



GIMPA
Faculty of Law



Gimpa Law
Conferences



The 1992 Constitution of Ghana @ 30: Taking Stock, Assessing Progress, and Reflecting on the Future

GIMPA Executive Conference Centre, Accra

(8th – 10th March 2023)

I. Background

On 31st December 1981, the Provisional National Defence Council (PNDC) overthrew the government of the Third Republic and abrogated the 1979 Third Republican Constitution of Ghana, and subsequently ruled the country for the next eleven (11) years. The making of the 1992 Constitution therefore traces its roots to the PNDC era, and the local government reforms it introduced.¹ The economic reform agenda of this regime was highly dependent on donor support from the Bretton Woods institutions i.e. the World Bank and the International Monetary Fund. The *quid pro quo* for this support was the democratization of the upper echelons of the government. Thus, the PNDC tasked the National Commission on Democracy (NCD) to embark on a nationwide tour, consulting the people on the democratic reforms that should take place. The NCD after completing this work, produced and presented to the PNDC a report entitled “Evolving a True Democracy”.² The most important finding in this report was that the people of Ghana overwhelmingly wanted a return to multi-party democracy. The PNDC thus enacted the

¹ These reforms had a three (3) fold objective (1) decentralization; (2) democratization; and (3) district expansion.

² See *Evolving a True Democracy: Summary of NCD’s Work Towards the Establishment of a New Democratic Order* (Report Presented to the PNDC), 1991.

Committee of Experts (Constitution) Law, 1991, which tasked some prominent Ghanaians, including legal scholars, to “draw up and submit to the Council proposals for a draft Constitution of Ghana”.³ This Committee was to consider the report of the NCD in their deliberations leading to a draft Constitution for Ghana. All previous Constitutions were also to serve as a guide in the Committee’s work. On 31st July 1991, the Committee presented their proposals to the PNDC.⁴ The PNDC thus established a Consultative Assembly, with the sole mandate of preparing a draft Constitution for Ghana. The composition of the Consultative Assembly varied greatly, and it operated like a National Assembly or Parliament.⁵ On 31st March 1992, the Consultative Assembly presented a draft Constitution to the PNDC. This draft Constitution was then submitted to a national referendum on 28th April 1992, where the people of Ghana overwhelmingly approved it to come into force on 7th January 1993. The PNDC thus enacted the Constitution of the Republic of Ghana (Promulgation) Law, 1992 (PNDCL 282), which ushered in the 1992 Fourth Republican Constitution as a Schedule to the aforementioned law i.e. PNDCL 282.⁶

II. Objectives of the Conference

Under the auspices of the African Centre on Law and Ethics (ACLE) at the GIMPA Faculty of Law, the objective of this Conference is to provide a platform for discussions relating to the 1992 Fourth Republican Constitution of Ghana, thirty years after its adoption by the people of Ghana. This is because, the 1992 Constitution has been Ghana’s longest lasting Constitution. Even though democratic rule under this current Constitution has not been a panacea to all our problems and challenges, it has nonetheless given us the most stable period in our political history. 7th January next year will be exactly thirty (30) years since the coming into force of this Constitution, under which we have had eight (8) general elections, leading to the handing over of power from one democratically elected government to another on three (3) different occasions i.e. in 2001, 2009 and 2017. There are therefore many who revere the Constitution as having kept the nation together from any military adventurism. While this may be true, there seems to be a subtle acquiescence to the dark aspects of the Constitution and thereby indirectly allowing

³ See Committee of Experts (Constitution) Law, 1991 (PNDCL 252).

⁴ See the Committee of Experts Proposals for a Draft Constitution of Ghana, 1991.

⁵ See the Consultative Assembly Law, PNDCL 253, 1991.

⁶ See the Constitution of the Republic of Ghana (Promulgation) Law, 1992 (PNDCL 282).

undemocratic provisions to rule the country. Thus, in 2010 for instance, a Constitution Review Commission⁷ was established by the government of the day pursuant to the Constitution,⁸ to *inter alia*, articulate the concerns of the people of Ghana on amendments that may be required for a comprehensive review of the 1992 Constitution and make recommendations to the government for consideration and provide a draft Bill for possible amendment to the Constitution.⁹ In December 2011, the Constitution Review Commission presented its report to the government¹⁰ and a White paper on the report was issued on 15th June 2012.¹¹ The government accepted most of the recommendations and decided to set up a five member Implementation Committee with the mandate to implement, in strict compliance with Chapter 25 of the Constitution, the recommendations accepted by the government.¹² Many of the recommendations had to do with aspects of the Constitution that have been found problematic by many scholars in recent times; for example the over-concentration of power in the hands of the President and the seeming monopoly over state resources by the political and ruling classes to the detriment of majority of the people. The fact that we have sought to review over thirty (30) provisions alone suggests that all may not be well with the Constitution after all. The Conference would thus provide an opportunity for all key stakeholders of our constitutional dispensation to meet in a collegial environment and share, debate and interrogate their ideas leading to concrete resolutions and proposals with regard to the future of the 1992 Constitution, thirty (30) years after its adoption.

