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ADDRESSING THE IMBALANCE OF POWER BETWEEN THE ARMS OF GOVERNMENT - A SEARCH FOR COUNTERVAILING AUTHORITY

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Summary

The political terrain in Ghana is patently underscored by Executive dominance resulting in an acrimonious battle to capture this ultimate prize. Hence, a cry against “winner-takes-all”, a quest for a “power-sharing” or proportional representation to ensure all-inclusiveness and diminish unbridled partisanship. This presentation, while recognizing these alternatives, takes the viewpoint that the essence of our malady is presidential autocracy. The recommendation is that we should recognize, provide for and guarantee the role, power and authority of other institutions and bodies as a power-sharing mechanism.

In this connection we examine the following: the Legislature vis-à-vis the Executive; The autonomy of State institutions such as the Council of State, CHRAJ, Lands Commission etc; decentralised authority as a countervailing measure; and the Judiciary. The underpinning recommendation is that when authority has become diverse and diffused with strong Legislature akin to the US Senate; when the Police/Civil Service etc are not instruments of centralized political terror; when one-third of the national budget is allocated to revised and viable District Assemblies etc, power will flow from diverse legitimate sources, ending the monolithic conceptualization of power.

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The President

The President's powers are legion. He has overwhelming power of appointment and patronage. The government of Ghana is his government. He is the Chief Executive and source of legislation. He is the Commander-in-Chief of the Armed Forces, Fountain of Honour and Fountain of Mercy etc. The hybrid Constitution allows him to control Parliament where his Ministers reign supreme. This power should be curbed. The essence of constitutionalism is the existence of countervailing power. To James Madison, “ambition must be made to counteract ambition”. It is a conscious effort to bring government “under control and to place limits on the exercise of its power”.^[i]

The President and The Legislature

Article 78 (1) of the 1992 Constitution requires that a President shall appoint the “majority” of Ministers of State from among Members of Parliament - Article 78 (1). This weakens Parliament. In the first place, the fusion undermines the oversight role of Parliament.

Second, Majority side MPs look to the President for ministerial appointments. The “successful” and “leading” MPs are perceived as those who catch the eye of the President and are made ministers and not those whose performance constantly catches the Speaker's eye.

Hutchful bemoaned the inability of Parliament “to implement even oversight functions mandated by Service Acts such as the Police Act (Act 350 of 1970).” ^[ii] Van Cranenburgh rightly observed that the fusion of legislative and executive powers “may enhance the power of the Executive through its possibility to control the Legislature thus leading to executive dominance (Despite)

constitutional proclamation of parliamentary supremacy, legislative executive fusion usually strengthens the position of the Executive. ^[iii]”

Recommendations:

First, the Executive must be accountable to Parliament through a Vote of Censure. Article 82 provides that by a two-third majority of its members, Parliament can pass a vote of censure on a Minister of State. But Article 82 Clause 5 provides: “where a vote of censure is passed against a Minister under this Article, the President may, unless the Minister resigns his office, revoke his appointment as Minister”. If the President does not revoke, Parliament is a toothless bulldog. This calls for amendment as in the 1979 Constitution. ^[iv]

Second, the hybrid system should be abolished. All Ministers should come from outside Parliament.

Third, Private Members’ Bills should be allowed.

Fourth, we should detach Parliamentary elections from Presidential elections as in the USA. The tenure of Parliament should be five (5) years whilst that of the President remains four (4) years with two clear years between the two elections.

Fifth, MPs should have absolute freedom to vote according to their conscience. Wikipedia, the Free Encyclopedia writes about the USA: “Members of the US Congress are generally elected from one of two parties, but its members are free to vote according to their own conscience or that of their constituents. Many members can and do cross party lines frequently. Retribution from party leadership for doing so is nonexistent in the Senate and

exceedingly rare in the House. In a parliamentary system, members may be compelled to vote with their party's bloc, and those who vote against are often cast out of their respective parliamentary parties and become less influential independents". [v] The US model should be emulated through constitutional amendment.

