requirement. First, a legal bond between a nation and the person shall be established. Second, there shall be a genuine connection between the state and the claimed person. Finally, there shall be respective right and duty between the state and the person concerned.

Dual citizenship, as the terms vividly signify, is holding citizenship of two states by an individual.²³ It creates individuals with a dual status

²⁰ Montemayor, *supra* note 18.

²¹ Nottebohm case (*Liechtenstein v. Guatemala*), ICJ (1953), available at <https://www.icj-cij.org/en/case/18>.

²² Montemayor, *supra* note 18.

²³ Agnese Loce, *Dual Citizenship as a Tool for Diversity Management in the Era of Transnationalism* (University, Integrim Online Papers No 5/2015), p. 2; See also Thomas

who are full members in several states. Dual citizens are simultaneously citizens and foreigners.²⁴ Thus from the cumulative reading of citizenship and dual citizenship, we can understand that conferring citizenship does not only extend rights, but also extends obligations. Even additional obligation might be imposed on dual citizens on the premises of national security.

2.2.2. Justifications for Increasing Acceptance of Dual Citizenship: Global Convergence

This Section attempts to portray the contemporary global situation of dual citizenship and the reasons for its growing acceptance. A number of states continue to argue against the principle of dual nationality,²⁵ until a profound shift of opinion.²⁶ Despite the hitherto hostile stance on dual citizenship, since the latter decade of 20th century the stance on significance of dual citizenship dramatically changed.²⁷ In other words, there has been a major shift in global attitudes toward dual citizenship and that more and more countries are allowing their citizens to be dual citizens.²⁸

The recent data on states recognition of dual citizenship shows that in 2011, over one half of states (53%) conferred their citizens with the

Faist and Jurgen Gerdes, *Dual Citizenship in an Age of Mobility* (Migration Policy Institute,(2008), available at:

[https://www.migrationpolicy.org/sites/default/files/publications/faist-final\[1\].pdf](https://www.migrationpolicy.org/sites/default/files/publications/faist-final[1].pdf)

²⁴ Tanja Brøndsted Sejersen, “I Vow to The My Countries”: The Expansion of Dual Citizenship in the 21st Century”, the *International Migration Review*, Sage Publications, Inc. on behalf of the Center for Migration Studies of New York , Inc. Vol. 42, No.3, (2008), p. 528.

²⁵ Maarten Vink, Hans Schmeets& Hester Mennes, “Double Standards? Attitudes towards Immigrant and Emigrant Dual Citizenship in the Netherlands,” *Ethnic and Racial Studies*, Vol. 42 No. 16, (2019), p. 84.

²⁶ Peter Kivisto and Thomas Faist, *Dual Citizenship in Global Perspective from Unitary to Multiple Citizenship*, New York, Palgrave Macmillan, (2000), p.107

²⁷ *Id*

²⁸ Sejersen, *supra* note 24.

status of dual citizenship thereby allowing their citizens abroad to retain their original citizenship without restriction.²⁹ Further, 19% of governments allow emigrants to keep their citizenship on condition: (i) the countries involved (acceptance of dual citizenship when some specific countries are involved but not others) or (ii) the rights involved (acceptance of dual citizenship with some restrictions to full citizenship rights). The remaining 28% of states do not have provisions dealing with dual citizenship.³⁰

Recognition of dual citizenship is backed by numerous causes. The most important cause for dual citizenship is globalization. Over the past two decades the increasing movement of people around the world has ensued the need for citizenship of original (birth) state and host state. Globalization has contributed a lot to proliferation of dual citizenship.³¹ This has led people to claim multiple nationalities at birth. Widespread abolition of military service and the recognition of gender equality in citizenship laws,³² the increased levels of migration, economic disparities among nations and other worldwide forces lead to widespread recognition of dual citizenship.³³ Considering the level of remittance that has been flowing and economic roles played by diaspora, numerous nations have changed their nationality laws thereby creating stronger tie with their diaspora community. This has made dual citizenship as a trend in the contemporary world.³⁴

²⁹ United Nations Department of Economic and Social Affairs Population Division, *International Migration Policies: Government Views and Priorities*, (2013), p.70.

³⁰ *Id.*

³¹ Beth Elise Whitaker, "The politics of Home: Dual Citizenship and the African Diaspora" *International Migration Review*, Vol. 45 No 4, (2011), p.757.

³² Vink, Schmeets and Mennes *supra* note 25.

³³ Faist and Kivistö *supra* note 26.

³⁴ Sejersen *supra* note 24.

2.2.3. The Nexus between Dual Citizenship and Diaspora Investment

In terms of stimulation of FDI and capacity building through brain gain, dual citizenship has great socio-economic significances.³⁵ Considering the economic and other merits of dual citizenship, the AU in the Agenda 2063 aspires all AU Member States to recognize dual citizenship by 2025. With this view in mind, currently, substantial number of African states has recognized dual citizenship.³⁶ Recognition of multiple nationalities confers the right to vote and entitles for parliamentary representation (joint diaspora-government decision making) thereby allowing diaspora community to directly participate in the political process. Recent scholarships on the relation between emigrants and their homelands has shown that many states tolerate multiple citizenships and have developed programs to channel their political, civil, and economic life.³⁷ Diasporas are more likely to visit, invest in and return to their homeland if they feel welcomed by the home state. For example, Ghana's the 2000 dual citizenship law and extension of voting right in 2006 has enabled to broader diaspora engagement.³⁸

Dual citizenship is becoming more common in today's interconnected global economies. States like Philippines and Mexico have sought to utilize the advantages of dual citizenship by liberalizing their citizenship laws. These nations have realized the economic and other merits of dual citizenship, trade and investment growth. This view is

³⁵ Harrison Shum, "Dual Citizenship: the Economic Benefit for Governments," *Leviathan*, Vol. 11 No. 1 (2020), p.55.

³⁶ Tittel Mosser, F. "Diaspora Engagement: Africa-Regional Series," *The European Union Global Diaspora Facility (EUDiF)* (2021), p.11.

³⁷ Sybil Rhodes and Arus Harutyunyan, "Citizenship to Emigration: Democratic Contestation and a New Global Norm," *International Political Science Review*, Vol. 31, No. 4, (2010), p. 471.

