

Immigration Control in Ghana under Kwame Nkrumah, 1957–1966

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Abstract

Independent African governments inherited the division of Africa into nation-states and the introduction of immigration regulations to control movements in Africa from the erstwhile European imperialist governments. These African governments also introduced several measures to control immigration in their respective countries. When it assumed power, Nkrumah's government designed a number of immigration measures, some of which defined the legal or political status of immigrants and regulated their movements and economic undertakings in the country. Therefore, this study, using both primary and secondary documents, examines the immigration legislations or policies which the Nkrumah administration devised to control the entry of immigrants into Ghana as well as their stay in and exit from the country. It investigates and analyses the specific attitude of the government towards immigration and examines the relative effectiveness of the execution of immigration control measures. It maintains that on the whole, the Nkrumah administration had been generally liberal towards immigrants in Ghana so that most of the immigration policies the government formulated remained dormant in the statute books. This phenomenon contributed in a way to Ghana having a relatively large immigrant community in Ghana in the late 1960s. The study concludes that the manner in which immigration control had been handled under Nkrumah was partly influenced by the politics of the colonial period, partly by Nkrumah's pursuit of the policy of African brotherhood, and partly by Nkrumah's need of the labour of immigrants to contribute towards building the economy of the country.

Key Words: Alien, Citizen, Citizenship, Control, Deportation, Illegal, Immigrant, Immigration, Legal, Nationality, Permits, Regulation

Introduction

Following their partition of Africa and the imposition of artificial political boundaries on the continent, the European imperialist powers made efforts to regulate immigration by introducing several immigration measures. Looking at the provisions of the immigration policies the colonial government in Ghana introduced, however, one observes that immigration regulations in colonial Ghana were not strictly enforced. Thus, in spite of the numerous measures passed, which were expected to reduce the population of foreigners, the population of immigrants in the country rather increased.¹ The re-attainment of independence, nevertheless, changed the pattern of migration and immigration control in Africa by reducing free international movements through

elaborate development of visa and passport regulations, or customs and controls, of the need for foreign workers to obtain work permits, or restrictions on the repatriation of savings. As Akin L. Mabogunje rightly indicates, African migrants came to perceive the real significance of national independence to be, for the first time, governments' definition of who were their citizens and who were not.² The newly independent countries were zealous to reserve available employment opportunities for their nationals and raise their standard of living. Consequently, the various governments promulgated series of regulations to generally control immigration of non-nationals but specifically to discourage the inflow of unskilled or unqualified persons into their territories for the purpose of taking up employment and to provide the independent nations the opportunity to get rid of illegal immigrants in their midst. Notable instances included the Passport and Immigration Act (1960) and Manpower Act of 1974 in Sudan; the Act of 1962 in Gabon to regulate the admission and stay of foreign nationals there; the Immigration Act (1963) in Nigeria; Immigration Act (1966) and Employment of Visitors Act (1968) in Botswana; the Immigration Quota System and issue of work permits (1968) in Sierra Leone; the Immigration Act (1972) in Tanzania; and the Immigration and Deportation Act (1974) in Zambia.

In Ghana, the first post-colonial government, under Osagyefo Dr. Kwame Nkrumah,³ formulated several immigration policies, which controlled the social, economic and political activities of immigrants in Ghana as well as their entry into the country. At the same time, the government devised some measures to regulate the exit of both immigrants and its own citizens⁴ from the country, while others were geared towards controlling the growth of the country's population and smuggling of minerals out of the country, and to strengthen the Ghana Immigration Service to make it more proactive. Generally, however, immigration measures under Nkrumah, other than those for political reasons, were not strictly applied. This situation allowed many immigrants to enter and live in Ghana without regularising their stay through the acquisition of the necessary travel documents and work permits. Moreover, the influx of immigrants contributed to increasing the country's population. Nevertheless, it is contended that the principal reason why most immigration devices remained dormant in the statute books was Nkrumah's pursuit of the policy of African brotherhood. Again, Nkrumah, like the colonial authorities, needed the services of the immigrants to contribute to building the economy of the country. This aim of this paper is to examine the immigration measures Nkrumah's government introduced and evaluate the extent to which they were effectively implemented.

Perspective of the Study

There are many definitions of immigration policy. In the general sense, however, immigration policy refers to the regulation of flows of immigration and the control of immigrants.⁵ When observed carefully, this definition contains two ideas: regulation of the influx of immigrants and the control of the activities of immigrants in the receiving country. Accordingly, Tomas Hammar defines immigration regulation broadly as referring to the rules and procedures governing the selection and admission of foreign citizens (aliens), including those regulations which control immigrants once they visit or take residence in the receiving country, including control of their employment".⁶ In another sense, Hammar defines immigration regulation as referring to the "the control a sovereign state exercises over the entry of foreign citizens and their access to residence and employment".⁷ Hammar maintains that deportation, recruitment of foreign labour by private employers and the state, and the opening of official information and recruitment departments all fall under immigration regulations.⁸ Generally, immigration regulations require that non-citizens

remain under some kind of control until they become naturalised citizens. Since laws concerning immigrants usually entrust administrative bodies with great discretionary powers, it is considered unnecessary in most countries to make amendments to these laws each time a more strict or a more liberal immigration regulation is introduced. What is often needed is only a change in the application of existing provisions of the laws. In some countries, however, new legislations are continuously introduced in order to limit the size of immigration.