Early in 2005, MPs in Ghana assembled to elect a new Speaker. Generally, MPs preferred the incumbent, Rt. Hon. Peter Ala Adjetey, an effective Speaker who had inter alia stopped the Executive inaugurating Parliament. Nevertheless, Majority MPs were compelled to vote against Mr. Adjetey. Members were directed to show their vote (which the law required should be secret) to those on their left and right. Order 9(1) of the Standing Orders of the Parliament of Ghana provides: "where more than one person is proposed (for election of Speaker) a motion shall be made and seconded in respect of each person, and the House shall proceed to elect a Speaker by SECRET (emphasis added) ballot...". In order to protect the integrity of the secrecy provision, Order 9(5) further provides that "Each ballot shall be folded so that the name written on it cannot be seen...". The public saw what was happening through TV cameras. At this very moment, Ministerial appointments, Board membership and other nominations which were the preserve of the President were pending. Expectedly, the Executive had its way and the Speaker was voted out.

Sixth, by Constitutional amendment, no Legislator should take up any positions on Boards or other public offices. This practice creates conflict of interest and undermines the oversight role of MPs.

The Council of State

The Council of State was perceived with our traditional system in mind as an advisory and countervailing authority. Unfortunately in establishing the Council, the President was given the power of appointment. There are three categories of members thus: First, ten people elected from the Regions. The President may influence but cannot override the process.

Second, four persons who come through institutional representation one former Chief Justice; one former Chief of Defence Staff (CDS); one former Inspector-General of Police (IGP) and President of the House of Chiefs. The President may have a choice if more than one former occupant is alive.

Third, the President has a free hand to choose eleven other persons. This is alien to our culture. No chief selects/appoints members of his Council. They are sub-chiefs who come as of right. This results in a countervailing authority and avoids despotism.

Recommendations

First, the conceptualisation of the Council of State captured in the 1992 Constitution should be reframed in line with the recommendation of the Committee of Experts who drafted the Constitution. Article 89 (1) of the 1992 Constitution says: "There shall be a Council of State to counsel the President in the performance of his functions". By Section 3(1), under Council of State, the Experts provided: "The Council of State shall aid and counsel the President, the Council of Ministers, Parliament and other organs of State in the performance of their functions under this Constitution or under any other law".

Second, in terms of composition, the Experts provided for "all former Presidents able and willing to act as members of the Council of

State”. President Rawlings rejected this because he did not want former President Limann on the Council of State. The era of personal idiosyncrasy should be over and we should include former Presidents and Vice-Presidents except those who left office under impeachment.

Third, membership should emphasise institutional representation without a single nomination from any serving President.

They Include:

- (i) Every former Chief Justice
- (ii) Every former Chief of Defence Staff or General Officer Commanding the Armed Forces.
- (iii) Every former Inspector General of Police.
- (iv) Every former Governor of the Bank of Ghana.
- (v) Every former Speaker and Deputy Speaker.
- (vi) Every Former Majority and Minority Leader of Parliament.
- (vii) Every Former Auditor-General.
- (viii) The Secretary-General of TUC
- (ix) 10 chiefs, each from the 10 Regional Houses of Chiefs.
- (x) 10 women, nominated by the Regional Queenmothers, though nominees need not be Queenmothers.
- (xi) Representatives of identified Civil Society groups - The Christian Council, The Catholic Secretariat, The Muslim Council, the Ghana Bar Association/Professional Bodies Association, the Ghana Journalists Association, Women

Groups, Student Groups, TUC, Association of Ghana Industries etc. They are stakeholders who should send representatives to the Council of State with reasonable autonomy akin to the members of the Chief's Council. There should be no nomination by the President.

Furthermore, the term of office should be six years and separate from that of the President. By Article (89) (6), the appointment of a Member of the Council can be terminated by the President with the prior approval of Parliament. This is enough to tame an independent mind because any person can be removed by a President since the President can easily obtain a majority through his/her majority party in Parliament. It is recommended that once a person is brought to the Council by an institution, only that body can recall the member by a prescribed method devoid of political manipulation.

The new Council of State should be free to operate and advise ALL State bodies. Hence, Article 92 (8) should be amended. It reads: “The Council of State may, with the approval of the President, commission experts and consultants to advise it or assist it in dealing with any specific issue”. This is tragic. If the Council of State wants to investigate any controversial applications of public funds or corruption etc associated with the President or his ministers, why should permission be sought? And if a serious state institution cannot independently engage experts to help it arrive at “scientific” conclusions what is its use? The Council of State can become so inquisitorial that it can even advocate impeachment processes against the President where really necessary. This is the essence of countervailing authority.