³⁸ International Centre for Migration Policy Development (ICMP) *Collection of Diaspora Engagement Practices*, (2019), p. 102.

shared by Africa's Brain Drain, an NGO dedicated to turning the brain drain into a brain gain.³⁹ By granting dual citizenship and promoting direct investment opportunities to diaspora, states can benefit from the untapped *resource into social capital* of transnational constituencies beyond the borders of the nation.⁴⁰

The recognition of dual citizenship thus not only increases foreign investment, but also rises national productivity by sustaining long-term supply of labour, which would enhance the potential for higher tax revenue.⁴¹ There is strong evidence suggesting increase in foreign currency deposit after the provision of dual citizenship. The aggregate value of foreign currencies flowing into the country can provide a government with a budget surplus to use for investment. The direct relationship between dual citizenship and confidence and stimulation it triggers not only boosts domestic investment capacity and productivity but also smooths ground for the flow of investments from overseas.⁴² Dual citizens are more likely attract and partner with investors from their host country to invest ventures in their home country and vice versa, as foreign investors often feel more comfortable partnering with people with whom they share a similar background. Diasporas often bring a specialized or entirely unique skill set that transforms their local labour market, leading to job creation, market diversification, and competitive innovation. Diaspora entrepreneurs have been creating job opportunity for many domestic workers by establishing businesses.⁴³

³⁹ Thomas straubhaar and Florin P. Vadean, “International Migrant Remittances and their Role in Development”, in OECD (eds.) *International Migration Outlook*: (2006 ed.) p. 13
See also World Bank, “Leveraging Economic Migration for Development”, *A Briefing for the World Bank Board*, (September 2019),

<https://documents1.worldbank.org/curated/en/461021574155945177/pdf/Leveraging-Economic-Migration-for-Development-A-Briefing-for-the-World-Bank-Board.pdf>

⁴⁰ Fiona B. Adamson, “The Growing Importance of Diaspora Politics”, *Current History*, (Nov. 2016) p. 294. (DOI: 10.1525/curh.2016.115.784.291).

⁴¹ Shum *supra* note 35, p. 56.

⁴² *Id.*

⁴³ *Id.*

2.2.4. Diaspora Political Engagement: Possible Benefits

The provision of dual citizenship and political rights to diaspora is a policy trend towards diaspora integration.⁴⁴UNCTAD recommends that engaging diaspora will be easier if they are granted with dual citizenship, voting and other political rights.⁴⁵Diaspora political participation should be seen in light of protecting diaspora investment and protecting diaspora economic interests through access to political decisions and policy making, democratization of the home country through political remittance and political inclusiveness.⁴⁶Dual citizenship enables diasporas' to lobby for the benefits of their home state and to contribute in democratization of their country through political remittance.⁴⁷

Thus the policy behind granting political rights to the diaspora is to facilitate a mutually beneficial relationship between the country and its diaspora.⁴⁸Article 3(Q) of the Protocol on Amendments to the Constitutive Act of the AU, gives primacy to diaspora engagement.⁴⁹ African Member States are required to ensure the extra economic

⁴⁴ Asayehgn Desta, *Option for Growth and Transformation: Ethiopian Origin Identity Cards or Dual Citizenship for Ethiopian Diaspora?* (2010), <http://www.tigraionline.com>, (Accessed on 24 May 2021).

⁴⁵ United Nations Center on Trade and Development/UNCTAD, “Towards a Policy Agenda for Least Developed Countries: an Integrated Approach to Migration, Remittances and Mobilization of Diaspora Knowledge,” *The LDCS Report*, (2012), p.123.

⁴⁶ Teguadda Alebachew, “Extending Voting Rights to the Ethiopian Diaspora: Towards Institutionalizing Diaspora Political Participation Ethiopia,” Presented in a Workshop on, “*Assessing the Implementation of Human Rights Commitments in a Developing Country: Lessons from Ethiopia*” A Joint Problem-Oriented Research Project Coordinated by the University of Graz-Austria, Addis Ababa University and Ethiopian Civil Service University, Addis Ababa, Date 10-13 January (2018), p. 15.

⁴⁷ Leulseged Girma, “Political Remittances: Inevitable Potential for Structural Transformation,” *The Reporter* 4 August 2018, available at <<https://www.thereporterethiopia.com/article/political-remittances-inevitable-potential-structural-transformation>>

⁴⁸ The Republic of Kenya, Kenya Diaspora Policy, 2014, (n 534), ii

⁴⁹ African Union, *2nd Diaspora Focal Point Workshop*, Khartoum, Sudan, 27 to 29 November, (2018), p.4.

participation of the diaspora such as their fair representation in governmental institutions and voting rights abroad.⁵⁰ The global experience shows that in 2007, a report by International Institute for Democracy and Electoral Assistance indicates that 115 countries or more than 50% of the world's states allowed diasporas' to participate in home country politics.⁵¹

3. Drawing Lesson from International Experiences

In leveraging the diaspora for national development, the world's most populous countries, China and India are on top of the list.⁵² In 2018 the top five remittance recipient countries were India, China, Mexico, the Philippines, Nigeria and Egypt.⁵³ India's 120 billion dollars IT industry benefited a lot from the Indian diaspora returnees.⁵⁴ India is also benefiting monetarily from its diaspora,⁵⁵ with annual remittance of USD 78.6 billion in 2018. Following India; China USD 67.4 billion, Mexico USD 35 billion, Philippines USD 33.8 billion dollars, has gained annual remittance inflows in 2018. Egypt and Nigeria, the next on the list, lead the pack in Africa with 28.9 and 24.3 billion dollar annual remittance inflows in 2018 respectively.⁵⁶ Among these countries, all top remittance recipients except China, allow dual citizenship for their diasporas. Let's look at the living experience of the Republic of Philippines and the Federal Republic of Nigeria.

⁵⁰ *Id*, p.6.

⁵¹ Andrew Ellis, *et al*, *Voting From Abroad*, (The International Idea Handbook), (2007), P. 3.

⁵² Asrat Seyoum, *Engaging the Diaspora*, (Reporter, 1 September 2018, Addis Ababa), www.thereporterethiopia.com/article/engaging_diaspora, (accessed on May 2020).

⁵³ Word Bank, "Migration and Remittance: Recent Development and Outlooks", *Migration and Development Brief* (2019), p. 3.

⁵⁴ In 2017 India was one of the top ten tech hubs in the world.

⁵⁵ Asrat, *supra* note 52.

⁵⁶ World Bank *supra* note 53, p. 2.

A. The Republic of Philippines

The Philippines has taken further steps in facilitating diaspora engagement through extension of political rights, as diaspora integration strategy. This ranges from allowing dual citizenship to external voting right for diasporas. The 1987 Constitution of the Republic of Philippines Article IV Section 5 is opened the room for allowing dual citizenship. In 2003 the Philippines passed the Citizenship Retention and Reacquisition Act of 2003 (Republic Act 9225). This Act provided an opportunity to retain or re-acquire their Filipino citizenship for natural born Filipinos who lost their Filipino citizenship through naturalization. The Act is commonly referred to as the Dual Citizenship Act.⁵⁷ It liberalized the possibilities for dual citizenship, expanded the area of rights for diasporas.⁵⁸ Dual citizens enjoy the full civil, economic, and political rights of Filipinos as guaranteed by the Philippines Constitution and existing laws.⁵⁹

The Philippines law recognized the right to voting and the right to hold public office with some limitations. The extension of voting right to Filipino diasporas, including dual citizens is enshrined in the 1987 Constitution.⁶⁰ The Constitution under Article V Section 2 provided: "The Congress shall provide a system for...absentee voting by qualified Filipinos abroad."⁶¹ The Overseas Absentee Voting (OAV) Act of 2003 (Republic Act 9189), as the name suggests, it is designed to encourage overseas Filipinos to participate in the political process.⁶²

⁵⁷ Executive Director Commission on Filipinos Overseas, *Primer on Philippine Dual Citizenship Act* (Republic Act No. 9225) (2018), p.1.