It is essential to note that a significant lesson immigration experience has taught is that immigration has often been influenced by historical precedents and by traditional patterns of behaviour.⁹ At the same time, immigration regulations are, first of all, influenced by economic considerations, such as the current labour market situation at a particular time, and the profitability in the short and long term of immigrant labour.¹⁰ During periods of severe unemployment or general economic difficulties, immigration control is often strictly applied in protection of the national labour market. In times of general economic growth or prosperity or labour shortages, a policy of economic liberalism is, however, pursued, which liberalises immigration control and open the way for a great increase in labour migration. It has also been found that immigration is also, and even more so, a social and political phenomenon.¹¹ It should be noted, again, that economic considerations sometimes conflict with nationalistic interests. Too sizeable immigrant population is considered “over-foreignisation” in some countries, while locals in some countries normally react when immigration results in a heavy concentration of non-indigenous peoples in some housing areas.¹² Certainly, when the size of the immigrant population increases, especially the number of immigrant families, it places burdens on social services and leads to demands from social workers for greater resources and pleas from local authorities for national assistance. In some countries, this development is hastened by public protests or the fear of public protests and by disorders and sometimes actual riots. At any rate, the ideologies and policies of the government in power considerably influence the nature of immigration regulations that are formulated and the manner of their implementation.

In view of all this, the chronological-thematic or topical-chronological approach has been adopted. Thus, the material has been composed and arranged both chronologically and topically, or thematically, to maintain a largely chronological structure, while emphasising and categorising important themes. The main idea has been to produce a work that takes account of the chronology of events and interprets facts based on themes in order to give the material coherence and meaning. Note, however, that in some cases, it is difficult, if not impossible, to identify and classify some measures as purely economic, social or political. In this angle, the problem has to do more with the social and political classifications. To avoid oversimplification and related problems, therefore, the immigration policies of the Nkrumah government have been arbitrarily categorised into regulations on entry and internal movement; regulations on the economic activities of immigrants; control of exit from Ghana; control of smuggling; population control; definition of citizenship and nationality; and policies for deportation, and examined under these themes without necessarily conforming to any rule. This kind of thematic approach has been adopted with the view to, as was done in the case of “Immigration Control in Colonial Ghana”,¹³ establishing a ‘chain-relationship’ among the variables which would help depict a ‘from-entry-to-departure’ perspective.

Regulations on Entry and Internal Movement

The important measures which the Nkrumah administration of Ghana (1957–1966) introduced to regulate the entry of foreign nationals into Ghana and their movements within the country included the Immigration Act, 1957 (Act. 15); the Aliens Act, 1963, (Act. 160); the Aliens Regulations, 1963 (L.I. 265); and the Aliens (Amendment) Act of 1965. In the main, these measures required migrants who entered Ghana, or moved out of the country, to possess the necessary travelling documents. Clause (1) of Article 4 of the 1963 Aliens Regulations stated specifically that “An alien entering Ghana shall be required to have stamped on his passport – (a) an entry permit, if he is a Commonwealth citizen, (b) a visa, in any other case”¹⁴ Immigrants were required to enter Ghana only through some specified points of entry. Clause (3) of Article 2(A) of the 1963 Aliens Act stated clearly that “recognised or normal places of entry are – (a) air or sea port in respect of which landing or docking rights have been granted to an aircraft or ship ...”¹⁵ By land, the places of entry included Aflao, Akanu, Alenda Wharf, Batume, Bawku, Chache-Bole, Dadieso, Dormaa Ahenkro-Gonokrom, Elubo, Half Assini, Hamile, Honuta, Kpoglo, Kwamisiekrom, Leklebi Dafo, Menuso, Nyivie, Paga, Pulimankon, Sampah, Sewum, Tabale, Tumu, and Yawgu.¹⁶ Whether by air, sea or land, immigrants were required to show themselves to immigration officers or the nearest police station for inspection. Even foreigners in Ghana before the commencement of this Act were obliged to register in accordance with regulations set out by the Act and obtain the required qualification before they would be permitted to remain in Ghana.

Part II of the 1957 Immigration Act prohibited from entering Ghana people who were described by the Governor-General or the Minister responsible for immigration as “medically undesirable”, destitute, and of “unsound mind”.¹⁷ People against whom deportation orders had been issued were also banned from entering the country. On the other hand, the Prohibited Immigrants (South Africans) Order, 1960 (E.I. 149); the Prohibited Immigrants (South Africans) Order, 1960 (E.I. 232); and the Prohibited Immigrants (Portuguese) Order, 1961, (E.I. 86), as is obvious, barred all citizens of the Union of South Africa and of Portugal, respectively, from entering Ghana. Admittedly, the introduction of the measures banning South African citizens from entering Ghana formed part of the government’s stance against the policy of apartheid pursued by the Union of South Africa which resulted in the Union’s expulsion from the Commonwealth in 1961. To ensure the effective implementation of the legislation, Article 5, Clause (1) of the law empowered police and immigration officers to prevent prohibited immigrants from entering Ghana and could even without warrant arrest any person suspected to have acted in contravention of the law.¹⁸

Specific sections of these legislations made specific regulations with particular reference to the stay, movements and activities of immigrants in Ghana. Essentially, all the measures prohibited immigrants from entering or remaining in certain parts of the country unless they had been granted permits. Article 5 of the 1963 Aliens Regulations required immigrants to have either a residence permit or a transit permit or a visitor’s permit. Residence permits were issued for a period not exceeding two years. What one finds quite mind-boggling is that while Clause (2) of Article 7 empowered immigration officers to issue residence permits to immigrants on the conditions that those to whom the permits had been granted would “not undertake any employment, or engage in any business, trade or profession except as may be specified (if any) in the permit”, Clause (1) of the same Article authorised immigration officers to “grant a residence permit to an alien desiring to take up or continue in employment in Ghana or to engage in any

trade business or profession or who otherwise desires to remain in Ghana for an indefinite or substantial period.”¹⁹ Wives and dependants of people to whom residence permits had been issued were also required to secure residence permits under the same conditions. Transit permits, not exceeding fourteen days, were to be issued to people who passed through Ghana on transit. These permits, like residence permits, were also to be granted on the condition that the people securing the permits would not undertake any employment or occupation in Ghana. In cases where residence and transit permits were “inapplicable or inappropriate”, immigration officers could grant a visitor’s permit to immigrants for a period not exceeding two months, and here also the conditions regarding employment under residence and transit permits applied.²⁰ The Aliens Act of 1963 made provision for the renewal of permits, whether or not the permit had already expired.