To this end, some of the issues to be discussed will include, but are not limited to, the following:

1. A critical examination of the Constitution Review Commission Report of 2011 and the Government White Paper of 2012;

⁷ See Constitution Review Commission of Inquiry Instrument, 2010 (C.I. 64).

⁸ Article 278.

⁹ See C.I. 64 for the terms of reference of the Constitution Review Commission, which also included “to ascertain from the people of Ghana, their views on the operation of the 1992 Fourth Republican Constitution and in particular the strengths and weaknesses of the Constitution”.

¹⁰ See Report of the Constitution Review Commission (From a Political to a Developmental Constitution), 2011 https://constitutionnet.org/sites/default/files/crc_research_report.pdf

¹¹ See the White Paper on the Report of the Constitution Review Commission Presented to the President, 2012 <https://rodra.co.za/images/countries/ghana/research/WHITE%20PAPER%20%20ON%20THE%20REPORT%20OF%20THE%20CONSTITUTION%20REVIEW%20COMMISSION%20PRESENTED%20TO%20THE%20PRESIDENT%20.pdf>

¹² Ibid.

2. Supremacy of the Constitution, interpretation, enforcement and defence of the Constitution;
3. Structure of the governance system;
4. Citizenship;
5. Fundamental human rights and freedoms and constitutional rights;
6. Reviewing the mandates of independent constitutional bodies;
7. Planning, crafting, and implementing a solution-oriented national development strategy/plan;
8. The powers vested in the Executive arm of government;
9. Strengthening the Legislature;
10. Preserving and strengthening the independence of the Judiciary;
11. Financial management under the Constitution;
12. Local government and decentralization;
13. Natural resources;
14. Modernizing the institution of Chieftaincy;
15. Amendment of the Constitution; and
16. Indemnity provisions of the Constitution.

III. About GIMPA Law Conferences

The GIMPA Law Conference Series (<http://www.gimpalawconferences.org>), a biennial event, was introduced in 2016 to provide a collegial platform for the discussion of topical national and international issues, and propose solutions to these. The maiden edition in 2016 (<https://www.gimpalawconferences.org/2016/index-en.html>) was organized by the GIMPA Faculty of Law in collaboration with the Leitner Center for International Law and Justice at the Fordham University School of Law in New York, United States of America, and with the support of the Embassy of The Kingdom of The Netherlands in Accra. The three-day conference was on the theme – *International Criminal Court and Africa: A Discussion on Legitimacy, Impunity, Selectivity, Fairness and Accountability* in Accra, Ghana. The aim of this Conference was to discuss the frosty relationship between the International Criminal Court (ICC) and Africa in an open and frank manner and explore how to strengthen or sever the relationship once and for all.

The Conference attracted academics, civil society organizations, policy makers etc. from all over the African continent and beyond. The three-day Conference explored various themes regarding the relationship between the ICC and Africa. The Prosecutor of the ICC, Her Excellency Madam Fatou Bensouda of The Gambia, was the Special Guest of Honour, given the fact that the Conference focused on perceptions facing the Court on the African continent.

Building upon the success of the Conference, the GIMPA Faculty of Law decided to propose the establishment of a Research Center that focused on International Criminal Law and Justice. Thus, in May 2017, the African Center of International Criminal Justice (ACICJ) (www.acicj.org) was established at the GIMPA Faculty of Law, with the support of the Embassy of The Kingdom of The Netherlands in Accra, Ghana. The ACICJ is thus dedicated to growing the body of knowledge on international criminal justice, its necessity, and the place of Africa within that paradigm.

In 2018, the second edition of the GIMPA Law Conference Series (<https://www.gimpalawconferences.org/2018/>) was organized by the ACLE (www.acle-gh.org) at the GIMPA Faculty of Law in collaboration with the Judicial Service of Ghana, the Leitner Center for International Law and Justice at the Fordham University School of Law in New York, United States of America, and with the support of White & Case LLP, New York, United States of America. The theme of the Conference was: *The Judiciary and its contribution to Ghana after 60: Reflecting on the past, analyzing the present, preparing for the future.*

The Conference was attended by all the stakeholders in the justice delivery system, including Superior Court Justices, the leadership and members of the Ghana Bar Association, the leadership of Parliament, faculty of the various Law Faculties, Civil Society Organizations and the public at large. The Chief Justice of Ghana at the time, Her Ladyship Justice Sophia Akuffo delivered the keynote address and participated in most of the sessions during the two-day period.

In 2020, due to the outbreak of COVID-19, the 2020 edition of the GIMPA Law Conference (<http://www.gimpalawconferences.org/uploads/2020%20Gimpa%20Law%20Conference%20->

[%20Banking%20&%20Financial%20Sector%20Crisis.pdf](#)) was held online via ZOOM under the auspices of ACLE, in partnership with the Bank of Ghana and the Securities and Exchange Commission. The theme for the virtual Conference was: *The Banking and Financial Sector Crisis in Ghana: Towards Sustainable Reform*. This highly successful, first of its kind law conference in Ghana was also broadcast live on radio and across various social media platforms. The Governor of the Bank of Ghana, Dr. Ernest Addison and the Director-General of the Securities and Exchange Commission, Reverend Daniel Ogbarmey Tetteh, were the Keynote Speaker and Guest Speaker respectively.