⁵⁸ David Camroux, *Nationalizing Transnationalism, The Philippine State and the Filipino Diaspora*, Leshtudesdeuceri, No. 152 (December 2008), p.20.

⁵⁹ Commission on Filipinos Overseas, *Handbook for Filipinos Overseas*, (8thed, 2010), p.55,

⁶⁰ Center for Migration Advocacy (CMA), *Enhancing the Right of Suffrage by Overseas Filipinos*, A Policy Paper on Overseas Absentee Voting (OAV), Migrants Rights Policy Monitor (November 2011).

⁶¹ The Republic of Philippine's Constitution of 1987, Art. V Sec. 2.

⁶² Camroux, *supra* note 58.

According to OAV Act, diasporas' may vote for the following eligible positions: 'All citizens of the Philippines abroad...may vote for President, Vice-President, Senators and Party-List Representatives, as well as in all national referenda and plebiscites.'⁶³

In Philippines dual citizens can enjoy all rights and privileges enjoyed by the people of Philippines. However, the following limitations are provided as an exception on the right to vote or be elected or appointed to any public office in the Philippines. Such rights cannot be extended to: a) those who are candidates for or are occupying any public office in the country of which they are naturalized; and/or (b) those who are in active service as officers in the armed forces of the country which they are naturalized.⁶⁴ Such dual citizens to exercise these rights should have to renounce their oath of allegiance to the country where they took that oath and shall subscribe and swear to an oath of allegiance to the Philippines.⁶⁵

According to the UNDP the 2003 dual citizenship law of Philippines resulted in increased economic participation of diasporas in the country. In respect to this, Senator Franklin Drilon said that the citizenship law of the Philippines, by allowing dual citizenship, enables the Filipinos abroad to progress economically and socially in their host countries without fearing loss of their original citizenship.⁶⁶ Thus, it possible to expect that, the inclusive diaspora policy of Philippines contributed to significant diaspora engagement.

⁶³ Philippines Overseas Absentee Voting Act of 2013, Sec. 4.

⁶⁴ Commission on Filipinos Overseas, *supra* note 59, p. 56.

⁶⁵ Executive Director Commission on Filipinos Overseas, *supra* note 57. p. 22.

⁶⁶ Cited in Abebaw Bihon, *Granting Dual Citizenship in Ethiopia: Towards Attracting and Ensuring Security of Diaspora Investors*, LL.M. Thesis Hawassa University, (2019), p. 49 (Unpublished).

B. The Federal Republic of Nigeria

The Nigerian government has taken several initiatives to engage its diaspora community in national development of their country of origin. One of the initiatives taken is allowing dual citizenship for its diaspora.⁶⁷ This is mainly to strengthen diaspora engagement.⁶⁸ Dual citizenship has a constitutional base in Nigeria. Section 28(1), of the Constitution is on issue of dual citizenship. It states:

Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth.⁶⁹

The provision declares the rules of provision of dual citizenship in Nigeria. Birth as a Nigerian is the most important qualification that entitles a Nigerian to possess double citizenship while holding a nationality of a foreign State.⁷⁰ In addition, the National assembly has a committee on diaspora matters. In case of problem and need assistance, the diaspora can contact the Committee.⁷¹ Nigeria allowed oversea voting to its diasporas' under its diaspora policy.⁷² The Independent National Electoral Commission (INEC) is the institutional framework which is responsible for implementing the policy that allows diaspora political engagement.⁷³

⁶⁷ African Union, *supra* note 49, p. 9

⁶⁸ Whitaker, *supra* note 31, p. 759

⁶⁹ Constitution of the Federal Republic of Nigeria (1999), Section 28 (1),

⁷⁰ Whitaker, *supra* note 31, p.778.

⁷¹ African Union, *supra* note 49, p.9.

⁷² The Federal Republic of Nigeria National Diaspora Policy, Section 2.3.19, (2021) 35

⁷³ Muzz Mohammed, "Too Foreign to Vote- A Case For Diaspora Voting in Nigeria," *A Journal of Nigerian Affairs* (24 February 2021), <https://republic.com.ng/february-march-2021/too-foreign-to-vote/> (Accessed on 17 July 2021); See also Section 3.3.26 of the Federal Republic of Nigeria National Diaspora Policy, (2021), p.28.

Although emigration has its own disadvantages, Nigeria has been benefitted a lot from migration. According to World Bank figures, Nigeria received about 10% of its GNP (about \$21billion) in 2012 as remittances.⁷⁴ Nigeria received the largest inflow of remittances in Africa with 2% of global inflow.⁷⁵ Nigeria is the largest remittance-recipient country in Sub-Saharan Africa and the sixth largest among low and middle income countries, received more than \$ 24.3 billion in official remittances in 2018, an increase of more than \$2 billion compared with the previous year.⁷⁶ It is logical to expect that, this result is achieved due to Nigeria's cultivation of diasporas' sense of belongingness through dual citizenship.

In the next part, we will explore Ethiopia's law and policy outlook on diaspora integration.

4. The Ethiopian Diaspora investment, Dual Citizenship and Diaspora Political Participation

4.1. The Ethiopian Diaspora and Investment Potential

According to Mohamed Indris, a Deputy Director General of the Ethiopian Diaspora Agency (EDA), Ethiopia is among the top African countries that has the largest African diasporas' abroad, particularly in the USA.⁷⁷ However, an exact number of the overall Ethiopian diaspora is unknown.⁷⁸ Some estimate the number of Ethiopian diasporas'

⁷⁴ Charles Soludo, "Is Nigeria Losing Her 17 Million Diaspora This Day?"; cited in Ufiem Maurice Ogbonnaya, "Voting Rights for Members of the Nigerian Diaspora," *Canadian Parliamentary Review* (2013), p.24.

⁷⁵ World Bank Migration and Remittance Brief (2018).

⁷⁶ World Bank, *supra* note 53. P. 23.

⁷⁷ Ebstv, Feb. 29, 2016, *What is new: Ethio diaspora grand mall*, available at <https://youtu.be/FhtvwNcN1BY>.