Looking at the generally strict nature of the provisions of these measures, one would have expected a decline in the inflow of foreigners into Ghana and a corresponding decrease in the size of the immigrant population in Ghana. However, more immigrants continued to enter Ghana, leading to a growth in the size of the immigrant population. This trend was supported by the fact that while Ghana’s total population in 1931 was 3,163,464,²¹ by 1960, there were some 827,000 immigrants in the country out of a total national population of 6,726,800.²² What possibly accounted for the increase in the size of the immigrant population was that the Aliens Act of 1963, the Aliens Regulations of 1963 and the Aliens (Amendment) Act of 1965 were not particularly concerned with non-Ghanaian Africans. For they exempted from their provisions “any person who belongs to an African tribe or is wholly descended from persons belonging to an African tribe, and any person born in any of the following countries or territories, that is to say, Nigeria, Benin, Mali, Burkina Faso, The Gambia, Guinea, Niger, Sudan, Cote d’Ivoire, Liberia, Mauritania, Senegal, Sierra Leone, Togo, Tunisia, the United Arab Republic, and Morocco.”²³ Without doubt, these measures had been so framed to concur with the role Nkrumah had wanted Ghana to play in the affairs of Africa. In the course of the independence celebrations on March 5, 1957, at midnight, Nkrumah romantically informed jubilant Ghanaians: “It is our earnest hope that the Ghana which is now being reborn will be, like the Ghana of old, a centre to which all the peoples of Africa may come and where all the cultures of Africa may meet.”²⁴ This fact aside, Nkrumah considered it highly paradoxical to regard persons of black colour as ‘aliens’ in Africa. On the 1969 Ghanaian (Busia) expulsion exercise, deposed Nkrumah, then resident in Conakry, Guinea, sarcastically remarked in a letter to a Reba Lewis, dated January 5, 1970, that “Now I hear they are driving out all so-called aliens. Imagine talking of African ‘aliens’ in Africa ...”²⁵ For these reasons, Nkrumah’s government was more tolerant of all Africans in Ghana, irrespective of their countries of origin. It is even clear that had it not been the policy of apartheid pursued by the Union of South Africa, prohibition orders would not have been issued against its citizens from entering Ghana. Also because Nkrumah was a socialist, he allowed Russians, Chinese, East Germans and Asiatics to enter Ghana without much difficulty. No wonder that in its foreign relations, the C.P.P. administration pursued a ‘status quo policy’. This type of foreign policy seeks to preserve a state’s own status vis-à-vis the rest of the international system, while making room for extensive situational change and exertion of initiatives by the state concerned.²⁶ Thus, Nkrumah maintained the freedom of movement that the colonial administration had granted to people of African and non-African descent.

Regulations on the Economic Activities of Immigrants

In the economic field, at the time of inaugurating the Nkrumah administration, the economy was heavily dominated by immigrants, particularly non-Africans. It is reported that over 90% of import trade, 96% of timber concessions, all the seven gold mines and half of the diamond concessions, the banks and insurance companies were owned by foreign companies by 1957.²⁷ Even in retail trade, Ghanaians faced stiff competition from Syrian, Lebanese, Indian, British and European firms and trading companies. Hence, Nkrumah's government inherited an economy almost completely dominated by expatriate firms and companies. The situation impressed on Nkrumah so much so that on March 5, 1957, the day before independence, he told Parliament that one of the first things that must follow from independence was that citizens of Ghana must play a far bigger role in the commercial and industrial life of the country than they had been doing earlier.²⁸ In pursuit of this objective, Nkrumah adopted policies that enabled Ghanaians to experience an unprecedented standard of living between 1957 and 1960. Also during the same period, the shops continued to be filled with imported goods and consumer luxuries. Again, some gold mines were nationalised, and the Ghana National Trading Corporation (GNTC), which was set up in 1961, later incorporated the assets of the taken-over Leventis Stores.²⁹ However, Nkrumah's failure to nationalise many foreign-owned companies and introduce revolutionary measures that could have weakened the dominance of foreign companies on the Ghanaian economy, won him the displeasure of the local people. In spite of pressure mounted on him by some Ghanaians to restrict retail trade largely to Ghanaians and the introduction of a system of import licensing in order to divert some of the import-export trade into the hands of Ghanaians, Nkrumah did nothing revolutionary.³⁰ Thus, the number of Syrians and Lebanese operating in the retail field increased between 1957 and 1960.

Such was the situation in the economic arena by the early 1960s. However, to say this is not to imply that the CPP government did nothing really serious at all to control the economic activities of immigrants in the country. Considering the solemn promise Nkrumah made on March 5, 1957, the CPP administration could not sit down and fold its arms whereas Ghanaians were subjected to economic 'domination' and 'intimidation' by immigrants in their own land. It was probably in relation to this issue that the government inserted clauses in the Immigration Act, 1957 (Act. 15); the Aliens Act, 1963, (Act. 160); and the Aliens Regulations, 1963 (L.I. 265) to control immigrants economic activities. These measures were backed by the 1959 Immigrants Employment Authorisation (Delegation of Special Powers) Order, and the 1961 Immigrants Employment Authorisation (Delegation of Special Powers) (Revocation) Order.³¹ According to these measures, the employment of immigrants had to be authorised by the minister responsible for immigration, who specified the number of immigrants an employer, whether a citizen of Ghana or otherwise, could employ.³² Anyone who contravened these provisions committed an offence and was "liable on summary conviction to a fine of one hundred pounds."³³ Employers were charged to report to the minister responsible for immigration within a period of seven days when an immigrant employee ceased to work for an employer in Ghana. Self-employed immigrants were equally to give notice to the minister for immigration not later than seven days concerning their start of work or their stop of work in Ghana. Clause (6) of Article 10 of the 1963 Aliens Act required that within the first fourteen days of January in every year, every employer who had been granted licences to employ immigrants were to sent their annual returns to the minister of immigration, "giving the names of and addresses of all aliens employed by him in Ghana on the first day of January, and any other particulars which may be

