

## **Socio-economic and Political Development in Ghana under the 1992 Republican Constitution of Ghana**

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### **Abstract**

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This article examined the socio-economic and political development in Ghana under the 1992 Constitution of Ghana. The need to return to constitutional rule after the suspension of the 1979 constitution was a priority for many Ghanaians in the early 1990. This research study used secondary data to arrive its findings. Articles, reports, books and documentary sources were reviewed. There are several facts to support the need to uphold constitutional rule because of its benefits and the need to make some constitutional amendment of the 1992 Constitution after 20 years of its operations. The success of a constitutional dispensation depends on the extent to which the principal political actors agree on the institutions and rules that are necessary for the efficient mediation of competing claims and be able to shape norms in line with the new political order. In this respect, consensus building among political parties, electoral authorities and civil society have played a crucial role in sustaining the Fourth Republic in spite of its initial challenges. It is time to implement the recommendations of the Constitutional Review Commission Report on the operation of the 1992 Constitution of Ghana in order to take more systematic and conscious decisions on the governance style of the country which could lead to the resolutions of the many troubles that now confront the country.

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**Keywords:** Constitution, democracy, multi-party, good governance, development

### **1.0 Introduction**

A constitution regulates not only the exercise of political power, but also the relationship between political entities and between the state and citizens.

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Fundamentally, a constitution is the basis for the organisation of the state. The state is the apparatus through which a society provides for the exercise of political, administrative, and judicial powers in order to guarantee law and order, the protection of the rights of the people, and the promotion and regulation of the economy (Frimpong, 2007). As the notion of the sovereignty of people has superseded other beliefs about the source of ultimate power, the constitution has come to be regarded as a contract among the people on how they would like to be governed. In most cases this is a fiction, as the people may have had no substantive role in making, or even influencing the decisions about, the new constitution.

However, due to the notion of people's sovereignty and the fundamental right of the people to participate in public affairs, there is a tendency, indeed a compulsion, to promote people's participation in constitution-making. But the idea of a constitution as a social contract derives from another recent development contract not among the people to which each individual is a party, but among diverse communities in the state, often relatively new, where the bonds among the different communities are few and weak.

Communities decide on the basis for their coexistence, which is then reflected in the constitution, based not only on the relations of the state to citizens but also on its relations to communities, and the relationships of the communities among themselves. In such situations, the constitution sometimes provides for "partnerships" among the communities in government and other forms of communal power sharing (Frimpong, 2007).

Being the supreme law, it helps to shape the organization and development of society both for the present and future generations, and sets objective standards upon which the people and the international community can judge government performance. Further, a constitution sets out the rights and duties of the citizens, and provides mechanisms to enable them to protect their interests. In general, a constitution can add to the development of a politically active civil society as well as promoting good governance, accountability and the rule of law (Hatchard 1998: 381).

## **1.2 The 1992 Constitution and the Fourth Republic**

The background prior to the drafting of the 1992 Constitution was, to say the least, not conducive for constitution-making. By 1991, the well-established military-based controlling Provisional National Defense Council which had been in office for a decade, had succeeded in nerve-racking and disorganizing the middle classes of professional and business populace and in suppressing their civic associations including political parties (Ninsin 1998: 6). Again, Rawlings was least interested in, or committed to, constitutionalism, given that he had confessed to that umpteen times during the regime (Ibid: 7). Above all, the Rawlings' regime like Acheampong's was interested in self-succession.

## **1.3 The Constitution-Making Process**

The course of action that culminated in the crafting of the 1992 Constitution can be traced to the regional fora that the National Commission for Democracy (NCD) organised from mid-1990 to collate thoughts on a new constitution for Ghana. On 25 March 1991, the NCD published its report, *Evolving a True Democracy*, which contrary to the extensively acknowledged fondness of Rawlings and the PNDC, recommended a return to multiparty politics and the elimination of the military from partisan politics (Bluway 1998: 107-108).

The PNDC acknowledged the report and in reaction appointed a nine-member Committee of Experts to propose a constitution for Ghana's Fourth Republic (Ibid: 108). The Committee's report, in the form of a draft constitution and equivalent explanations for the proposals, contained ideas like a split executive of a President and prime minister, direct participation of the military, police, civil servants and traditional rulers in politics, and a non-partisan local government system; all of which were preferred by Rawlings and the PNDC (Ibid: 108-109).