Another anomaly is found in Article 90(1) of the Constitution: “A bill which has been published in the *Gazette* or passed by Parliament shall be considered by the Council of State if the President so requests”. The Experts provided differently and more broadly under Section 4(1) as follows: A bill which has been published in the *Gazette* or passed by Parliament shall be considered by the Council of State

- (a) If the President requests;
- (b) If the Chairman of the Council of State determines;
- (c) If no less than five members of the Council of State so demand; or
- (d) If the bill was passed under a certificate of urgency.

Notably, this was already in existence by Article 107(1) of the 1979 Constitution. Why was it removed in the 1992 constitution to weaken the Council of State?

The Experts also provided for a Judicial Committee of the Council of State akin to the Privy Council in the UK. Five eminent Judges who are qualified to be Supreme Court judges under the Constitution and four other experts will be invited to assist the Council of State in a variety of ways and assume membership by dint of their expertise. Among other things, they will assist in determining the constitutionality of a bill, any important measure proposed by the Executive, any appointment or vital issue of State whatsoever.

Public Institutions

Lands Commission

We should employ the Constitution to limit Presidential power of appointment, dismissal and control over institutions of State. The power of appointment is inextricably intermingled with the distribution of public goods, appointments, promotions and dismissals in the public service, public political office and to ministerial and ambassadorial appointments etc. Jinadu wrote about Ghana: “access to the State and to the public bureaucracy in particular at the national level is a major bone of contention in ethno-political and in party politics conflicts”. [vi] Prempeh observed that “... power in the African State, and with it control of resources and patronage, continue to rest with the President, making the capture and control of the presidency the singular ambition of Africa's politicians”. [vii]

We should illustrate the need to curb the President's authority in this regard with reference to Land Administration. As Simpson observed, “land is the source of all material wealth. From it we get everything that we use or value, whether food, clothing, fuel, shelter, metal or precious stones. We live on land, our bodies or ashes are committed when we die. The availability of land is the key to human existence, and its distribution and use are of vital importance”. [viii]

The allocation of seized lands by government to individuals has been practiced by all regimes from Nkrumah's time to date. This has given rise to the arbitrary application of political power. During Nkrumah's time, the Lands Commission directed that applications should be submitted to Flagstaff House.[ix] Recent allocations of lands to politicians in the

International Student Hostel area, La Wireless area, Star Hotel, Ministerial bungalows etc have resulted from abuse of presidential power. Gyan observed that “it has become increasingly apparent that Ghana's legal framework for the protection of land and immovable property rights is inadequate. Ambiguous rules and weak administrative and enforcement institutions permit the Executive, and agents of the Executive, to be unduly influential... increasingly influenced by Ghana's partisan political environment” [x]

We should remove presidential power over land and strengthen the Lands Commission as an independent state institution.

In this connection Article 258 of the 1992 Constitution should be revisited. Measures should include the following:

First, the Commission should manage all public lands on behalf of the people of Ghana and NOT on behalf of the President.

Second, the provision under sub-section (2) whereby the Minister Responsible for Lands, with the approval of the President, gives “general directions in writing to the Lands Commission in respect of the functions of the Commission” and the provision that the “Commission shall comply with the directions” is wrong, undemocratic and undermines the independence of the Commission ab initio. The government may make requests and send proposals etc to the Commission and the latter shall consider same as required by and in consonance with law.

Third, the membership, appointment, salary and conditions of service of the members of the Commission including the Chairman and Executive Secretary should be revisited. We

should aim at an autonomous, impartial, professional and competent public administration which will stand above executive control/manipulation.

CHRAJ

We may use the Commission for Human Rights and Administrative Justice (CHRAJ) as an example of a number of institutions which could be strengthened to help establish countervailing authority in Ghana. Regrettably, the institution faces a host of problems. We recommend the following:

First, the CHRAJ should have powers of prosecution, independent of the Attorney-General.

Second, CHRAJ cannot enforce its own decisions. It applies to the High Court for enforcement. A CHRAJ judgement should be equivalent to and enforceable as a High Court judgment. Appeal may lie to the Court of Appeal. Regional CHRAJ decisions should equate with the Circuit Court and District decisions with the District Courts.

