



# MINORITY CAUCUS

## PARLIAMENT OF GHANA

Parliament House – Accra (Ghana)

FOR IMMEDIATE RELEASE

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### **THE GHANA–UNITED STATES AGREEMENT ON THIRD-COUNTRY DEPORTEES: A BREACH OF CONSTITUTIONAL PROCESS AND A THREAT TO GHANA’S FOREIGN POLICY STANDING**

The Minority Caucus on the Foreign Affairs Committee of Parliament has noted with grave concern, recent suggestions by the Government indicating that Ghana has entered into an agreement with the United States of America for our country to serve as the receiving point for nationals of West African countries deported from the United States. Reports further suggest that fourteen (14) such deportees, have already been received in Ghana pursuant to this agreement.

This revelation raises serious constitutional, sovereignty, and foreign policy concerns which cannot be overlooked.

Article 75 of our national Constitution states in no uncertain terms that any treaty, agreement, or convention executed by or under the authority of the President must be laid before Parliament and ratified. In *Banful v Attorney General [2017 – 2020] SCGLR 82*, the Supreme Court affirmed that this provision applies to any agreement, irrespective of the form in which the agreement is reached, including exchange of *note verbales*, and whether the agreement is signed or not. See also *Brogya Gyamfi v Attorney-General [2020] DLSC 8803*.

The purported agreement with the United States clearly falls within the scope of Article 75 of our Constitution, as it imposes specific obligations on Ghana regarding such deportees. It is, therefore, surprising, that the current government, whose similar actions during its 2013 – 2017 administration led to the landmark Supreme Court decisions, will blatantly defy this constitutional provision and go ahead to receive foreign nationals pursuant to this agreement.

In 2016, the then Mahama administration, during its first term, admitted into Ghana without parliamentary approval, two Yemeni terror suspects, Muhammed Al-Dhuby and Muhammed Bin-Atef, who had been in U.S. custody for 14 years in Guantanamo Bay. This incident, which generated significant national controversy, was widely reported in the media, including *Joy News*, which published an article titled “*Supreme Court: Mahama erred in bringing GITMO 2 to Ghana*” available at <https://www.myjoyonline.com/supreme-court-mahama-erred-in-bringing-gitmo-2-to-ghana/>

Beyond this blatant constitutional breach, the agreement raises pressing concerns of sovereignty, security, and policy. While regional integration remains a core value of our foreign policy, it cannot be stretched to justify the forced reception of foreign nationals deported from other countries. The ECOWAS Protocol on Free Movement concerns voluntary travel, not forced deportations orchestrated by a non-ECOWAS State.

On the international stage, the foreign policy consequences of this agreement are equally alarming. Ghana has, over decades, built a proud reputation for principled diplomacy rooted in non-alignment, regional solidarity, and respect for human rights. The decision to serve as a receiving point for West African deportees from the United States risks our country being perceived as aligning itself with the US Government’s current immigration enforcement regime, one which has been criticized as harsh and discriminatory. To associate Ghana with such policies could have several negative implications for our country.

The Ghanaian people deserve transparency and accountability on a matter that so directly implicates our sovereignty, our constitutional order, and our foreign policy. In this regard, we demand that Government demonstrates full transparency and accountability on this matter.

Government must disclose when exactly this agreement was reached with the United States, and further clarify whether it has been duly laid before Parliament and ratified in accordance with Article 75 of the Constitution and the binding precedent of *Banful v Attorney-General*. If this has not been done, the Government must explain why it has proceeded to operationalize the agreement in blatant disregard of the Constitution and the authority of the Supreme Court.

We call on the Government to suspend, with immediate effect, the unconstitutional implementation of this agreement until Parliament has duly exercised its constitutional mandate to ratify same. We further urge Government to provide full clarity on the processes, safeguards, and other broader implications associated with receiving these

deportees, including the measures, if any, that have been taken to protect Ghana's security interests. Finally, we demand that no future agreements of this nature be implemented without prior ratification by Parliament, in strict compliance with the dictates of our constitution.

As always, we, the Minority Members on the Foreign Affairs Committee of Parliament, remain firmly committed to upholding the integrity of our nation and safeguarding her interests, both at home and abroad. We will continue to hold Government accountable in the conduct of foreign policy and in all matters affecting the welfare and sovereignty of our people.

**-ENDS-**

**SIGNED**

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