A 260-member Consultative Assembly (CA) was later established to draft an ultimate constitution. On the surface, the composition of the CA covered broader interest groups than ever before (Hatchard 1998: 382), but a close study discovered a calculated endeavour of the incumbent government to marginalize, if not prohibit opposing forces. Protests over the composition, like other demands related to the transition process, were virtually all rejected by the PNDC.

On the whole, however, the CA depicted its autonomy and fashioned a constitution that was singular in many respects from the draft presented by the Committee of Experts (Ibid). The draft constitution was accepted through a referendum in April 1992. This was followed by the lifting of the ban of political parties the following month to set in motion the process which resulted in the November/December 1992 elections and the start of the Fourth Republic on 7th January, 1993 (Frimpong, 2007).

#### **1.4 The Main Features of the 1992 Constitution**

The new constitution followed the American presidential structure with prescribed separation of powers and checks and balances but with a few exceptions. It vested executive power in an executive president elected in concert with his vice president for four years and entitled for second term only (Articles 57, 60 & 66). Legislative power is vested in Parliament whose members are also elected for a four year term (Article 93); while judicial power is vested in the judiciary with a extensive measure of independence and the power of judicial review (Articles 125 & 2 respectively).

But according to Article 78(1) majority of the President's ministers must come from Parliament. In addition, the vice president and non-MP ministers can participate in parliamentary proceedings though without a voting rights (Article 112). These provisions introduced aspects of the British parliamentary system but without the attendant collective responsibility to Parliament. Another provision that upsets and viable system of separation of powers is the limitation expressly imposed on Parliament's legislative powers by Article 108. That article conferred exclusive right on the President to introduce into Parliament bills that have financial or tax implications. This is repulsive to Parliament's constitutional control of the purse (Asante 2002: 16-17).

The 1992 Constitution retains the Directive Principles of State Policy (Chapter 6, Articles 34-41). Even more exceptional is the wide-ranging Bill of Rights, entitled Fundamental Human Rights and Freedoms, in Chapter Five (Articles 12-33).

In addition to renowned political, civil, social and economic rights and freedoms, extraordinary provisions are made for the property rights of spouses (Article 22), women's rights (Article 27), children's right (Article 28) rights of the disabled (Article 29), and the rights of the sick (Article 30). In addition, for most of these exceptional rights, Parliament is explicitly mandated to enact such laws as are indispensable to guarantee the enforcement of those provisions (Frimpong, 2007).

Moreover, the 1992 Constitution made it compulsory for the establishment, through Acts of Parliament within six months of the start of the Fourth Republic, a number of constitutional commissions that would aid good governance, accountability and political participation. These were the Electoral Commission (EC), the Commission on Human Rights and Administrative Justice (CHRAJ), the National Commission for Civic Education (NCCE) and the National Media Commission (NMC). To guarantee their independence, their composition and functions were set in the Constitution (Articles 43, 216, 232 and 166 respectively) and once appointed; they were to be held responsible only to the Constitution (Articles 46, 225, 234 and 172 respectively).

Another exceptional feature of the 1992 Constitution is the highly structured provisions on Decentralisation and Local Government (Chapter 20, Articles 240-256), as a apparatus for enhancing local participation in the decision process, promoting accountability of local officials, and grassroots development. However there are some inbuilt contradictions. First, a non-partisan local government (district assembly) system has been superimposed on a multiparty system at the national level and has shaped situations where identified party functionaries during national elections become 'non-partisan' actors during local elections (Frempong 2003). Second, the appointments the District Chief Executive (DCE) and thirty percent of assembly members, have retained the national executive control of local government and tended to hinder the anticipated democratic outcomes of the decentralisation process (Asante 2002: 17).

### **1.5 The 1992 Constitution or Fourth Republic in Practice**

From a not-too-inclusive constitution-making process through rancorous transitional elections in 1992, the Fourth Republic has taken numerous encouraging feats onward.