⁷⁸ Katie Kuschminder and "Melissa Siegel, "Understanding Ethiopian Diaspora Engagement Policy," United Nation University Maastricht Economic and Social Research Institute on Innovation and Technology/UNMERIT, Working Paper Series No.040, (2011), 7

exceeds 3 million.⁷⁹ This implies that Ethiopian has a huge untapped diaspora potential that can foster socio-economic and political development of the country through investment, remittance, transfer of knowledge and job creation.⁸⁰ The Ethiopian diasporas gross income is roughly estimated to be around 10-20 billion USD per annum, and in the last decade.⁸¹ Ethiopian diasporas in the OECD countries are relatively more skilled and make attractive earning.⁸² Though not attractive these days, before 2014, it was estimated that the average annual household income of Ethiopian diaspora in the USA was 36,000 USD.⁸³

Though not proportionally exploited to the extent possible, fully tapped, diaspora remittance has been a major source of hard currency that the economy has benefitted more than other sources of hard currency. Ethiopian diaspora community has been contributing to the nation through remittance, technology transfer through investment, and job creation, and stimulation of other forms of FDI.⁸⁴ Technology transfer and importation of best business practices is the most valuable asset that could turn Ethiopia into a successful country in the African continent.⁸⁵ The Ethiopian diaspora can be a powerful and potent force for the Ethiopia aspiration of landing at middle income earning nation. Effective use of the potential of Ethiopian diaspora, is a resource that

⁷⁹ Christopher Gaukler, "Improving quality and quantity of formal remittance flows in Ethiopia," *Baseline Assessment Report, (TA/020/2015, ACP EU Migration Action,* (2015), p.5.

⁸⁰ Solomon Benti, *The Role of Ethiopian Diaspora in the United States in Shaping Investment, Democratization and Remittance*, MA Thesis, AAU, (2020), p. iv.

⁸¹ Lalem Berhanu, "Diaspora Engagement in The State of Oromia," *Amsterdam Institute For Social Science Research, International Migration Institute/IMI*, (2010), see also Andrea Warnecke, "Ethiopian Diaspora in Germany –Commitment to Social and Economic Development in Ethiopia," *Center for International Migration and Development (CIM) and (GIZ)*, (2015), p. 27.

⁸² Ethiopian Diaspora Policy (2013) 5-6

⁸³ MPI, 'The Ethiopian Diaspora In the United States' prepared for RAD, (2014), p. 4.

⁸⁴ Teguadda Alebachew, *supra* note 46, p. 19.

⁸⁵ Samuel Alemu, *supra* note 8.

can directly or indirectly benefits and the entire Ethiopian society and reshape the country for years to come.⁸⁶

In understanding the potential that the diaspora would play in fight against the grinding poverty and place Ethiopia among the middle-income earners, the nation works toward fully engaging foreigners of Ethiopian origin in ventures that fellow Ethiopians can engage in. Diaspora involvement has been recognized in various government legal and policy documents like diaspora policy,⁸⁷ and Growth and Transformation Plan (GTP), and other documents of similar nature. This is evident from various government publications including Basic Information for Ethiopian Diaspora⁸⁸ which was published to fill information gap that might hinder diaspora contributions.⁸⁹

Since 2002 the Ethiopian government has taken various diaspora engagement measures.⁹⁰ The nation has enacted laws that can possibly ease bureaucracy;⁹¹ and set diaspora policy in 2013. On top of this, Ethiopia has set up institutions that work to strengthen diaspora engagement at both regional and federal level. The first initiative was establishment of the Ethiopian Expatriates Affairs (EEA) Department that made investment more attractive.⁹² In addition, various investment incentives and privileges were provided to diaspora investors. Granting some privileges to the Ethiopian diaspora like Ethiopian citizens (as

⁸⁶ *Id.*

⁸⁷ Diaspora engagement policy has been implemented. The MoFA published an official Diaspora Policy in 2013 to use the economic potential and skills of the Ethiopian Diasporas in a more organized and consistent way.

⁸⁸ This, document is prepared by the Ministry of Foreign Affairs Diaspora Engagement Affairs Directorate in 2011.

⁸⁹ Sarah Gebretsadik, *Politics, Practices, and Potentials: Analyzing the Role of Diaspora-owned Businesses in Ethiopia's Development*, MSC Thesis, York University (Unpublished), (2015), p.60.

⁹⁰ Solomon Benti, *supra* note 80, p. 45.

⁹¹ Teguada Alebachew, *supra* note 84, p.25.

⁹² Michael Collyer (ed), *Emigration Nations Policies and Ideologies of Emigration Engagement*, (1st ed., Palgrave Macmillan, (2013), p. 65.

domestic investors) under the investment Proclamation No. 280/2002. The Proclamation treats Ethiopian diaspora investors alike to domestic investors.⁹³ Further, the Diaspora Agency has been assisting diaspora investors by providing information by indicating possible business areas.⁹⁴ With a view to further improve diaspora engagement in the Ethiopian socio-economic life, the House of People's Representatives (HPR) has introduced a new bill that amended the old banking law that had restricted diaspora investment in banking and similar businesses. The new Proclamation has removed this major restriction by allowing the diaspora to invest in the financial sector.⁹⁵ On the same token, the legislature has modified investment law in a way smoothing the playground to the Ethiopian diaspora. Proclamation No. permits 1180/2020 the Ethiopian diasporas to invest in any sector without restriction.⁹⁶ The accompanying regulation (Regulation No. 474/2020) considers foreign nationals of Ethiopian origin as domestic investors.”⁹⁷

Now Ethiopian diaspora are eligible to invest in all sectors that domestic investors are permitted to invest, including.⁹⁸ banking, insurance and micro-credit services; packaging, forwarding and shipping agency services; media services; attorney and legal consultancy services; preparation of indigenous traditional medicines; advertisement, promotion and translation works and domestic air transport services.

⁹³ African Foundation for Development/AFFORD, “Diaspora Engagement Mapping: Ethiopia,” *ICMPD*, (2020), available at www.diasporadevelopment.eu.

⁹⁴ Ethiopia Press Agency, *Nation keen to harness Diaspora resources*, available at <https://www.press.et/english/p=36088>, (Accessed on 23 May 2021).

⁹⁵ Banking (Amendment) Proclamation No. 1159/2019, *Fed. Neg. Gaz.* 25thYer No. 88, Sep. 2019, A.A; See also Yonas Abiy, *House Approves Diaspora Involvement in Finance Sector*, (The Reporter, 3 August, 2019).

⁹⁶ Ethiopian Investment Commission (EIC), *Ethiopian Investment Report* (2019) p, 36.

⁹⁷ See Art. 2(2) of Investment Regulation No. 474/2020 cum Art. 2(5) (f) and 2(5)(h) of the Investment Proclamation 1180/2020.

⁹⁸ Investment Regulation No. 474/2020, Art. 4.

The willingness of diaspora to engage in various sectors depends on overall national condition. To a large extent, national situation has a potential to shape and influence diaspora options relating to what, how and where to invest. The institutional, political, and socio-economic environment of the nation towards diaspora members, and specific entrepreneurial culture in the home country are the most interesting factors in fostering the creation and success of diaspora investment.⁹⁹ Despite the huge economic potential of diasporas and the initiative of the governments, the reality on the ground reveals the number and volume of diaspora investment is much less than the expected level.¹⁰⁰ This calls for some kind of scrutiny that can explore to the problem and come up with a curable solution.