Third, there are career advancement limitations at the CHRAJ as per Article 223 (1) of the 1992 Constitution. The salary and conditions of service of the Commissioner and Deputies are tied to those of Court of Appeal judges and High Court judges respectively. Once they are appointed, they are stuck to these conditions of service.

Fourth, we must resolve the lingering question: Who can bring a case before CHRAJ? This was the issue in the case of *The Republic v. Fast Track High Court, Ex Parte: CHRAJ, Hon. Dr. Richard Anane* (Interested Party), in the

Supreme Court. The Court held that a complaint does not exist in a vacuum; it must be traceable to a source, in a person or persons. There should be a constitutional amendment for the CHRAJ to initiate proceedings without a complainant.

Other State Institutions

Constitutional Amendment should be made for autonomy of other institutions including the Statistical Service of Ghana, the National Development Planning Commission etc.

Decentralization

Decentralization is essentially a power-sharing mechanism which produces countervailing authority and a liberative sense of local self governance. From the cradle to the grave, the Local Council is the essence of the Englishman's life, taking care of health, education, housing, sanitation, police etc.

In order to strengthen District Assemblies (DAs) as a countervailing authority, a number of measures are recommended as follows:

First, DAs should elect all their members. This enhances the authority of the DAs. The one-third nomination of members by the Executive should be scrapped. The seats should be allocated to women who will contest separately to add to the numbers of women in the DAs.

Second, we should consider extending the political party system to the districts.

Third, all District Chief Executives (DCEs) /Municipal Chief Executives (MCEs) should be directly elected by the electorate to wean them from the Executive and be accountable to the people.

Fourth, DA elections should be held two years separately from the Presidential/Parliamentary elections.

Fifth, the power of Regional Coordinating Councils (RCCs) should be drastically reduced since the RCCs naturally play to the Central Government and not the local governing authority.

Sixth, DAs should be empowered by constitutional amendment to take care of development, education, health, sanitation etc.

Seventh, we should end the manipulation of DAs by the Executive in the creation of districts. The balkanization of DAs and the creation of new constituencies therefrom have led to Presidential abuse.

The 1992 Constitution provided that “Parliament may by law make provision for the redrawing of the boundaries of districts or for reconstituting the districts”. (Article 241 (2)). By the Local Government Act 1993, (Act 462), Parliament gave the power for the demarcation of boundaries and creation of new districts to the President. “The President may by Executive Instrument (a) declare any area within Ghana to be a district; (b) assign a name to the district” Section 1 (2) of Act 462.

Ahwoi has captured how in 2003 and 2007, President Kufuor created an additional 60 districts under circumstances he concluded as “bizarre”. He held that of the three new metropolises that were created, Cape Coast and Tema did not meet the minimum population qualification. Furthermore, of the 36 new municipalities created, none met the criterion under Act 462 that “the geographical areal consist of a single compact settlement”; and also that very few of the actual districts created

met the requirement of “economic viability” under Act. 462.

Ahwoi concluded: “such proliferation of Districts poses a danger to local government and decentralization as they tend to strengthen the central government's stronghold over the Districts”. [xi]

Studies conducted recently by this writer, reveal the overarching manipulation in the creation of districts so that new constituencies could flow therefrom to political advantage of the National Democratic Congress (NDC). In outdooing the details of increasing the 230 Parliamentary seats to 275, the Electoral Commission (EC) stated that the exercise was triggered by the creation of new districts by the Government. This is so because, according to the EC, no constituency can belong to two districts and also, because once districts are created in a number of localities, constituencies must be created out of them.

It is my submission that the creation of several of the new districts constitute an illegality and also that in the re-alignment exercise the EC woefully failed to address the problem of equity and fairness to all, by ensuring equal representation.

Political representation is essentially the representation of human beings. Considering the 2010 Census, under no circumstances can we have a situation where a region with a population of 4,010,054 (Greater Accra) was given 34 Parliamentary Seats and Eastern Region with population of 2,633,154 was given 33 seats.

Table A below is self explanatory.

Table A.