Peaceful and generally acceptable national elections have since been held in 1992, 1996, 2000 and 2004, 2008, 2012; and Ghanaians are gearing themselves for a historic seventh consecutive election in December 2016. The 2000 election produced an alternation of power from the National Democratic Congress to the New Patriotic Party and 2008 did vice versa. The other constitutional commissions- NCCE, CHRAJ and NMC- have all contributed in their own ways to facilitate civic education, the promotion and protection of human rights and freedom of expression and thought, respectively (Frimpong, 2007).

The emergence within the parameters of the constitution vibrant civil society groups in the form of academic/research think tanks, civic educators, election observers/monitors, have all contributed to the electoral/democratic progress chalked over the last fifteen years. Also, the liberalisation of media which has led to proliferation of private electronic and print media have been very much instrumental in all the above respects. However, a lot still remains done particularly in terms of imbibing the ethos of constitutionalism. The heightened fear and threats to stability that characterize successive elections is a clear indication that the Ghanaian political elite and their followers are yet to fully imbibe the democratic culture. Indeed, it is not one of the norms of democracy and constitutionalism to play on the electorate's fear as an electoral strategy (Frimpong, 2007).

### **1.5 Contributions of 1992 Constitution to the Political Development of the State**

The 1992 constitution of Ghana has played very crucial contribution towards the socio-political development of the country.

#### **Political Development of the State**

Recognition of political sovereignty: A prominent feature of the Constitution is the emphasis given to the underlying authority of the people. This appears immediately in the Preamble, which states 'We the people of Ghana, by our Representatives gathered in this our Constituent Assembly, in exercise of our undoubted right to appoint for ourselves the means whereby we shall be governed do hereby enact and give to ourselves this Constitution.'

It is taken up by the opening words of article. 1: 'The powers of the State derive from the people . . .' and is driven home by the first of the fundamental principles set out in article 13: 'That the powers of Government spring from the will of the people and should be exercised in accordance therewith.' There is of course nothing new in this. The words ' We the people . . .' have become familiar in constitutions since they were first used, under the influence of the social contract theories of John Locke<sup>1</sup> and Rousseau, as the opening words of the Constitution of the United States of America in 1787.

The 1992 Constitution has also Created a Number of Independent Bodies

This is designed to enhance responsiveness, transparency, and accountability. These bodies include the Commission for Human Rights and Administrative Justice (CHRAJ); the Electoral Commission; the National Media Commission; and an independent Auditor-General.

Ghana has been touted as a shining example of the few successful cases of democratization and good governance in Africa. It has held five successful elections since the return to multi-party democratic rule in 1993.

Ghana's Constitutional Democratic Governance

The country's democratic governance has credentials and good governance record has been confirmed by several assessments over the last decade. For example, the Mo Ibrahim Index of African Governance has ranked Ghana 7th for 2008. This is likely to continue, with Executive power alternating between two very strong political parties that have demonstrated their capacity to act both as a government and an effective opposition. With a Bill for the development of strong political parties in Ghana, including public funding of such parties receiving Cabinet attention, this prediction is truer still.

It expresses the supremacy of the law Ghana

The 1992 Constitution is the most important law in Ghana. It is expressed to be the "supreme law of Ghana" and any other law and any action that is inconsistent with the Constitution is deemed void and of no effect.

All powers of government, including the powers of the Parliament and the Judiciary are derived from the Constitution. Again, all the rights of the people, including rights that are not written in the Constitution, but are nevertheless guaranteed by it, find their force from the Constitution. The Constitution also provided for the security of the state, the management of the natural resources of the state, the resolution of conflicts and many other important aspects of a nation's life.

Entrenched and non-entrenched provisions: The Constitution is an important document indeed. The Constitution is divided up into entrenched and non-entrenched provisions. The non-entrenched provisions may be amended by Parliament alone. The entrenched provisions, the more important provisions that deal with the powers of government and the rights of the people, cannot be amended without a yes vote by the electorate in a national referendum. To endorse a proposal for the amendment of an entrenched provision, at least 40% of the electorate must have voted in the referendum and at least 75% of those who voted must have voted for the proposed amendment.