As empirical data collected from the Ethiopian Diaspora Agency and key informants suggest, the diaspora investment did not grow in the level the reality on the ground demands.¹⁰¹ It is reported that approximately 3% of domestic investment in the last decade was generated from the diaspora.¹⁰² In terms of number from more than 3 million diasporas only 3,000-4,000 diasporas invested in Ethiopia.¹⁰³ While investment policies and attractive incentives are still in place the outcome is not satisfactory.¹⁰⁴ Moreover, as can be understood from the following graph the number of incoming diaspora investors are declining.

⁹⁹ *Id*, p.68.

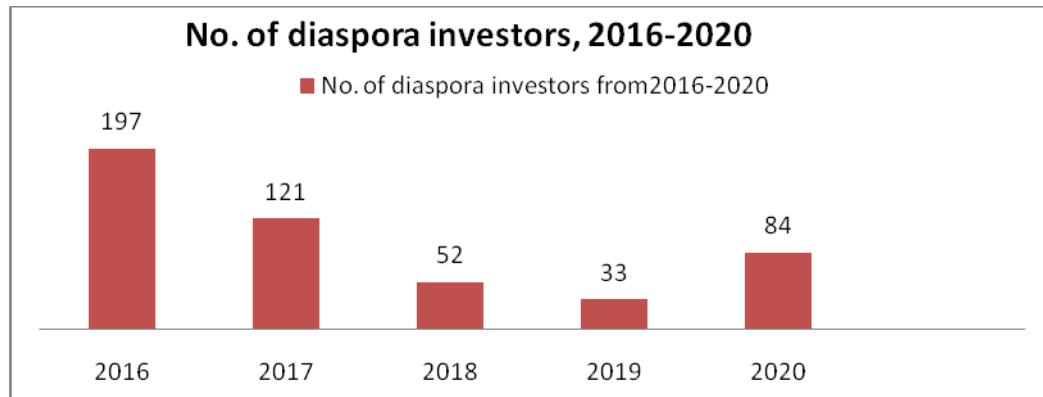
¹⁰⁰ Ebstv, *supra* note 77.

¹⁰¹ Interview with Ato Feissal Nasir, *supra* note 16.

¹⁰² Andrea Warnecke, *supra* note 81, p. 27.

¹⁰³ Teguadda Alebachew, *supra* note 46. P. 20.

¹⁰⁴ Sarah Gebretsadik, *supra* note 89; See also Interview with Ato Mekonin Behailu, Senior Investment Promotion Leader in the Ethiopian Investment Commission (EIC), on 13 September 2014 E.C.



Source: Data on 14/01/2014 E.C from the EDA, the Ministry of Foreign Affairs of Ethiopia

The total number of diaspora investors in five years (2016- 2020) was only 487. To the worse, the number has been declining. In consideration of the huge potential, conducive policy, attractive incentives, the huge of number of Ethiopian diaspora population, the number of diasporas engaged in investment is significantly low.¹⁰⁵ This obviously implies the whole diaspora investment package is not properly working. Therefore, one may fairly question why a system that effectively works elsewhere, fails in Ethiopia? What possible options are available to reverse?

As empirical data suggests, among the challenges of diaspora engagements in investment, are the shortage of foreign exchange, especially for investments in capital goods and inadequate infrastructure.¹⁰⁶ The informant also noted that, the crucial issue was on provision of land for investment purposes. At the top leadership level, there was effort to make investment lands' available/ready to investors before investors' request. However, the problem is apparent in each level (Kebele to regional offices). The office entrusted with provision of land, and conceal land data looking for corrupt

¹⁰⁵ *Id.*

¹⁰⁶ Interview with Ato Tagash Menkora, Senior Investment Promoter Expert at SNNPRS Investment Bureau.

purposes.¹⁰⁷ Furthermore, low investment promotion work, the uncertain political situation and the weak socio-economic and political tie between the diaspora blamed for low diaspora investment in Ethiopia.¹⁰⁸ All informants summed the major problem to the low diaspora investment, among others is country's complex business doing process or lengthy bureaucratic procedures.¹⁰⁹

Among the critical issues that were pinpointed by the informants was the fact that the diaspora, as non-citizen having no role in shaping politics. A diaspora investor is powerless to change unfriendly and corrupt system. As foreigners, Ethiopian diaspora can play no role in Ethiopian politics. This has a huge discouraging effect. Ethiopian diasporas have been fighting foreign interference by organizing rallies abroad, lobbying foreign agents, taking care of distressed Ethiopians through remittance and other benevolent ventures, but why purposely distanced from political and political process that inapt political actors manipulate for personal gains? As pointed out at the outset, provision of dual citizenship can change the whole situation. The key informants have also pointed out the only viable option that can change the current diaspora engagement is the provision of dual citizenship. Through the provision of dual citizenship, the nation can benefit but would lose nothing.

4.1.1. Examining Dual Citizenship: the Ethiopian Legal Frameworks

Though dual citizenship cannot be panacea for all issues that have contributed for the low diaspora engagement in Ethiopia, it is believed that the provision of dual citizenship will change the current figure.

¹⁰⁷ *Id.*

¹⁰⁸ Interview with Ato Feissal Nasir, *supra* note 16; Interview with Ato Mekonin Behailu, *supra* note 104.

¹⁰⁹ EIC, *supra* note 96.

This section briefly deals with modalities and socio-economic and political effects of dual citizenship. The quest for dual citizenship has been an issue for three million Ethiopian diaspora for many years and now the question is directly forwarded to the PM.¹¹⁰ The question was presented formally, and timely. Responding to the Ethiopian diaspora the PM publicly speak out: “We will deal with this citizenship matter in a manner that would suits us.”¹¹¹ According to liberals like Dworkin and Rawls each individual has the right to choose his ways of living (except against anyone else) and the function of the law and the government is to protect such pursuit of living.¹¹² Before dealing with the relationship of dual citizenship and diaspora engagement, it seems pertinent to briefly assess the legal framework dealing with nationality law in Ethiopia.

4.1.2. The 1930 Ethiopian Nationality Law: Was there any Clue for Dual Citizenship?

The Ethiopian nationality legislation of 1930 was the oldest nationality law in Africa. It was amongst the very first written laws in Ethiopia’s modern legal system. It has gone through different regimes and the confederation and secession of Eritrea.¹¹³ Article 1 of the 1930 Ethiopian nationality law expresses the Ethiopian nationality was based on descent, *jus sanguinis*.¹¹⁴ Citizenship law based on “Jus Sanguinis” is less inclusive than citizenship law based on “*jus soli*” principle. It has “an element of exclusion, excluding non-citizens from

¹¹⁰ Biruk Abdu *supra* note 9.

¹¹¹ *Id.*

¹¹² Ilona Iija, V., *An Analysis of the Concept of Citizenship: Legal, Political and Social Dimensions, Social and Moral Philosophy*, Masters Thesis, University of Helsinki, (unpublished) (2011), p.12.

¹¹³ Zecharias Fassil, “Report on Citizenship Law: Ethiopia,” *Global Citizenship Observatory Report*, Schuman Center for Advanced Studies and Edinburg University Law School, (2020), p.1.