prescribed.”³⁴ The punishment for a corporate body which was found guilty of a breach of these provisions was “a fine not exceeding £G1,000”, while that for an individual offender was “a fine not exceeding £G100 and to imprisonment not exceeding six months or both”.³⁵ It has been argued further that the 1963 Aliens Act virtually banned immigrants from diamond prospecting altogether. Many immigrants, predominantly Nigerian, engaged in the prospecting of diamonds in Ghana before independence possessed the legal licences to do so. However, the Aliens Act, among other things, dispossessed most of them of their licences.³⁶

Nkrumah’s economic policies and legislations were not restricted solely to controlling the economic power of immigrants. Attempts were made to at the same time to help Ghanaians develop their economic potentials. In fact, it was felt that the development of the country called for the use of capital, technical knowledge and talents of Ghanaians as well as of friendly foreign companies and individuals from all parts of the world. In view of this, it became necessary to bring first the law up to date with respect to companies. The government, therefore, appointed a Professor Gower as a one man commission

to enquire into the working and administration of the existing Company Law of Ghana and in the light of such enquiry to make recommendations for the amendment and alteration of the Companies Ordinance and of such other laws of Ghana as the Commissioner may consider necessary in regard to his conclusions concerning the said Companies Ordinance.³⁷

The final report of the commissioner, submitted in 1961, led to the enactment of the Incorporated Private Partnerships Act, 1962 (Act 152), and the Companies Code, 1963 (Act 179), both of which sought to regulate the establishment and administration of companies in Ghana, both local and foreign.

Connected with the Incorporated Private Partnerships Act and the Companies Code was the Capital Investments Act of 1963 which also aimed, primarily, at encouraging investment in Ghana. Foreign investors and industry were forced to re-invest at least 60 percent of their profit within Ghana. They were also required to institute training schemes for Ghanaian citizens. By then, most Ghanaian investors did not have the resources to provide such training facilities. It, therefore, meant that foreign investors had advantage over local investors. The Act had sought to grant approval for investment to both local and foreign investors, but as was observed by the former Member of Parliament for Amenfi on the ticket of the All People’s Republican Party in 1969, Mr. Patrick K.K. Quaidoo, the Act was so framed that it helped the foreign investor more than the Ghanaian businessman.³⁸ Eventually, investment in Ghana came to be dominated by expatriate firms because at the time, Ghanaians did not have the capital to firmly compete with the foreign companies who enjoyed the favour of capitalist financial institutions whereas local businessmen were denied. Alternatively, Nkrumah, reportedly, did not want Ghanaian businesses to grow big enough to be a threat, either economically or politically, to his power; hence, he made sure that Ghanaian businesses remained small.³⁹

The validity of this assertion in whole is questionable. The available evidence can easily create ‘Nkrumahist’ and ‘anti-Nkrumahist’ camps. Those who would accept this view could buttress their stance with the fact that while Nkrumah was cautious in his assistance to Ghanaian private businessmen, he granted financial aid to expatriate merchants and mining firms. Indeed,

aspiring indigenous businessmen and women discovered that Nigerians, Lebanese and Indians were established in many of the best locations and were more successful in procuring import licences than local people.⁴⁰ In 1959, for example, Nkrumah granted a loan to a Greek, Anastasias George Leventis, to enable him extend his trading activities in Ghana, and between 1957 and 1960, he introduced to foreign companies incentives including reduction in the rate of company tax from 45% to 40% in 1958, granting of tax reliefs to new industries, etc.⁴¹

Financial aid to foreign firms aside, Nkrumah faced internal political opposition which dictated, at least partly, the nature of his political activities. He was primarily concerned with strengthening his position and that of the Convention People's Party (CPP). To successfully achieve this objective, Nkrumah, as many leaders around the world would obviously do, did not create conducive economic and political conditions for his opponents to thrive in. From 1960 onwards, Nkrumah preferred socialism to capitalism and would, clearly, not be enthusiastic about assisting individuals and private companies at the expense of the state. The Avoidance of Discrimination Act, 1957, the Emergency Powers Act, 1958, and the Preventive Detention Act, 1958, ultimately helped cripple political opposition to Nkrumah's authority and establish Nkrumah and his government as the dominant centres of political authority. The CPP eventually became the only legal political party and Nkrumah as a dictator. It is, thus, tempting to conclude that Nkrumah must have intentionally ensured the under-development of local businesses and the growth of foreign ones.

While taking such a stance, one must not, as has already been pointed out, rule out the socio-economic and political circumstances within which Nkrumah found himself. It must also not be forgotten that the big European and Asiatic firms already enjoyed considerable financial support from the banks whereas Ghanaians did not. We must again not lose sight of the fact that from 1957 to 1960, Nkrumah continued the free trade policy he inherited from the British colonial authorities which the big immigrant merchants and companies would certainly take advantage of to improve their lot. Moreover, as Adu Boahen has shown, Nkrumah, apart from believing that Ghana could afford the free trade policy, needed foreign capital to put Ghana on the road to industrialisation.⁴² He, thus, had no other alternative than pursuing policies favourable to the expatriate firms. It must be mentioned that the economic policies of Nkrumah which undoubtedly proved favourable to immigrants, and which were so much criticised, indeed, enabled him to access foreign capital. Access to foreign capital, in turn, enabled the government to embark on massive industrialisation programme. It equally ensured active state control and participation in all sectors of the economy. This further enabled the government to break the foreign dominance over, at least, certain aspects of the economy by the end of Nkrumah's administration. By 1965, the mining industry and cocoa marketing were state-controlled, and state-owned industries had increased from 13 to 22, with 20 others under construction.⁴³ Clearly, as a socialist, Nkrumah thought of developing the nation as a whole for the benefit of all rather than assisting few individuals and private local firms to develop at the expense of the whole nation.