#### Provision of Decentralization in Ghana

All the post-colonial regimes have grappled with the issue of local government and decentralization. In 1987, the Provisional National Defence Council (PNDC) launched its proposal for local government reform, a process that culminated in 1988, in the District Assemblies (DAs) Law (PNDC Law 207). The District Assembly (DA) structure functions and visions were incorporated in the 1992 Republican Constitution. As far as political representation is concerned, progress has been made in recent years to empower poor people through such measures as the implementation of decentralization policies to promote popular participation at grassroots level in political, development and, decision-making.

To meet these challenges, the Ghana constitution of 1992 prescribed, "a system of local government and administration which shall, as far as practicable, be decentralized"

Furthermore, in achieving an effective and accountable local government administration, the constitution clearly identifies the following areas for necessary action.

## Rule of Law

The law of Ghana affirms the equality of all before the law. The system of justice, both criminal and civil, is founded on well-defined laws and rules of procedure. At present, the public perception is that the rule of law is seriously flawed and prone to arbitrary behavior on the part of state and its institutions. The popular experience and image of the police service is that of an unaccountable institution whose personnel are corrupt and act with impunity. This perception has affected public trust and confidence in a key state institution.

In addition, the judicial process is also perceived as being largely inaccessible and expensive, frustratingly slow and possibly corrupts, favoring the rich and powerful. Whatever the veracity of these perceptions, the present situation is that the poor and illiterate have been particularly disadvantaged within this system. .

## **Freedom of Expression**

A notable change that has occurred since the coming into force of the 1992 Constitution has been the expansion and liberalization of the right to free expression. This right had been effectively stifled during the PNDC years. The present liberalization of the scope of free expression has been buttressed by the repeal of many of the restrictive laws that run counter to the letter and spirit of the constitution. A classic example is the repeal of the Criminal Libel Law. The mass media landscape provides one of the most eloquent testimonies to the gains in free expression since 1992. Chapter 12 of the Constitution spells out the freedom, independence and responsibility of the mass media.

Freed by the Constitution from the requirement for licenses, there has been a proliferation of privately owned newspapers since 1992 alongside to state-owned ones. The resurgence of privately owned newspapers has been accompanied by the opening up of the electronic media to private ownership, though the latter requires licenses to operate.

### The new Freedom of the Media

It has encouraged people to express themselves in local languages. New FM radio stations ran various. Programmes in local languages and during phone-in programmes, people call to express themselves freely in their local languages. To a large extent the relatively deregulated environment engendered by the 1992 constitution is enabling the media to run various programmes in the local languages, thus making it possible for people including minority groups to contribute to lively, often keen and at times frank discussion of controversial national issues.

### Accountability, Transparency and Openness of Government

The 1992 Constitution attaches great importance to accountability, transparency and openness of government accordingly, there are several constitutional clauses that affirm and provide for freedom, justice, probity and accountability. The primary constitutional instrument for ensuring accountable government is the right of the citizenry to elect the government. In addition, there are constitutional yardsticks for judging institutions and office holder as well as mechanisms – notably the Commission on Human Rights and Administrative Justice (CHRAJ), which is expected safeguard human and political rights. CHRAJ is empowered by the 1992 constitution to receive complaints from the public and private individuals over alleged infringements of civil/human rights by public officials. Indeed, the powers vested in the CHRAJ have considerably widened and deepened the scope for citizens to ensure probity and accountability from public officers.

### Creation of independent Electoral Commission

Under the 1992 Constitution, the Political Parties law (PNDC Law 281), 1992, the Representation of the People Law (PNDC Law 284), 1992 and the Representation of the People (Parliamentary Constituencies) Instrument (LI 1538), 1992, Ghana's electoral system.

## Political Parties

In multiparty democracies, political parties perform key roles in the formation of governments, grooming leaders at national and sub-national levels and holding governments accountable (when they are in opposition), among others. Yet political parties are among the most neglected of the political institutions of state. They are made to operate as if they are purely private organizations with no state or national interest in their establishment, maintenance, well-being and extinction. But by their very nature, poorly established and poorly maintained political parties produce poor quality leadership, both at the party level and at the national level itself.

It is for these reasons that any strategy to consolidate democracy must include a strategy for nurturing and sustaining political parties and making sure that they are not just electoral machines for achieving electoral victories, but also function effectively as vehicles for public education, leadership training, national integration and skills acquisition during interrelation periods. At present a party's ability to win political power appears to be the sole indicator of its success, to the extent that being out of government creates a problem for parties in managing "powerlessness" (Frimpong, 2007).

