



**PROGRESSIVE
PEOPLE'S PARTY**

Awake!

**PRESS STATEMENT DELIVERED BY THE PROGRESSIVE PEOPLE'S PARTY ON
THE IMMEDIATE NEED FOR CONSTITUTIONAL AMENDMENTS AND A
DECLARATION OF DECEMBER 7TH AS #FIXTHECONSTITUTION DAY.**

We thank you for responding to our invitation to this important press conference focussed on the immediate need for constitutional amendments before the next presidential and parliamentary elections in 2024. We acknowledge the partnership and support the PPP has enjoyed from the media in carrying our messages and our activities to the people of Ghana over the past 10 years of our existence.

You would recall that no political party in Ghana has remained so committed, consistent and vocal on the subject matter of Constitutional Review in Ghana as the PPP has been. We have made many representations to the Constitutional Review Commission, Constitutional Review Implementation Committee, the Presidency, the Parliament and the Council of State on these matters. All these calls have fallen on deaf ears because various elected governments have demonstrated a clear and present lack of political will to make the necessary changes to our 1992 Constitution.

THE PURPOSE OF THE 1992 CONSTITUTION

The purpose of our 1992 Constitution can be gleaned from its preamble. The preamble states as follows:

“In the exercise of our natural and inalienable right to establish a framework of government which shall secure for ourselves and posterity the **blessing of liberty, equality of opportunity and prosperity** ; In the spirit of friendship and peace with all peoples of the world: and in **solemn declaration and affirmation of our commitment to Freedom, Justice, Probity and Accountability** ; The principle that all powers of Government spring from the sovereign Will of the people; **The Principle of Universal Adult Suffrage** ; The Rule of Law; The protection and preservation of Fundamental Human Rights and Freedoms, Unity and Stability for our Nation, do hereby adopt, enact and give to ourselves this constitution”

Clearly, the essential elements which also constitute our aspirations from the preamble include the blessings of liberty, equal opportunity, prosperity for the people, freedom & justice, probity & accountability, universal adult suffrage and the stability of our great nation.

It is evident that after three solid decades of operating this document, a number of the aspirations have eluded the good people of Ghana.

STATE OF AFFAIRS

Our country is yet to derive the dividends of democratic governance. Unfortunately, the conduct of elections and the successive transfer of power have been used as an indicator of success. This approach is misleading in terms of evaluating the actual improvement in the lives of the people in the area of education for every citizen, access to basic social amenities such as water, electricity, tarred roads in residential areas, safe inter-regional motorways, descent housing, jobs for the youth, political accountability, reduction in corruption, stability of the currency and a good standard of living.

We rather have, after thirty years of democracy, the spectre of massive levels of youth unemployment, excessive executive powers, a compromised parliament, abuse of power, unbridled political corruption, waste of Ghana's resources, nepotism, mediocrity, mismanagement of the economy and the constant failure of leadership. In fact, the current constitution in our view has created a situation where the winning political parties have treated the republic as colony to be conquered and its resources taken for the welfare of a few privileged members of the party in power; depriving the significant majority of Ghanaians the dividends of a well constituted democratic state.

The stability of the country is threatened by the sheer greed, elite capture and an intensely exclusionary political system where citizenship is no longer enough requirement to have access to state resources and to partake in the sharing of the national cake. A citizen must necessarily require membership of the party in power to benefit from the welfare state.

This winner-takes-all 1992 Constitution cannot sustain our democracy beyond the 2024 elections and therefore the urgent need to implement the following fundamental constitutional amendments.

AREAS FOR CONSTITUTIONAL AMENDMENTS

We would like to focus on five (5) fundamental changes that need immediate attention to guarantee some modicum of progress if Ghana is to gain or get any dividends in our last democratic experiment. The five areas are as follows:

- Return power to the people for all Ghanaians to directly elect their district, municipal and metropolitan chief executives without any interference from the President and cancel government appointees into the District Assemblies;
- Prohibit Members of Parliament from being appointed as Ministers of State or MPs must resign from parliament after their ministerial appointment;
- Strengthen the office of Attorney-General by separating it from the Ministry of Justice;
- Introduce a Public Declaration of Assets Regime; and
- Clarify the eligibility of Ghanaians in the Diaspora to hold Public Office