However, if the economic successes of the big Asian, Nigerian and European merchants were due partly, or wholly, to Nkrumah's financial benevolence, what about the economic transformation of the non-Ghanaian Africans, apart from the big Nigerian businessmen, who did not enjoy the so-called Nkrumah's 'showers of favours' or benefits? By the 1960s, African migrants who initially could find work as labourers or in trade had gradually come to nearly dominate certain fields of economic activity. Nigerians, for example, built up a strong position in

diamond digging and smuggling; yam selling in the Kumasi Central Market was a monopoly of men from Gao in Mali; and three-fifths of the country's butchers were immigrants, mostly Hausa.⁴⁴ But there is no evidence indicating that Nkrumah offered any direct economic assistance to immigrant petty traders and denied the same opportunity to the local people; yet many immigrants, mostly self-employed, were able to change their conditions on their own. It is on record that some Ghanaians at the time did not like the type of jobs immigrants, particularly the Africans, preferred to do. If the local people had filled all available spaces in the secondary sector, immigrants would not have had the chance of dominating that field. Moreover, it has already been shown that Nkrumah and his government inherited an economy virtually wholly dominated by foreigners. In line with these revelations, it is unlikely that Nkrumah could have turned the economy around so dramatically to the maximum advantage of indigenous Ghanaians. Ghana's serious need for foreign financial assistance cancelled the so-called loathsome immigrant participation in the economy, and that alone could have reduced to impotence any attempts towards drastic economic reformation. The immigrants, if removed from the economy, would unquestionably have left the country with their capital, the very thing Nkrumah needed for industrial development.

At any rate, the fact still remains that there was some degree of foreign control of certain aspects, but not the whole, of the economy during Nkrumah's days. By the mid-1960s, other forces had joined to compound the situation. The country's economic and social conditions degenerated. Acute shortage of essential goods which hit the country in 1964 continued till Nkrumah's overthrow in 1966. This resulted in rising prices for drugs, sugar, milk, rice, baby food, flour, cement, raw materials for factories and spare parts for vehicles.⁴⁵ Secondly, the state-owned industries and corporations failed. By 1965, only two state-owned factories were running at a profit; all the rest were running at a loss, partly because of bad management and lack of skilled labour, but mainly due to inadequate capital and lack of raw materials.⁴⁶ Thirdly, by the end of 1964, Ghana was completely bankrupt; the national foreign debt rose from \$64 million in 1950 to \$524 million in 1957 and to \$770 million in 1964.⁴⁷ Ghana was hindered by a balance of payments deficit, rising unemployment, and increasing levels of crime and smuggling.

Control of Exit from Ghana

While making laws to regulate the entry and stay of foreigners in the country, the CPP administration calculated that to achieve the aim of tightening security on the country's frontiers, the movement of Ghanaians out of the country also needed to be effectively controlled. Consequently in December, 1963, the government passed the Foreign Travels (Exit Permits) Act, which required that every Ghanaian travelling outside Ghana was to be issued with an exit permit.⁴⁸ It was acknowledged that crimes like smuggling were not engaged in by immigrants alone; some local Ghanaians were also involved. It was, therefore, believed that the control of the movement of Ghanaians by issuing them with exit permits would help reduce smuggling. Before passing this act, however, in 1960, the Immigration Service was placed under the Ministry of Interior for the first time.⁴⁹ Until then, it operated independently.

The introduction of the exit permit system in 1963 increased appreciably the duties and responsibilities of the Ghana Immigration Service. For the service to cope effectively with the duty it was called upon to do, increase in the number of personnel was recommended and effected.⁵⁰ In spite of the increase, the service continued to face some difficulties as a result of the continuous increase in the number of permits applied for. For instance, while only 271 exit

permits were issued in September, 1963, as many as 1,600 permits were issued in September, 1965.⁵¹ Thus, the need for increase in personnel was once again felt, and this was eventually effected in 1965.

Control of Smuggling

Judging from the issue concerning exit permits for Ghanaian emigrants and the strengthening of the Immigration service, it could be observed that Nkrumah made a determined effort to control smuggling. In fact, Nkrumah considered smuggling as a major problem to the economy and as a danger to the social fabric of the country, and for which determined efforts were made to curb. Interestingly, the 1963 Aliens Act, rather than achieve what it had purposely been promulgated for, led to an increase in smuggling activities on the part of many immigrant diamond prospectors. As has been shown, the Aliens Act, among other things, dispossessed most of diamond prospectors of their licences. Though the Act barred them from prospecting diamonds, many immigrants, especially the non-Ghanaian Africans, continued to dig diamonds under the aegis of Ghanaian landlords.⁵² Usually, it was the immigrants who still financed the business, who paid for the licence of their new landlords and for the ground rent. Further, because they had no official existence, they were compelled to sell first to their landlords who then sold to the Ghana Diamond Marketing Corporation. This system, as Mabogunje observes, particularly facilitated tremendous opportunities for diamond smuggling out of Ghana, especially as the foreign exchange position of the country deteriorated.⁵³

