

Politics

Constitution Day: Focus must be on constitutional reforms

By Professor Aaron Mike Oquaye &
Dr Samuel Darkwa

THE 1992 Fourth Republican Constitution of Ghana is the longest-serving Constitution in the history of Ghana. Despite its weaknesses and challenges, it has served the country well. During this period, Ghana has had five democratically elected Presidents and experienced three peaceful transitions of power through eight relatively free and fair general elections. This is a remarkable achievement when compared to the general challenges that Ghana's democracy has faced over the years, including military interventions, corruption and low-scale violence.

As Ghana celebrates its Constitution Day, it is important to reflect on the Constitution for two reasons: First, we need to integrate the Constitution into our daily lives (constitutionalism) and second, we need to identify areas that require reforms.

On this day, we need to embrace constitutionalism and make it an integral part of our lives. We should all be aware of the human rights provisions in the Constitution, regardless of our profession or social status. Currently, the Institute of Economic Affairs (IEA) is cooperating with the National Commission for Civic Education (NCCE) to achieve this objective.

It is important to make the Constitution a part of our everyday lives. This can be achieved by translating it into

simple language with illustrations in all major local languages. The Constitution should also be taught in schools, places of worship, the media and civil society.

Reforms

It is also a good day to consider reforms to certain aspects of the Constitution. Some of these reforms, which the Prof. Mike Oquaye Centre for Constitutional Studies at the IEA is working on are discussed below.

The current Constitution stipulates that the President must appoint most of his ministers from Parliament. However, some think this constitutional requirement is not helpful for various reasons. First, ministers who are Members of Parliament (MPs) are often unable to commit enough time to parliamentary work. Second, MPs who are appointed as ministers tend to avoid criticising the government, which creates a conflict of interest. As a result, those who are meant to hold the Executive accountable become a part of it and must cooperate with it.

Consequently, some individuals advocate for a pure Presidential System, like the one we had during President Hilla Limann's time, where no minister was an MP. However, opponents argue that adopting such a system may lead to similar circumstances that led to the rejection of the government's budget statement. Nonetheless, what most people do not realise is that Dr Jones Ofori Atta, who led the opposition side to reject the budget, led Parliament to incorporate several proposals and the budget was later accepted.

It has been argued that political

parties and independent candidates should be allowed to participate in local government elections. The reasoning behind this is that such participation is already happening on the ground, so there's no point pretending it is not. Allowing political parties and independent candidates to participate could increase voter participation, which is currently low in local government elections.

Furthermore, it is suggested that the office of the Metropolitan, Municipal, and District Chief Executives (MMDCEs) should be an elected office, with locals voting to elect their MMDCEs. This would help transfer governance power to the local level and reduce executive control. It's also been proposed that MMDCEs should be given a larger budget (one-third of the national budget) to develop their jurisdictions. Additionally, one-third of appointments made by the President to local government should be reserved for chiefs, queen mothers and women in general. This would increase the participation of women in local governance and provide a preparatory ground for their involvement in national politics.

There has been a lot of discussion around the role of women in politics, their political representation, and affirmative action. However, not much has been achieved so far. Some people argue that giving women extensive powers through legislation would be discriminatory against men, citing the non-discriminatory clause of the Constitution. To avoid this confusion, it is essential that the Constitution clearly

“Stability in government is essential to national character and to the advantages annexed to it, as well as to that repose and confidence in the minds of the people, which are among the chief blessings of civil society.”

-- James Madison (1751-1836), Father of the Constitution for the USA, 4th US President

outlines its stance on the matter.

One suggestion could be to introduce a special seat system for political representation. Women would be allowed to contest the general ballot, and a specific number of seats (20, 30, 40, 50, etc.) would be reserved for them. After each election, political parties would nominate women in proportion to the seats they deserve based on their performance in the general elections. This could be a form of proportional representation for women.

It has been argued that planning is not taken seriously, as evidenced by the abandonment of projects when governments change. To address this issue, it has been suggested that the National Development Planning Commission should be made more independent and stronger. The commission's membership should consist of professionals appointed from various institutions who are independent of whichever government is in power. Their objective should be to create a plan that every political party can agree on, instead of having every party present its plans in its manifestos. This approach could help build national consensus, encourage efficient use of state funds, and promote an institutional-based approach to executing plans instead of a political one. Implementing this change could solve many of the current issues.

Suggestions

The IEA is currently involved in collating suggestions for reforms. Suggestions in this regard include:

1. Excessive power of the President vis-à-vis Parliament
2. Gender and Affirmative Action
3. National planning
4. Natural resource governance
5. Lands Commission
6. Chiefs/ the Council of State
7. Local Government and Decentralisation

The writers are a Director, Centre for Constitutional Studies and a Governance Fellow at IEA respectively