MMDCEs [Amend Articles 242(d) and Articles 243(1) & 243(3)]

It will be superfluous to recount the benefits of electing directly and by Universal Adult Suffrage all our Metropolitan, Municipal and District Chief Executives (MMDCEs) as well as all the Members of the District Assemblies. We would like to emphasize that the concept of government appointees should also be completely abolished. This matter has been flogged over the years with elected governments demonstrating a lack of political will to empower the

districts to elect their Chief Executive Officers who are the true agents of developments. The Members of Parliament (MPs) whose job is to pass legislation have arrogated to themselves the role of development agents with no constitutionally allocated resources.

The result is that MPs have resorted to all kinds of unorthodox ways and policy violations to attempt to bring some piecemeal development to the people. For example, the office of the Chief Executive has become a trophy to be won and hijacked by elected political parties to reward party members who could neither become MPs nor Ministers of State. It is therefore not surprising, as their tradition, to see the current General Secretary of the ruling party travelling around the country to conduct the so-called vetting of applicants mostly, party foot soldiers, who have applied to become MMDCEs. When did a political party become a substitute for the established Public Services Commission for the vetting and appointments of candidates to occupy public office?

The election of District Chief Executives is long overdue because it remains a democratic deficit and a major impediment in the development of the various smaller units that constitute Ghana. It will ensure that all the resources allocated by the Constitution through the District Assembly Common Fund are demanded by the elected officers and same sent to the districts promptly for local development. It will ensure local accountability, elimination of corruption and rapid development. If citizens are capable of electing the president and members of parliament, they should be credited with the wisdom to decide who governs them at the local government level.

The political chicanery orchestrated by the ruling party to deny the good people of Ghana their power; following the aborted referendum on whether or not MMDCEs should be elected on partisan basis must be viewed as a coup d'état against the people of Ghana by the political class.

The question of a partisan election of MMDCEs or otherwise can only be answered by Ghanaians at a referendum so no one can sit in Accra and deny Ghanaians that opportunity under the pretext of a certain lack of consensus. How else can you know the position of Ghanaians on this matter other than through a referendum?

The president and the other members of the political class cannot and should not use the partisan debate to conveniently deflect the urgent need for all DCEs plus all Assembly Members to be elected freely and by Universal Adult Suffrage. For the avoidance of doubt, we can actually elect our Chief Executives without going for a referendum. All that we need to do now is for parliament to amend articles 242(d) which deals with the appointment of the one-third of Assembly Members and Articles 243(1) and 243(3) which deals with the appointment (*and disappointment*) of the Chief Executive.

Making the referendum on Article 55(3), which prohibits political parties from local government elections, a pre-condition for electing MMDCEs is mischievous and a calculated attempt to postpone once again a very important constitutional amendment. We call on the government to choose patriotism over partisanship in this respect and allow the people of Ghana to elect their own District Chief Executives. If we want Ghanaians to allow political parties to participate in the local government elections, then let the referendum happen now!

SEPARATE MPs FROM MINISTERS [Amend Article 78(1)]

We advocate strongly the concept of strict separation of powers because the current arrangement where the 1992 Constitution by design bequeathed Parliament to the Executive has hampered Parliament's ability to exact accountability from the Executive on behalf of the people. Article 78(1) mandates the President to appoint majority of his ministers from parliament. This means that more than half of all ministers and deputy ministers must be Members of Parliament. So every Member of Parliament looks up to the President for a ministerial appointment and therefore their immediate priority is not to check the government against malfeasance but to catch the eye of the President for appointment. This has resulted in a compromised parliament which is obviously ineffective in scrutinizing the activities of the Executive to guarantee the judicious application of the nation's resources.

For example, apart from ministerial appointments, some Members of Parliament are appointed as Chair and Members of the Board of Directors of state-owned enterprises, corporations and other institutions thereby compromising the supervisory role of parliament. These unholy appointments blurs the lines of checks and balances.

It is our position that if a Member of Parliament is appointed as a Minister or accept any other appointment by the President, then he/she must resign his seat before taking up the appointment. People seeking to become public officers must choose to either become part of the Legislature or the Executive.