¹¹⁴ *Id.* P.5.

basic rights and privileges”¹¹⁵ Article 11 of this law clearly stipulates that the Ethiopian nationality can be lost if a person acquires another nationality.¹¹⁶ Foreigners who want to become Ethiopian need to prove that they have already renounced or are able to renounce their original citizenship.¹¹⁷ Thus it expressly excludes dual citizenship for Ethiopians.¹¹⁸ Despite, the social dynamics, the impacts of globalization, political and economic integration, this law is continued to be enforced through three regimes.¹¹⁹ The 1930 nationality law was replaced by Proclamation No. 378/2003, but the prohibition of dual citizenship remained unchanged.¹²⁰ Article 31(1) of the 1987 PDRE Constitution declared: “Any person with both or one parent of Ethiopian citizenship is an Ethiopian.”¹²¹ It thus reiterated the *jus sanguine* principle that was provided under the 1930 nationality law.¹²² The 1995 FDRE Constitution gives important guidelines on the nationality law regime.¹²³ Article 6 of the Constitution briefly expresses about nationality providing a general principle, the details of which are left to “be determined by law.” Like the 1930 law, the 1995 Constitution, also followed the principle of *jus sanguinis* as the main guiding principle for the acquisition of nationality.¹²⁴ Article 6(1) states: Any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian.¹²⁵ In Ethiopia thus nationality can be

¹¹⁵ Patrick A. Imam and Kapodar, “Does Inclusive Citizenship Law Promote Economic Development?” *IMF Working Paper Series No. WP/19/03*, (2019), p.7.

¹¹⁶ Daniel Mekonnen, “The Right to Cross-Border Identity of Individuals with Eritrean and Ethiopian Ancestry: International and Comparative Law Perspectives,” *Ethiopian Yearbook of International Law* (2019), p.69.

¹¹⁷ Zecharias Fassil, *supra* note 113.

¹¹⁸ Samuel Alemu *supra* note 8.

¹¹⁹ Tsegaye Tilahun, “Ethiopia’s Diaspora Issue of Dual Citizenship, *The Ethiopian Herald*, December, 6/2018.

¹²⁰ Zecharias Fassil, *supra* note 113. P. 1.

¹²¹ Constitution of the Federal Democratic Republic of Ethiopia, *Proc. No. 1, 1995*, Federal Neg. Gaz. Year I No. 1, (1995), Art. 31(1).

¹²² *Id.* Art. 32 (1).

¹²³ Arts. 6, 33 and 36 of FDRE Constitution embody general guidelines

¹²⁴ Daniel Mekonnen, *supra* note 116.

¹²⁵ The FDRE Constitution, Art. 6(1).

defined only based on ancestral background. This tends to be the most common practice in the civil law systems of continental Europe.¹²⁶ There is no indication that the framers of the constitution considered introducing an element of *jus soli*.¹²⁷ One of the important issues raised in the deliberations was the inclusion of dual nationality, especially for children born to Ethiopian nationals living abroad in a country that applies *jus soli*.¹²⁸ It was debated and justification by legal experts was sought by the constitutional drafting committee.¹²⁹ But the archive does not include anything further on this.¹³⁰

As dual citizenship was not included in the previous legal regimes, including in this constitution was not seen as a viable option. Until now the constitutional provisions on nationality are not amended¹³¹ generally, the Constitution neither allows nor prohibits dual citizenship; rather it simply provided the guiding principles under Article 6, 33 and 36.

4.1.3. The 2003 Ethiopian Nationality Law

In 2003 Ethiopia felt the need to revise its nationality law thereby coming up with a revised nationality law - Ethiopian Nationality law, Proclamation No. 378/2003. It provides nationality to be acquired primarily on the basis of descent.¹³² The Proclamation also defines Ethiopian nationality based on adoption,¹³³ marriage¹³⁴ and naturalization.¹³⁵ It also provides rules for loss of Ethiopian nationality.

¹²⁶ Daniel Mekonnen, *supra* note 116; See also Art. 19 (1) cum Article 20(1) and (2) that express how Ethiopian nationality may be lost.

¹²⁷ Zecharias Fassil, *supra* note 113, p. 10.

¹²⁸ *Id.* p.11.

¹²⁹ *Id.* p.19.

¹³⁰ *Id.* p.11.

¹³¹ *Id.* 10.

¹³² See Ethiopian Nationality Proclamation No. 378/2003 Art. 3.

¹³³ *Id.* Art. 7.

¹³⁴ *Id.* Art. 6.

¹³⁵ *Id.* Art. 4.

Ethiopian nationality is lost when a person acquires a foreign nationality.¹³⁶

In 2002 a huge change was made in the Ethiopian nationality law and policy. The nation decided to harness all resources that can possibly uplift Ethiopia's socio-economic situation by considering foreign nationals of Ethiopian origin as Ethiopians. This, however, does not mean recognition of dual citizenship, but in effect, in respect to societal and economic aspects there is no difference. Foreign nationals of Ethiopian origin either born in Ethiopia, children of whose parents who were born as Ethiopians or their spouses were permitted to apply for Ethiopian identity card (popularly known as yellow card). Upon fulfillment of the conditions that are set in Proclamation 270/2002 the person is granted with the ID card that makes the holder an Ethiopian for all civil life, short of election and being elected. He/she can indefinitely reside in the nation without need to get residential or work permit. Can own immovable property and engage in vocation of his/her interest. The only limitation in this regard is a foreign national of Ethiopian origin cannot hold permanent position in politically sensitive offices like defense, security or Foreign Ministry. Restriction in these vocations is understandable— a foreigner may be manipulated to act in double capacity.

The Proclamation was backed by two main purposes: First, recognition of huge number of Ethiopian diaspora that wishes to maintain strong relationship with his/her country of origin. As expressed in the Proclamation one of causes that motivated the Ethiopian government to make such bold move was a huge population of Ethiopian origin abroad. The Proclamation states: "[...] a significant number of foreign nationals of Ethiopian origin wish to strengthen, their tie with their

¹³⁶ Ethiopian Nationality Proc. No. 378/2003, Art. 4 cum Art. 5 – 12. See also Tariku Raga, "The Potential Contribution of Ethiopian Diaspora in Development: The Presenting Absent Partners," *Humanities and Social Sciences*, Vol. 5, No. 1, (2017), p. 21.

country of origin.”¹³⁷ In consideration of the wishes of the Ethiopian diaspora and aspiration to uphold a strong bond with Ethiopia, the government of Ethiopia was motivated to smooth a playground in a way benefiting Ethiopian and Ethiopians. This aspiration had forced political actors to take positive actions that would strength the tie between the Ethiopian diaspora and their true motherland – Ethiopia.

Based on interest of the Ethiopian diaspora, and the need for investment, the government “[...] believed that foreign nationals could contribute to the development and prosperity of the people and country of their origin if the legal restrictions pertaining to the enjoyment of certain rights and privileges are lifted.”¹³⁸ Thus, the huge number diaspora population, their interest to uplift Ethiopia, and problem on the ground that calls for investment has dictated the government to make policy shift thereby assimilating foreigners of Ethiopian origin with fellow Ethiopians evading constitutional provisions that apparently draw a line between Ethiopians and foreigners. Constitutional amendment requires long process that may take years, but Proclamation No. 270/2002 was a quick win that assumed to realize the wishes of Ethiopian diaspora and problem on the ground that calls for quick solution.