## Recognition of Opposition Parties

In mature democracies, political parties are key pillars of good governance, rule of law and protection of human rights. However, the role of political parties in performing these functions especially in growing or developing democracies has been the subject of debate for many. This is because many believe that the adoption of a more competitive party system furthers democratization by providing the electorate with electoral alternatives. In competitive multi-party politics, the party that is elected to form the government seeks to enact into law a number of policies and programmes oftentimes consistent with its election manifesto. Opposition parties are free to criticize the ruling party's policies, ideas and programmes and offer alternatives.

## **1.6 Contributions of 1992 Constitution to the Social Development of the State Provision of Tertiary Education**

Through acts of parliament many tertiary institutions have been established more higher education institution and education in Ghana shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by progressive introduction of free compulsory universal basic education. Many universities and polytechnics have been provided during the assumption of the 1992 constitution.

### **Equal Opportunity for all**

Among the factors of inequality of opportunities in Ghana the following are particularly noteworthy: geography: (north-South and urban-rural), gender, disability and class. Inequality of opportunities was one of the motivating grievances of Ghana's anti-colonial movement and successive Ghanaian governments and key policy documents, such as the 1992 Constitution, have declared their commitment to equal opportunities for all Ghanaians. Inequality of opportunities is the result of the combined effect of objective factors like – differential resource endowment, history and public policy, as well as subjective factors such as attitudes and prejudices. The data on health, education employment and poverty offer clear evidence of these dimensions of inequality.

The implementation of the Directive principle of State Policy contained in the constitution enable the president to report to parliament at least once a year on all steps taken to ensure the realization of the policy objectives contained in the constitution; and, in particular, the realization of basic human rights, healthy economy, the right to work, the right to good health care and the right to education.

### **Expansion of Infrastructure**

Constitutional development has further enhanced in the provision of a number of infrastructure to the country and through fair and equitable distribution of national resources. Roads, telecommunication services, provision of portable water, good sanitation, electricity, petro-chemical industry, information technology, sports facilities and recreational centres.

## Good and Quality Health Care Delivery System

Another area that has expanded and improved tremendously is the provisions of quality health delivery system in the country. A number of institutions of learning in terms medicines, nursing and other allied health sciences have been built and still expanding to meet current health demands health delivery system. Successive governments continue to build teaching hospitals, hospitals, health centres and clinics in both rural and urban places. The national health insurance scheme is in placed through an act of parliament.

## The Cultural Diversities in Ghana

The 1992 Constitution of the Republic of Ghana recognizes culture as a vital tool for national integration and development. In Chapter 6 of the Constitution under the heading "the directive principles of State Policy", Article 39 states that: "The State shall take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and the conscious introduction of cultural dimensions to relevant aspects of national planning. The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of the society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abolished. The State shall foster the development of Ghanaian languages and pride in Ghanaian culture. The State shall endeavour to preserve and protect places of historical interest and artefacts."

## Respect for Chieftaincy and Creation of National House of Chiefs

1992 Constitution (Article 270) guarantees the institution of chieftaincy together with its traditional councils as established by customary law and usage, but Article 276 notes that chiefs cannot take part in party politics, and that any chief wishing to do so, and seeking election to Parliament shall abdicate his stool or skin. The National Cultural Policy regards Chieftaincy as "the Kingpin of Ghanaian traditional culture"; "an anchor of cultural life in all communities and in the nation as a whole".

## Laws and Policies to Protect Religious Freedom

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. There is no government body that regulates religious affairs, as all religious bodies are independent institutions; however, religious institutions must register with the Office of the Registrar General to receive formal government recognition.

## Gender and Woman Empowerment in Ghana

The government of Ghana has passed a number of legislation and ratified various conventions and treaties that seek to promote the rights of women and children and their development in a coherent manner. Specific programmes have been designed to implement majority of these Conventions and Treaties. Some of them have been adapted into our National Development Policy Frameworks with specific strategies and time-bound measurable targets.