This circumstance, coupled with the fact that improvements in the immigration service alone could not help bring the detrimental effects of smuggling to an end, compelled the Nkrumah administration to handle smuggling the hard way. In 1965, the Minerals Control of Smuggling (Amendment) Act, 1965 (Act 296) was passed. This legislation stated that any person who unlawfully engaged in the export of gold, diamonds or any other precious metal or stone, or any other commodity would be convicted and sentenced to a prison term of a period not less than twenty-five years.⁵⁴ In addition, whatever commodity the offender intended smuggling away would be confiscated and forfeited to the state. Though this law was in existence, smuggling still continued. Needless to emphasise that smuggling, as a criminal activity, was not the preserve of foreigners. Indigenous Ghanaians were also actively involved in the act. Apart from engaging in it themselves, Ghanaians also acted as agents for immigrant smugglers in their activities. If, therefore, smuggling could be effectively dealt with, then it meant that Ghanaians themselves should have appreciated the ill-effects of this canker on the economy of the country. It is sad to note, however, that even some Ghanaians border guards were also involved, and, therefore, contributed significantly to the increasing rate of smuggling instead of helping to put an end to it.⁵⁵ Coupled with the involvement of Ghanaians in smuggling was the failure of the courts to impose the proposed punishment on offenders. Though the law imposed a prison term of not less than twenty-five years, judges sometimes convicted culprits to only a period of nine months.⁵⁶ As a result, much could not be achieved in the government's effort to reduce smuggling.

Population Control

Measures to control the growth of the country's population also formed part of Nkrumah's attempts at regulating immigration. Although the CPP government had left the doors of the country open to foreigners, it recognised that population growth was one important factor hindering the economic development of the country. Apart from increase in fertility and birth

rates, the large influx of foreign nationals, particularly those from sister African countries, was identified as a major cause of this phenomenon. Economists and demographic experts warned that rapid population growth could undeniably be a major obstacle to economic development since it could cause stress in the economy by stretching the already sparse resources.⁵⁷ To contain the situation, therefore, Ghana held a conference on population policy in 1965 with the prime objective of adopting policies to control rapid population growth. The Conference recommended that the government should strictly enforce immigration regulations already in force, including those requiring immigrants intending to stay in the country to have valid travel documents.⁵⁸

Definition of Citizenship and Nationality

An important concern of every nation is to define its nationality and citizenship and, therefore, identify who its citizens are and distinguish them from those who are not. In line with this principle, some of the measures the CPP government devised dealt with nationality and citizenship and, thus, established the nationality of the inhabitants of Ghana as against those who were not indigenes of the land. The Ghana Nationality and Citizenship Act of 1957 and the Ghana Nationality Act of 1961 both provided for citizenship by birth and descent.⁵⁹ The difference between citizenship by birth and that by descent was based on the locality of birth. For example, if a person was born in Ghana, then subject to other qualifications, such as parentage, such a person became a citizen of Ghana by birth; on the other hand, if a person was born outside Ghana of Ghanaian parentage, then he became a citizen by descent. Both measures stipulated, however, that birth in Ghana did not automatically confer citizenship. People born within or outside Ghana would be recognised as citizens of the country only if one of their parents was a Ghanaian. Provisions were made for the registration and naturalisation of certain persons from Commonwealth and other approved countries as citizens. Means were also provided by which a person who acquired citizenship by registration or naturalisation could be deprived of citizenship. The grounds on which citizens by registration and naturalisation could be deprived of their citizenship included showing disloyalty to Ghana by act or speech; unlawfully trading or communicating with people from countries with which Ghana might be at war; being sentenced to a prison term of not less than a year within a period of five years after naturalisation; voluntarily and formally acquiring citizenship of another country other than by marriage; and residing in a foreign country for a period of seven years without registering annually in the prescribed manner at a Ghana consulate or without writing to the minister for immigration to show the intention to retain one's Ghanaian citizenship.⁶⁰ Obviously, the two measures marked out those who were recognised as citizens of the land and to whom special treatment was undeniable. In view of this, it could be inferred that the status of foreigners was also implicitly defined.

Policies for Repatriation

Nationality laws often distinguish between citizens, or nationals, and immigrants, or strangers. Citizenship of a nation-state confers on nationals an inalienable right of residence, employment and free movement in that state, but the residence, employment and movement of immigrants are subject to conditions set by immigration regulations. More importantly, the fact that nationality and citizenship laws distinguish between citizens and non-citizens is an indication that non-citizens can easily be repatriated from the country through deportation orders or legislations. The

Deportation Act of 1957 (No. 14), and its amendment, the Deportation (Amendment) Act of 1959, as well as Part III of the 1963 Aliens Act, empowered the government to deport from the country people suspected to be of dubious character, without being allowed to appeal to the courts. The category of people liable for deportation actually included immigrant who were destitute, of unsound mind or mentally defective, prohibited, without valid permits, and prostitutes.⁶¹ Clause (3) of Article 5 of the 1957 Deportation Act and Clause (3) of Article 13 of the 1963 Aliens Act even provided that the dependents of persons against who deportation orders had been issued could also be repatriated along with such deportees if the Governor-General so directed. A deportee who returned to Ghana during the continuance in force of a deportation order made against him was liable to imprisonment for a term not exceeding five years, and could be repatriated again without any further deportation order being made.⁶²

Meanwhile, it is important to note that non-Ghanaians were the only people to be affected, but several of those deported claimed to be Ghanaian citizens.⁶³ For instances, in 1957, Alhaji Amadu Baba and Alhaji Othman Lalemi of the opposition National Liberation Movement were deported from Ghana. Although of Nigerian origin, both men and their parents had been born in Ghana. Interestingly during their trial, these men argued:

We do not say that we are natives of Ghana as such; in this struggle we are not fighting for ourselves alone, but we are fighting for the many Nigerians who were born in Ghana and whose parents were born there. Our contention is that we and they are citizens of Ghana by birth. If we fail in this struggle they will fail and that is why we are determined to establish our right of citizenship.⁶⁴