ATTORNEY-GENERAL [Amend Article 88]

We also propose that Article 88 of the Constitution should be amended to separate the Attorney-General from the Minister of Justice or more specifically, the Attorney-General must not be a Minister of State nor a member of the government. We believe that making the Attorney-General a Minister of State compromises his or her ability to fight and prosecute political corruption. The failure of the Special Prosecutor's Office and its lack of independence is clear to the Ghanaian electorate by now. What we need to fight political corruption effectively is the immediate establishment of the Independent Public Prosecutor's Office, separate from the Minister of Justice. This is the only way, to realistically fight corruption. We are calling for a truly independent Attorney General (i.e. the Independent Public Prosecutor) whose budget will be sanctioned by Parliament without any ministerial interference. No amount of political spinning and propaganda can make the current OSP independent of the Attorney-General and by extension independent of the Executive.

It is evident from our past experience that, it will be fruitless to leave the fight against corruption in the hands of an elected government and its appointees. For this reason, we propose that the Independent Public Prosecutor (IPP) should be elected directly by the people to check the government against political corruption. The people's prosecutor will be elected on a different electoral cycle, preferably during the mid-term of an elected government. The Independent Public Prosecutor (IPP) will be given vast prosecutorial powers with guaranteed tenure, independence, and adequate funding directly from parliament to go after corrupt government officials. The government's own lawyer will be the Minister of Justice.

PUBLIC DECLARATION OF ASSETS [Amend Article 286(1) & 286(3)]

Another tool in the fight against corruption is an effective Assets Declaration regime. We believe that the current process where the Assets Declaration forms and its contents are concealed is laughable and ironic. How do you declare and hide something at the same time? It is in this regard that we agree with the recommendation of the Constitution Review Commission for a new Assets Declaration regime where the completed forms are published and can be accessed by any interested citizen for the purpose of verification.

The Constitution Review Commission also recommended criminal prosecution for false declaration, a duty the proposed Independent Public Prosecutor (IPP) will gladly take on board. We need to confront political corruption head on if we want to safeguard this last attempt at constitutional democracy. Public declaration of assets should be the minimum threshold for any aspiring public office holder to meet as a condition to hold in trust massive public assets and resources of the republic. If you cannot declare your relatively “small” assets to the citizens, then you have no right to take charge of huge public assets.

GHANAINS IN THE DIASPORA [Amend Article 94(2)(a) for clarity]

We hold the view that Ghanaian citizens are Ghanaian citizens whether they hold dual nationality or not. In fact, their citizenship of Ghana cannot be vitiated by virtue of their dual nationality. Dual nationality is secondary to citizenship.

We must introduce an amendment to the Constitution to clarify and allow Ghanaians living in the Diaspora to be fully eligible to participate in the democratic process. This will ensure full citizenship rights to Ghanaians living abroad so that they can vote and serve in public sector positions. There is no justification whatsoever to deny our kith and kin such rights, when they pour into our economy huge sums of foreign exchange by way of remittances to family and friends.

We should also be reminded that on many occasions we have sought and continue to seek the expertise and skills of Ghanaians in the diaspora in the area of sports, medicine, engineering, finance, academia, international relations, economic development and other wide range of consultancy services in different areas of our national life. We must restore full citizenship rights to our brothers and sister in the diaspora and clarify provisions on their qualification to become Members of Parliament and to hold other public office.

CONCLUSION

The PPP wishes to declare December 7th as the #FixTheConstitution Day. We intend to roll out a national programme to demand the immediate amendments necessary for our progress as a country. We will seek collaboration with civil society organizations and other democratic institutions interested in constitutional amendments for this national exercise. We also invite the media, as an enlightened group of organized citizens, to dedicate December 7th as a Constitutional Reform Day for an in-depth discussion on constitutional amendments and demand reforms on behalf of the people of Ghana.

The massive amount of money invested in the Constitutional Review exercise must not be allowed to go waste. It shall remain a scar on the conscience of right thinking Ghanaians if

these fundamental changes and many other brilliant recommendations contained in the CRC's report continue to gather dust. We owe it to ourselves and the next generation to secure and safeguard our democracy and that can only be achieved through these amendments.

We remain Awake until these amendments are brought to fruition.

PPP! Awake!