Region	Population	Seats Allocated
Greater Accra	4,010,054	34
Eastern	2,633,154	33
Northern	2,479,461	31
Volta	2,118,252	26
Upper East	1,046,545	15
Upper West	702,110	11
Western	2,376,021	26
Central	2,201,863	23
Ashanti	4,780,380	47
Brong Ahafo	2,310,983	29

Source:
2010 Population Census released in 2012

Table A gives the total population in the Regions by the 2010 Census and seats allocated via the creation of new District Assemblies by the NDC Government

We recommend that the EC as a constitutional body should together with an independent Commission, demarcate all Assemblies and Constituencies on clearly established criteria.

The Judiciary

The independence of the Judiciary is clearly provided for under the 1992 Constitution. In both its judicial and administrative functions, including financial administration, the Judiciary is subject only to the Constitution and it cannot be subject to the control or direction of any person or authority. It appears that our judges are completely insulated from the Executive. This does not appear to be the case in reality. We recommend the following to tighten the screws.

The first relates to the actual dynamics of the appointment process. Even though judges of the Superior Courts are appointed on the advice of the Judicial Council, the composition of the Council is problematic. The Council comprises seven judges, two lawyers, the Judge Advocate of the Ghana Armed Forces, the head of the Legal Directorate of the Police, the Editor of the Ghana Law Reports, one representative of the Judicial Service Association of Ghana, a representative of the National House of chiefs, and four persons who are not lawyers nominated by the President.

The populist approach to the composition of the Council which has led to some judicial appointments being decried by the Ghana Bar is best seen by reference to the 1969 Constitution. Article 119 therein provided that the Judicial Council should comprise the Chief Justice, the most senior Justice of the Supreme Court, the most senior Justice of the Court of Appeal, the most senior Justice of the High Court, the Attorney-General, three practicing lawyers and one other person appointed by the President. One obvious fact is the high level of professional representation in the 1969 Constitution. Furthermore, the 1969 provision that the most senior judges in the various tiers become members of the Council avoided the politics and jockeying which has underpinned recent nominations. The presidential appointment in 1969 which was not restricted to non-lawyers constituted one-ninth of the membership. The lay representation constitutes one-quarter in the present dispensation. To most lawyers, this populist drive which the erstwhile Provisional National Defence Council (PNDC) caused to be placed in the Constitution is posing a serious threat to Judicial autonomy and a qualitative Bench. Why should a President nominate anyone to the Judicial Council at all? The Committee of Experts recommended three persons to be

nominated by the President and adopted the wisdom of 1969 Constitutions by the most Senior judges in the various tiers being the members of the Council. Who changed this and why? The Judicial Council should be totally independent. The President should be detached.

Secondly, we examine the removal of judges, which can happen more easily under the present democratic dispensation, far more easily than perceived by many. The case of Mr. Justice Amua-Sekyi illustrates the point vividly. In 1995, one George King Mensah of Accra presented a petition to the President for the removal of Mr. Justice Amua-Sekyi as a Justice of the Supreme Court for misconduct under Article 146 of the 1992 Constitution. The petitioner stated that his case was based on a report in the *Ghanaian Times* under the caption “Judicial Scandal at the La Beach Hotel”. It was alleged in that publication that Mr. Justice Amua-Sekyi miscondacted himself by discussing a case pending at the Supreme Court the Mensa-Bonsu Case on which he was sitting as a panel member, with Mr. Justice Lamptey who was an Appeal Court judge. Mr. Justice Amua-Sekyi is supposed to have made derogatory remarks about the then Chief Justice, Mr. Justice Archer and Mr. Justice Abban. Mr. Justice Abban reported the matter to the then Chief Justice and the latter decided to let sleeping dogs lie. When Mr. Justice Abban became Chief Justice, the latter “received” a petition from Mr. Mensah on the matter from the President. When a panel was set up to examine the case, Justice Amua-Sekyi decided to retire honourably. This was not without good reason. The learned judge got to know in no uncertain terms that the panel had been carefully packed to disgrace him. The Executive was desperately playing the political card by manipulating the process. Can the Executive “control” a judge by threatening a subtle process for removal? How can we be

sure this is not happening today?

Article 146 of the 1992 Constitution lays down the following procedure for the removal of judges: If the President receives a petition for the removal of any judge, he should refer the petition to the Chief Justice. If the latter determines that basically there is a case to answer, he/she should set up a Committee of three Superior Court judges and two other persons to investigate the complaint and make recommendations to the Chief Justice. The latter shall forward the recommendations to the President for action. The two other persons provided for should not be lawyers or members of the Council of State or Parliament. The President has the power to suspend a judge pending the determination of such case.