After the deportation of Alhaji Amadu Baba and Othman Larden, the Minister of the Interior, Krobo Edusei, used the Act to expel numerous members of the Muslim Association Party (MAP) from Ghana even though the police reports on them indicated that they were innocent and law abiding people. The deportations broke the Muslim Association Party even before it was dissolved. At any rate, it must be mentioned that some of the deportations that occurred during the time of Nkrumah, as is clear from the category of people who were affected, were politically motivated, as happened in the case of Amadu Baba and Othman Larden. Aside these 'well-known' deportation legislations and the expulsions, also 'very popular', which derived from them, other deportation orders were issued in relation to certain individual immigrants in Ghana whose presence, it was reported, was uncondusive or harmful to the general good of the country. In 1961, for example, the CPP government expelled some Burkinabes from Ghana.⁶⁵

Conclusion

The above analysis reveals that when the Nkrumah and his Convention People's Party assumed office, they did not remain unresponsive to the continuous influx of foreigners into the country and their dominance over certain aspects of the Ghanaian economy. Many measures were devised to control immigration. The immigration policies of the Nkrumah government affected different aspects of the lives of immigrants, including their entry into Ghana and their movements within the country, as well as their economic activities. In the economic sector

particularly, there were laws that reserved some aspects of the economy to Ghanaians and others meant to encourage the investment of foreign capital in Ghana, specifying the obligations of investors, protection of investments, and the incentives for investors. Other areas the government penetrated were the emigration of Ghanaians from the country, smuggling, population growth, citizenship and nationality, and the deportation of generally ‘unwanted’ immigrants. As the analysis has highlighted, the provisions of these measures were generally strict, and so one would have expected the effective enforcement of these legislations to have affected the influx of immigrants by way of reducing their entry and population size in Ghana. Nonetheless, Nkrumah’s pursuit of African unity worked against the effective implementation of the various immigration regulations enacted. Indeed, people who were deported during the time of Nkrumah usually suffered such fate for political reasons but not for the non-possession of the required travelling documents, especially in the case of non-Ghanaian Africans. Generally, Nkrumah, as part of his philosophy of removing all artificial boundaries that separated Africans and to cement his concept of African unity, left the doors of the country wide open to any person with a black skin soon after independence. The country also offered sanctuary to nationalists of other African countries, that is, the freedom fighters. It is also likely that Nkrumah must have thought of continuing the British policy of relaxing immigration in conformity with the African way of life before the Europeans’ introduction of immigration measures. As has been stated, the most important reason, however, was Nkrumah’s pursuit of the concept of African brotherhood. It is a fact that the ‘immigrant-friendly’ environment created by the Nkrumah administration encouraged many non-Ghanaians to enter Ghana and dominate the certain sectors of the economy, particularly the secondary sector. What many observers have failed to appreciate, however, is that these immigrants, who were generally described as ‘illegal’, played important roles in the life of the country. Some of them, especially the local-born immigrants, became fully absorbed in the economic and social life of the country and were contributing in various ways to the economic and social development of Ghana. The available records even indicate that some of them joined Ghana’s struggle for independence and, for that matter, contributed towards Ghana’s recovery of her independence and sovereignty from the imperialist British authorities. Hence, in criticising Nkrumah for his ‘lukewarm’ attitude towards immigration control, we should also give him credit for the contributions the immigrants made to the general development of Ghana.

Notes and References

1. For instance, the 1913 Ghana population census indicated that there were 4,142 foreigners working in the country. By 1931, according to the census of that year, out of a total population of 3,163,464, there were 292,294 non-Ghanaians (3,078 non-Africans and 289,216 Africans of foreign-origin) in the country; the majority of non-Ghanaian Africans came from the French colonies, while Nigerians accounted for 95 percent of migrants from the British colonies. See E.V.T. Engmann, *Population of Ghana, 1850–1960* (Accra: Ghana Universities Press, 1986), pp. 89 and 210 for details.
2. Akin L. Mabogunje, *Regional Mobility and Resource Development in West Africa* (Montreal and London: McGill-Queen’s University Press, 1972), p. 122.
3. The terms Nkrumah and the Convention People’s Party, hereafter referred to as the CPP, are used interchangeably in this study, likewise Nkrumah’s government or administration and the CPP administration or government.
4. In this study, the terms *citizen(s)* and *national(s)* are used interchangeably.

5. Thomas Hammar, "Introduction", in Thomas Hammar, ed., *European Immigration Policy: A Comparative Study* (Cambridge, et al.: Cambridge University Press, 1985), p. 7.
6. *Ibid.*
7. Tomas Hammar, "Immigration Regulation and Aliens Control", in Tomas Hammar, ed., *European Immigration Policy: A Comparative Study* (Cambridge, et al.: Cambridge University Press, 1985), p. 249.
8. Hammar, "Introduction", *op. cit.*, p. 7.
9. Hammar, "Immigration Regulation and Aliens Control", *op. cit.*, p. 249.
10. *Ibid.*, p. 250.
11. Hans-Joachim Hoffmann-Nowotny, "Switzerland", in Tomas Hammar, ed., *European Immigration Policy: A Comparative Study* (Cambridge, et al.: Cambridge University Press, 1985), pp. 234–235.
12. Hammar, *op. cit.*, p. 250.
13. See Adjei Adjepong, "Immigration Control in Colonial Ghana, 1900–1957", in K. Adu-Boahen, ed., *Abibisem: Journal of African Culture and Civilisations*, Vol. 5, 2012 (forthcoming).
14. Government of Ghana, "The Aliens Regulations, 1963", p. 3.
15. Government of Ghana, "Aliens Act, 1963", p. 4.
16. *Ibid.*, p. 17. It must equally be pointed out that the Aliens Act of 1963 and the Aliens (Amendment) Act of 1965 were particularly significant in the issuing of the Aliens Compliance Order of 1969 under Busia. The reason is that in 1968, the NLC amended these measures but suggested before leaving office that they be amended again to make them more stringent. The Aliens Compliance Order was, therefore, nothing new than requiring aliens to comply with the two measures.
17. *Ibid.*, p. 6; and Government of Ghana, "The Immigration Act, 1957", in *Acts of the Parliament of Ghana* (Accra – Tema: Ghana Publishing Corporation, 1970), pp. 265–266.
18. Ghana, "The Immigration Act, 1957", p. 266.
19. Ghana, "The Aliens Regulations", p. 3.
20. *Ibid.*, p. 4.
21. Engmann, *op. cit.*, p. 89.
22. Michael Crowder, *West Africa Under Colonial Rule* (London: Hutchinson and Co (Publishers) Ltd. and Benin City: Ethiope Publishing Corporation, 1968), p. 339.
23. Ghana, "The Aliens Regulations, 1963", p. 6.
24. Kwame Nkrumah, *I Speak of Freedom* (New York: Praeger, 1961), p. 133.
25. J. Milne, *Kwame Nkrumah: The Conakry Years: His Life and Letters*. London: Panaf, 1990), p. 359.
26. Charles O. Lerche, Jr., and Abdul A. Said, *Concepts of International Politics*, Second Edition (Englewood Cliffs: Prentice-Hall, Inc., 1970), p. 8.
27. A. Adu Boahen, *Ghana: Evolution and Change in the Nineteenth and Twentieth Centuries* (Accra: Sankofa Educational Publishers Ltd., 2000), p. 196.
28. *Ibid.*, p. 197.
29. Raph Uwechue, ed. *Africa Today*, Second Edition (London: Africa Books Limited, 1991), p. 787.