The approach, to offer an ID card that is not equivalent to dual citizenship was modeled on Indian practice in which Overseas Citizenship of India (OCI) are given a status, but not citizenship.¹³⁹ This quasi-form of citizenship was established by offering ID cards. The holders of the ID cards are not allowed to vote or to be elected to public office.¹⁴⁰ Political participation is manifestation of clientship that can only be played if dual citizenship is permitted, which is a costlier alternative to the current ID cards. The privileges brought with

¹³⁷ Preamble to the Proclamation No. 270/2002.

¹³⁸ Ibid

¹³⁹ Kuschminder and Siegel,(n 78),19

¹⁴⁰ Kuschminder and Hercog, (n 13),

dual citizenship are incomparably richer than those available to ID card holders.¹⁴¹

In legal sense holders of the Ethiopian origin ID card are not Ethiopian, but apparently there is no big difference. The consideration of Yellow Card holders as Ethiopians (the initial appearance) was changed due to the political changed circumstance after 2005 revolutionary election the good relationship between the then government of Ethiopia and diaspora community was spoiled. Frequent rallies were conducted against the EPRDF Government in West. Ethiopian political discontent was so strong in United States and major cities in Europe. The diaspora started to align with opposition political parties. Leaders of the main opposition political party (Coalition for Unity and Democracy) that claimed winning almost all seats in Addis Ababa and major Ethiopian cities fled to United States and testified against the then Ethiopian government in the United States Congress. Legal suits in foreign courts were so frequent and Ethiopian leaders could not peacefully move in foreign cities. Supposedly, the spoiled political relationship between prominent Ethiopian diaspora and the then government generated some policy change. The prominent action that the government took against the Ethiopian diaspora was the prohibition to engage in banking sector.

In good days, (before 2005) foreign nationals of Ethiopian origin subscribed shares of private banks. Legally, the then investment reserved banking sector to Ethiopians. As Proclamation No. 270/2002, has no provision excluding foreigners of Ethiopian origin from banking sector. As pointed out above the only sectors that were made out of reach of foreigners of Ethiopian origin were defense, security and Ministry of foreign affairs. Even in these sectors the prohibition extends to permanent employment. Thus, foreign nationals of Ethiopian origin can work as temporary workers or temporary contractors in these nationally sensitive sectors. Then one can fairly

¹⁴¹Samuel Alemu, (n 8)

question whey foreign nationals of Ethiopian origin were deprived shareholding in banking and financial sector? It is not hard to understand political play as cause to deny rights of diaspora Ethiopians to lose their grown money in private bank investment. Banking laws were amended to deny diaspora participation. Moreover, foreigners of Ethiopian origin denied getting advocacy license.

Therefore, foreigners of Ethiopian origin understood that their aspiration cannot be realized unless political playground is not leveled. The diaspora aggressively worked towards change of political system. It is true that EPRDF is not in power now, but as empirical data reveals diaspora investment is not increasing in the desired level. Though figure of 2020 shows a steady growth, hesitation is apparent. In a situation the diaspora cannot play a vivid role in the Ethiopian politics, the hesitation would continue. The current trend the lessons the diaspora learned after 2005 election call for a bold move greater than the privileges of Yellow Card. Meaning only dual citizenship can change the current gloomy move and hesitation. The diaspora should be allowed to play role not only in investment, but also in politics, and this can be realized in dual citizenship. The provision of dual citizenship by allowing foreigners of Ethiopian origin to engage in the political process, enables full utilization of economic power thereby facilitating unrestrained diaspora investment.

5. Political Engagement of Ethiopian Diasporas

The current Ethiopian government has been calling on Ethiopian diaspora, irrespective of political differences, to come home and involve in peaceful political fight.¹⁴² The call and positive action taken on the ground ushered diaspora politicians and opposition parties dwelling abroad including those engaged in armed struggle to come home and engage in political engagement. Despite the huge political

¹⁴²Ayenachew Aseffa Woldegiyorgis *supra* note 6.

move, the legal restraint limiting foreigners of Ethiopian origin as stipulated in the FDRE Constitution, nationality law, and electoral law are challenges to diaspora political engagement in Ethiopia. According to Mussa Adem, a Political analyst, the Ethiopian diaspora can potentially benefit the ongoing political activity and reform thereby playing a constructive role in nation building.¹⁴³ As Ethiopian diasporas expressed their interest in social and economic uplifting of the nation, they have legitimate cause to be heard and participate political process of the nation. One of the ways in which political participation can be guaranteed is by facilitating diaspora representation in the political process. The right to vote offers access to political decision making and, in some cases, to have specific interest to be represented.¹⁴⁴ In addition, allowing diaspora to participate in political process of Ethiopia would result in their constructive engagement in the social, economic and political affairs of the country. Extending such rights to diaspora is important in making them to have a close tie with their country of origin. The unresolved problem is the Ethiopian diaspora are excluded from political decision making.¹⁴⁵ Teguadda Alebachew argues for provision of “[...] diaspora economic and social engagement will not be successful without granting them the right to vote to diaspora.”¹⁴⁶

It is expected that permitting diaspora Ethiopians to participate in the political process will create a sense of belonging and will boost their interests in contributing to Ethiopia’s socio-economic and political development. In addition, it is believed that this will enhance the integrity and credibility of the outcomes of election process. Diaspora political participation would contribute to the democratization process

¹⁴³ Robel Yohannes, “How Can Ethiopia Accommodate Dual Citizenship in the Upcoming Elections?” *The Ethiopian Herald*, February 27/2019).

¹⁴⁴ Dina Ionsecu, “Engaging Diasporas as Development Partners for Home and Destination Countries: Challenges for Policy Makers,” *International Organization for Migration (IOM)*, Geneva, Migration Research Series No. 26, (2006), p.38.

¹⁴⁵ Abebaw Bihon, *supra* note 66.

¹⁴⁶ Teguadda Alebachew *supra* note 46, p. 25.

(through political remittance) and avoid civil unrest; creates conducive political and business environment. Political integration of diaspora could increase the volume of remittance, institutional transformations and democratization. It is important to address political differences and polarization of ethnicity and ethnic conflicts at home. If diaspora perceive that their home states politics is bad and that they are treated inappropriately, it obviously will backfire on socio-economic and political processes.¹⁴⁷

Diasporas political engagement would enable them participate in the political process, including but not limited to designing diaspora engagement policies, crafting new legislations, decision making in the political process.¹⁴⁸ As repeatedly pointed out, socio-political engagement can be effective if and only if dual citizenship is granted. This assumption is justified on congruence rule. It is a liberal idea that preaches contributors should be authors of the rule.¹⁴⁹ The Ethiopian diaspora as potential contributor of the Ethiopian economy deserve a right that entitles them take part on the political process.¹⁵⁰

In post conflict scenario inclusion of all persons having nexus with the nation concerned and involving them in the political process, especially the diaspora is significant process of inclusive politics that can advance nation building.¹⁵¹ In the diaspora involvement, the reason, and modalities of getting out the country of origin is not relevant. Regarding the Ethiopian diaspora, the most important cause for migration was the Dergue politics. During monarchy regime, few Ethiopians used to reside abroad, the most usual cause for migration

¹⁴⁷ *Id.* 14.