### **1.7 Contributions of 1992 Constitution to the Economic Development of the State Accelerated and Promotion of Sustainable Development**

To achieve this vision of a highly improved quality of life for Ghanaians the constitution set the following objectives have to accelerate and promote sustainable economic growth, with due regard to the protection of the environment, equity social and spatial development; and the promotion of the positive cultural ethos of Ghanaian values, beliefs and norms.

The inception of the constitutional regime in 1992 further deepened the move towards greater openness and respect of individual and multinationals' investment within the framework of law and good governance. While the constitutional regime amply provides sufficient safeguards against the illegal expropriation of investor assets, it is significant to mention the fact that government is determined to balance the interests of investors with government's obligation to manage the resources of the state in the best interests of the people of Ghana.

Over the past two decades, we have reinforced our governance system and consolidated constitutional democracy with greater emphasis on human rights and fundamental freedoms, as well as the protection of property rights. These rights and spaces for individual autonomy remain crucial for the realization of economic potential-key ingredients for investor success. Indeed, foreign investment needs a pool of qualified and motivated human resources.

Over the past couple of years the Whistleblower Act, Financial Administration Act and the Procurement Acts have all been passed by Ghana's Parliament. Right to Information and the Petroleum Acts are also being considered by Parliament all in a bid to increase the responsibility of government in respect to the management of resources and accountability for proceeds obtained from investment.

### The Right to Own Property and Estate

The right to own property and the right to decent work irrespective of one's social, economic and political status and religious belief; equity distribution of the benefits of development and hard-core poverty; universal access to work, shelter and leisure, with adequate remuneration for all categories of workers and affordable shelter for all; an adequate and affordable water supply and health care system for all citizens.

### Employment

These issues of the quality, security and dignity to work, have long been a subject of international conventions and declarations and national laws. The convention of the International Labor Organization (ILO), for example, lay down international standards on such subjects as the rights of workers to organize, to bargain collectively and to work in a secure, health and protected environment; and prohibit the use of forced labor and child labor. Ghana is signatory to all the core conventions on International labor standards.

The 1992 Constitution of Ghana, for its part, upholds the "right to work under satisfactory, safe and healthy conditions", with "the assurance of rest and leisure" (Article 2 4(1)).

Article 36 of the Constitution enjoins to state to take necessary action to ensure that the national economy is managed in such a manner as to, among other things, provide adequate means of livelihood and sustainable employment to the needy.

### Recognition of Trade Unions

The 1992 constitution also has provisions that further enhance workers' rights. The constitution affirms the right of workers to join local, national and even international labor unions of their own choice. They have the right to assemble, to march, and to undertake activities in protest against or in support of public policies.

### Trade, Finance and Investment

As globalization heats up, competition for global investments have equally become intense. Ghana is positioning position itself as a leader in the destinations for global investment. The continent needs to build up on existing improvements on governance reforms on the continent. Beside mainstream law reform in the areas of doing business and economic infrastructure therefore, countries need to embrace the broader understanding of good governance relative to investment which in this vein include respect for human rights and political accountability.

## **1.8 Implementation of Constitutional Review Commission Report**

After 20 years of operating the 1992 Constitution, there were calls for a review of many provisions of that Constitution. It appears that the continuous operation of the Constitution for over a decade and a half has resulted in the identification of parts of the Constitution that need to be reviewed. Many experts, government officials, public advocates and commentators, the media, and the Africa Peer Review Mechanism (APRM) have recommended that aspects of the 1992 Constitution of Ghana to be reviewed.

It is time to implement the recommendations of the Constitutional Review Commission Report on the operation of the 1992 Constitution of Ghana in order to take more systematic and conscious decisions on the governance style of the country which could lead to the resolutions of the many troubles that now confront the country.

A small number of flaws in constitutional design and practice have led to too much power concentrated in the presidency, thus negating systems of checks and balances. Executive dominance has impeded the effectiveness of oversight institutions such as Parliament and independent constitutional commissions. These transparency and accountability deficits are caused by structural defects and exacerbated by consistent under-resourcing of institutions that should act as a counter point to the Executive.

This has translated into a failure of formal democratic institutions to give voice to the poor and other marginalized groups. There is also a lack of effective devolution of authority to democratic local government bodies. Again, patronage, nepotism and cronyism are still rife in Ghana. Political opportunism, mixed with ethnicity and chieftaincy has led to conflicts in parts of the country. The purpose of the exercise is often stated as the need to remove contradictions and ambiguities, supply omissions, and make the Constitution more practical and relevant to the needs of Ghanaians in the twenty-first century.