It is submitted that the provisions under review are too weak to protect a judge whom the Executive is determined to besmear and remove. Once the Chief Justice (a political appointee) is roped in, and ANY three judges are obtained (who may be recruited from among a range of High Court, Court of Appeal and Supreme Court judges), any two persons who are members of the President's political party may be added to determine the matter. From the constitutional provisions, a simple majority of the committee will be enough. This means if the two outsiders obtain the support of only one "procured" judge (who could be a High Court judge appointed the day before the empanelling and for that purpose) a judge of the Supreme Court could be removed by a simple majority. My submission is that a Chief Justice, who has compromised himself with the President for any reason whatsoever, could be used by the President at any time to remove a judge from the Supreme Court for any "political" reason whatsoever. Notably, no right of appeal whatsoever is provided for.

It is recommended that these provisions should be radically revised. It is submitted that a panel of seven persons comprising two retired judges of the Supreme Court nominated by the roll of retired judges called for that purpose, two senior lawyers nominated by the Ghana Bar Association at a meeting called for that purpose and three other persons nominated by the Christian Council of Ghana, the Catholic Secretariat and the Muslim Council can be depended upon to be more impartial and to do justice in the removal of a Supreme Court judge than the present arrangement. Among other things, none of the persons this presentation has suggested will owe his/her appointment to the Chief Justice or the President but each will sit out of a right that emanates from the Constitution and by independent appointment. In the alternative, a trial by one's own peers or the enlarged Council of State proposed in this presentation could be adopted as being less risky than the system provided under the Constitution. Any recommendation for removal should be supported by a two-third majority and subject to Appeal.

Conclusion

The establishment of countervailing authority will, through constitutional engineering, go a long way in ameliorating the "winner-takes-all" phenomenon. Areas for amendment include: ending the hybrid system and strengthening the authority of Parliament; establishing a large and powerful Council of State to check the application of power; autonomous, viable and effective decentralized authorities; strong and independent State institutions including the Judiciary, CHRAJ, Lands Commission etc.

NOTES AND REFERENCES

[i] See Justice G.L. Lamptey, “Ten Years of Constitutional Rule in Ghana 1993-2003 An Overview”, Accra , I.E.A. Government Newsletter, July 2003, p.4

[ii] Hutchful, Ebo. “Ghana” in Alan Bryden et al (ed), Challenges of Security Sector Governance in West Africa, Lt Verlag, 2007, p. 16.

[iii] Van Cranenburgh, Oda “Power and Competition: The Institutional Context”, in Mohammed Salih (ed), African Political Parties, Pluto Press 2003. Quoted from Ninsin, K.A. Executive -Parliament Interface in the Legislative Process, 1993-2006 Accra, IDEG, p.70

[iv] Prempeh Kwasi H., The Executive-Legislature Relationship Under the 1992 Constitution: A Critical Review, Accra , CDD-Ghana, Critical Perspectives No. 15 September 2003. See also Oquaye, Mike, op. cit.

[v] United States Congress Wikipedia, The Free Encyclopedia, 2010, pp.9,10.

[vi] Jinadu, Adele, Managing Elections; the Winner-Take All Rule, Democracy and Development, IDEG, Ghana Speaks Lecture Series No.2, 2010 p.24

[vii] Prempeh, H.K., “Presidents Untamed; Journal of Democracy, Vol 19, No. 2, April 2008.

[viii] Simpson (1976)

[ix] Gyan, K. “State Intervention in Land Management”, in Towards the Effective

Regulation of Executive Power, Accra, CDD-Ghana, 2010 p.33

[x] Gyan, K. ibid p.35

[xi] Rethinking Decentralisation and Local Government in Ghana, Accra, I.E.A., Constitutional Review Series 6, 2010, pp 3, 4.

Documents

Report of the Committee of Experts (Constitution) On Proposals for a Draft Constitution Of Ghana (July 31, 1991).

Constitution of the Republic of Ghana, 1969(Accra, Ghana Government Printer)

Constitution of the Republic of Ghana, 1979(Accra, Ghana Government Printer)

Constitution of the Republic of Ghana, 1992(Accra, Ghana Government Printer)

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