¹⁴⁸ Interview with Ato Feissal Nasir, *supra* note 16.

¹⁴⁹ Joachim Blatter, "Dual Citizenship and Theories of Democracy," *Citizenship Studies*, Vol. 15, Nos. 6-7 (Institute of Political Science, University of Lucerne, Switzerland, 2011), p. 774.

¹⁵⁰ Ayenachew Aseffa Woldegiyorgis, *supra* note 6.

¹⁵¹ Teguadda Alebachew *supra* note 46, p.14

was education. After graduation almost all graduates used to come back and serve their nation. The cruelty of Dergue actions, and the immaturity of student movement coupled with Cold war politics attracted young Ethiopians to aspire life outside Ethiopia. Substantial number of Ethiopian migrants moved to the West settling in United States and Europe. Majority of them were either educated abroad or at home. Through hard work they changed their life thereby adjusting themselves to the western lifestyle and culture.

Nowadays, politics is not a driving factor for Ethiopian migration, but the already established migration as a shortcut method to escape poverty. Further, the significant numbers of Ethiopian migrants are victims of human traffickers that pressurized Ethiopians to leave their nation in aspiration of better life abroad. Ethiopians do not celebrate after passing naturalization process. But it serves as a method of job security in the host nation. This is an indirect pressure to apply for foreign citizenship.¹⁵² However, sense of Ethiopians never faded. Let alone migrants born in Ethiopia, their children who never visited Ethiopia consider Ethiopia their nation. In bad days of Ethiopia, the Ethiopian diaspora aggressively fought not only disinformation warfare, but also stood on the side of Ethiopia through their finance and political activism. Then what is wrong if the Ethiopian diaspora are conferred with dual citizenship?

Diaspora involvement in the Ethiopian political engagement is not fair but would boost nation building process. On the contrary exclusion of persons interested in nation of their origin would erode the sense of belongingness and would negatively affect the potential socio-economic contribution. The amount of remittance is no less than Ethiopia's export earnings. Though some people of Ethiopian origin may be manipulated by foreign states that work against interest of Ethiopia, the majority aspire for Ethiopia's growth and prosperity. The

¹⁵² Robel Yohannes, *supra* note 143.

diaspora can serve as channels of technology transfer and import democratic values that would serve national interest.¹⁵³ It is strongly believed that provision of dual citizenship would enable the aspiring people of Ethiopian origin play a critical role both in economy and political process.¹⁵⁴

The argument in favor of dual citizenship and the benefits of diaspora political engagement has got the support of politicians, law and public policy experts.¹⁵⁵ Some suggested Ethiopia to recognize actual and potential contribution of the diaspora, and empower them to positively influence the socio-political and economic situation in the country.¹⁵⁶ Others have noted that nations around the world are aware of advantages of diaspora engagement in political, social and more importantly in the economy. Samuel Alemu recommends in favor of dual citizenship as follows:

As Ethiopia is struggling to increase the inflow of goods, services and investments into its economy and minimize the risks of brain drain, it is time to amend the existing laws and let the Ethiopian diaspora retain their citizenship when they become citizens of a foreign country. It will definitely empower the Ethiopian diaspora to contribute to the socio-economic and political advancement of Ethiopia. Dual citizenship can pave the way to increased investments and more rapid development of knowledge economy in Ethiopia.¹⁵⁷

Similarly, Asayehgn Desta, suggests the Ethiopian government to provide dual citizenship instead of “the outdated status, known as the

¹⁵³ Leulseged Girma, *supra* note 47.

¹⁵⁴ Teguadda Alebachew *supra* note 46, p.13.

¹⁵⁵ See Whitaker *supra* note 31, p.755.

¹⁵⁶ Tsegaye Tilahun, *supra* note 119.

¹⁵⁷ Samuel Alemu, *supra* note 8.

‘Origin Identity Cards’.” Therefore, in order to effectively tap the developmental potential of the Ethiopian Diaspora, the governing laws should be amended to allow for dual citizenship so that the attachment of the emigrants to their home country becomes a permanent one. Further, Tsegaye Degineh,¹⁵⁸ Sileshi Tilahun,¹⁵⁹ Temam Bati (Chair Man of Oromo National Party and Political Affairs,¹⁶⁰ Endalew Lijalem Enyew,¹⁶¹ argue in favor of dual citizenship. This doesn’t mean that there is no argument against dual citizenship in Ethiopian.¹⁶² However, the disadvantage of provision of dual citizenship is not comparable to the advantages that the nation can reap.

6. Conclusion

The current trend of Ethiopian diaspora investment is far below the potential of both the diaspora to invest and Ethiopia to host investment. To boost diaspora investment further positive action is needed. One of the measures is the provision of dual citizenship and diaspora political engagement. As seen in the experiences of other countries, diaspora engagement in investment requires a comprehensive and inclusive diaspora policy, legal and institutional frameworks, as well as an inclusive socio-economic and political environment. The current Ethiopian diaspora policy and citizenship law are not inclusive enough to mobilize diaspora for development. Dual citizenship and diaspora

¹⁵⁸ Tsegaye Degineh “በኢትዮጵያ የተወሱ ከሚት አስፈላጊነትና መታወቁ የሚገባችው ነገሱች” The Reporter, (16 December 2018).

¹⁵⁹ Chairman of the Ethiopian National Transitional Council.

¹⁶⁰ Getinet Mihrete, “የተወሱ ከሚት ነው እኩልኩ ሆኖል,” *Ethiopian Press Agency*, (9 March 2019).

¹⁶¹ Satenaw, “Does the Current Political Reform in Ethiopia Require Amendments of the National Law on Foreign Nationals of Ethiopian Origin?”, www.satenaw.com/does-the-current-political-reform-in-ethiopia-require-amendment-of-the-nationality-law-on-foreign-nationals-of-ethiopian-origin (Accessed on 25 December 2021).

¹⁶² Sisay Mengiste (PhD), Ayenachew Aseffa Woldegiyorgis, PhD candidate at the Center for International Higher Education, Boston College, and researches diaspora engagement in higher education, Mr. Ephrem Madebo, Patriot Gimbot 7 Movement Spokes Person... are some of scholars who argue against dual citizenship in Ethiopia.

political participation would enhance diaspora ties, to their home state, making it easier and more encouraging for diaspora to invest in their home country. While dual citizenship and diaspora political participation cannot solve all socio-economic problems, they can serve as effective tools to attract potential diaspora investors.