Further, the requirement that dual citizens renounce their other citizenships is discriminatory, disproportional and devalues their dignity. It is discriminatory because it requires dual citizens to give up their ability to travel to their other countries while single citizens who are permanent residents (of other countries) do not give up this ability when they opt to serve the country. That is, renouncing their citizenships, as a condition precedent to serving, forces dual citizens to give up their residence as well, while single citizens are not similarly required to give up their residence. It is also discriminatory in treating dual citizens differently from single citizens who are ordinarily resident in Ghana (Frimpong, 2007).

The current regime of exclusions is an affront on the dignity of dual citizens. The exclusionary regime questions their patriotism, integrity and citizenship, premised solely upon their circumstances without considering their individual capacities or merits.

The exclusions violate their human dignity by marginalizing, ignoring, and devaluing them. The exclusions impose harsh sanctions on them without any evidence of wrongdoing, save a mere and unfounded suspicion that they lack total loyalty and fidelity.

## **1.9 Conclusion**

The analysis of Ghana's 1992 constitution history, one can say that military regimes have had negative impact on imbining ethos of constitutionalism. The merits and demerits of a constitution emerge when it is practiced long enough. Over the last 20 years that the 1992 Constitution has been in operation a few rough edges have been identified including Articles 78(1) and 108 which have somewhat weakened the legislature in relation to the executive; but there have been general acceptance of the constitution's workability. The success of a constitutional dispensation depends on the extent to which the principal political actors agree on the institutions and rules that are necessary for the efficient mediation of competing claims and be able to shape norms in line with the new political order. In this respect, consensus building among political parties, electoral authorities and civil society have played a crucial role in sustaining the Fourth Republic in spite of its initial challenges.

## References

- Asante, S.K. B (2002) *Reflections on the Constitution, Law and Development*, Accra: Ghana Academy of Arts and Sciences.
- Bluwey, G. K. (1998) "State Organisations in the Transition Constitutional Democracy" in K.A.
- Ninsin, ed, *Ghana: Transition to Democracy*, Accra: Freedom Publications, pp. 105-111.
- Dale, William (1993) "The Making and Remaking of Commonwealth Constitutions", *The International and Comparative Law Quarterly*, Vol. 42, No.1, January, pp. 67-83
- Elster, Jon (1995) "Forces and Mechanisms in the Constitution-Making Process", *Duke Law Journal*, Vol. 45, No. 2, November, pp. 364-396.
- Frimpong, K.D.A (2007) 'Constitutional-Making and Constitutional Rule in Ghana' Golden Jubilee Colloquium, Department of Political Science, University of Ghana
- Gyimah-Boadi, E. (2000) "Six Years of Constitutional Rule in Ghana: An Assessment and Prospects of the Executive and the Legislature" in Friedrich Ebert Foundation, *Six Years of Constitutional Rule in Ghana: 1993-1999* Accra: Gold Type Ltd. p. 2.
- Gyimah-Boadi, E.(1991) "Tensions in Ghana's Transition to Constitutional Rule" in K.A.Ninsin & F.K.Drah, ed, *Ghana's Transition to Constitutional Rule*, Accra: Ghana Universities Press, pp. 35-43.
- Jonah, K (1991) "The Monopolisation and Manipulation of the Constitution-Making Process in Ghana" in Kwame A. Ninsin and Francis K. Drah, ed. *Ghana's Transition to Constitutional Rule*, Accra: Ghana Universities Press, pp.73-83.
- Hatchard, John (1998) "Perfecting Imperfections: Developing Procedures for Amending Constitutions in Commonwealth Africa", *The Journal of Modern African Studies*, Vol. 36, No.3, September, pp.381-398.
- Ninsin K.A & Drah, F.K ed, *Ghana's Transition to Constitutional Rule*, Accra: Ghana Universities Press, pp. 35-43.
- Twumasi, Yaw (1968) "Ghana's Draft Constitutional Proposals", *Transition*, No. 37. pp. 43-52. 1992 Republican Constitution of Ghana