30. Boahen, *op. cit.*, p. 197.
31. See Clause (1) of Article 15 of the Immigration Act, 1957 (Act. 15); and Clause (1) of Article 10 of the Aliens Act, 1963, (Act. 160).
32. The Immigrants Employment Authorisation (Delegation of Special Powers) Order, 1959, was passed in accordance of the Immigration Act of 1957. This measure conferred on the immigration minister special powers to grant authorisation to employers to employ a specified number of foreigners. The Immigrants Employment Authorisation (Delegation of Special Powers) (Revocation) Order of 1961, however, revoked the special powers bestowed on the immigration minister, for reasons not stated in the legislations.
33. Ghana, “The Immigration Act, 1957”, p. 272.
34. Ghana, “Aliens Act, 1963”, p. 8.
35. *Ibid.*
36. Mabogunje, *op. cit.*, p. 126. Refer also to “Behind Ghana’s Diamond Smuggling,” in *West Africa*, No. 2646 (February, 1968), p. 181.
37. Justice Azu Crabbe, *John Mensah Sarbah 1864 – 1910* (Accra: Ghana Universities Press, 1971), p. 39.
38. Government of Ghana, *Parliamentary Debates*, Second Series, Vol. 1 (October 2, 1969–December 12, 1969), p. 73.
39. *Ibid.*, p. 72.
40. Colin Legum and John Drysdale (ed), *Africa Contemporary Record: Annual Survey and Documents, 1969–1970* (1975), p. B 473.
41. Boahen, *op. cit.*, pp. 197–198.
42. *Ibid.*, p. 198.
43. *Ibid.*, p. 214.
44. Margaret Peil, “Ghana’s Aliens”, *International Migration Review*, Vol. 8 (1974), p. 368.
45. J.B. Webster and A.A. Boahen, *West Africa Since 1800*. New Edition (Harlow: Longman Group Limited, 1980), p. 334.
46. *Ibid.*
47. *Ibid.*
48. Government of Ghana, “Immigration Service”, in *Parliamentary Debates* (March 2, 1971), pp. 107–108.
49. *Ibid.*, p. 108.
50. *Ibid.*, p. 106.
51. *Ibid.*
52. Mabogunje, *op. cit.*, 126.
53. *Ibid.*
54. Government of Ghana, “Smuggling”, in *Parliamentary Debates* (February 27, 1970), p. 324.
55. *Ibid.*, p. 330.
56. *Ibid.*, p. 325.
57. Eric Adjei Boadu, “Rapid Population Growth and Development in Ghana,” http://www.archive-iussp.org/Brazil2001/s30/S39_P10_Boadu.pdf, retrieved on November 17, 2005.

58. N.O. Addo, "Immigration into Ghana: Some Social and Economic Implications of the Aliens Compliance Order of 18th November, 1969", in *Ghana Journal of Sociology*, Vol. 6, No. 1 (February, 1970), p. 34.
59. See Government of Ghana, "The Ghanaian Nationality and Citizenship Act, 1957, (Act 1)", *Acts of the Government of Ghana*, pp. 181-192; and "Ghana Nationality Act, 1961, (Act 62)", pp. 1-8.
60. See page 188 "The Ghana Nationality and Citizenship Act, 1957" and page 5 of "Ghana Nationality Act, 1961".
61. See page 9 of the "Aliens Act, 1963".
62. See Clause (2) of Article 14 of the "Aliens Act, 1963".
63. T. Peter Omari, *Kwame Nkrumah: The Anatomy of an African Dictatorship*, (Accra: Sankofa Educational Publishers, 2000), p. 52.
64. Mabogunje, *op. cit.*, p. 122. Refer also to "Two Alhajis Deported from Ghana Are Flown to Kano", in *West Africa*, No. 2107 (31 August, 1957), p. 831. The two Alhajis were tried and deported to Nigeria in accordance with the "Deportation Act, 1957", but a special legislation was enacted in their case. This was the "Deportation (Othman Larden and Amadu Baba) Act, 1957". Refer to Article 3 of the second deportation legislation. Meanwhile, as the two Alhajis rightly predicted, what happened to these men in 1957 was, in 1969, to happen to many Nigerians and other non-indigenes who were born in Ghana. See Adjei Adjepong, "The Origins, Implementation and Effects of Ghana's 1969 Aliens Compliance Order". M.Phil. Thesis submitted to the Department of History, University of Cape Coast (June, 2009), especially chapter Three and Four.
65. Legum and Drysdale, *op. cit.*, p. B 473.

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