IV. About the African Centre on Law and Ethics (ACLE)

In March 2017, the African Centre for Law and Ethics (ACLE) (www.acle-gh.org) was established at the GIMPA Faculty of Law pursuant to a Memorandum of Understanding executed between White & Case LLP, New York, Fordham University School of Law, New York and the Faculty of Law at GIMPA, Accra. The mandate of ACLE is to advance training and scholarship in the field of law and ethics in Ghana, the greater West African region, and across the African continent. To this end, the Centre was set up initially to offer four (4) types of programming: (1) Conferences and Symposia; (2) an annual Legal Ethics Training Programme for Law Students; (3) Curriculum and Modules on Legal Ethics; and (4) Executive education for practicing lawyers and judges.

It is important to note that the success of the maiden legal ethics training programme organized in 2016 at GIMPA was what led to the establishment of ACLE in 2017, and the organization of subsequent programmes in 2017, 2018, 2019, 2020 and 2022. As a result of the successes of the training programmes, in particular the 2017 one, ACLE's legal ethics training programme was awarded the American Lawyer's Global CSR Project of the year in 2017 in New York, United States. (<https://www.whitecase.com/firm/awards-rankings/award/white-case-scores-four-2017-global-legal-awards-american-lawyer>); (<https://news.law.fordham.edu/blog/2017/10/26/fordham-law-school-wins-award-for-ethics-program-in-ghana/>)

From the 15th to 18th September 2020, ACLE organized the 5th Annual Legal Ethics Training Programme for African Law Students on the theme: *Comparative African Legal Ethics Training* (<https://asaaseradio.com/legal/there-is-no-substitute-for-ethical-conduct-panel-of-experts-caution-lawyers-students/>). This training, due to the COVID-19 pandemic, was held online, in partnership with the Judicial Service of Ghana and the International Bar Association (IBA). Facilitators of the training included Supreme Court Justices of Ghana, Senior Legal Academics from the African continent and members of the Professional Ethics Committee of the International Bar Association (IBA). This highly successful online Legal Ethics training was attended by 126 African Law Students and 20 young African Lawyers from 16 African countries (<https://asaaseradio.com/legal/safeguard-ethics-of-our-profession-chief-justice-to-lawyers-students/>).

Since 2020, ACLE has also established the highly successful weekly online (ZOOM) legal series dubbed ‘The Law and Ethics Web Series’. (<https://starrfm.com.gh/2020/05/covid-19-consider-online-case-adjudication-gimpa-law-lecturer-to-judicial-service/>). The series was initially part of events to mark GIMPA Faculty of Law’s Ten-Year Anniversary in 2020, but has become institutionalized. The Law and Ethics Web Series is in the form of weekly online discussions and presentations, primarily featuring faculty members of the GIMPA Faculty of Law as well as other legal professionals within and outside Ghana. The series serves as a means of encouraging legal research and scholarship in Ghana. The target audience includes Law students, Legal Practitioners, Judges as well as other professionals and the general public. Policy papers were published after every presentation. (<https://acle-gh.org/publications/>)

The first and second parts of the Series run weekly on Wednesdays from May 6th to August 5th 2020, and subsequently from October 21st to December 16th 2020. One of the major highlights of the Series so far, was the 21st October edition of the Series which was held physically at the GIMPA Executive Conference Center (GECC), featuring His Excellency Dr. Mohammed Ibn Chambas, United Nations Secretary General’s Special Representative to West Africa and the Sahel, who traveled to Ghana and visited GIMPA specifically for this purpose. (<https://www.gimpa.edu.gh/dr-mohamed-ibn-chambas-speaks-at-launch-of-second-season-of-the-law-and-ethics-web-series-held-at-gimpa/>).

[\(https://asaaseradio.com/election-nerve-centre/adopt-consensus-building-ahead-of-election-2020-head-of-unowas-charges-parties/\)](https://asaaseradio.com/election-nerve-centre/adopt-consensus-building-ahead-of-election-2020-head-of-unowas-charges-parties/).

[\(https://www.acicj.org/image-gallery/the-united-nations-at-75-the-changing-face-of-diplomacy-in-the-21st-century/\)](https://www.acicj.org/image-gallery/the-united-nations-at-75-the-changing-face-of-diplomacy-in-the-21st-century/).

V. Format of 2023 GIMPA Law Conference

The GIMPA Law Conference (2023 edition) on the theme *The 1992 Constitution of Ghana @ 30: Taking Stock, Assessing Progress and Reflecting on the Future* will be organized and hosted by ACLE at the GIMPA Faculty of Law as an in-person event. This Conference will be in the form of paper and poster presentations, moderated panel discussions, and high-level conversations involving all the key stakeholders involved in the governance architecture outlined in the Constitution, as well as the general public. This Conference will thus feature keynote speeches from distinguished personalities in Ghana, who will be invited to grace the occasion, as well as panel discussions and interviews featuring leading experts. Depending on the format of presentations, panel discussions and conversations, questions, comments and contributions will be subsequently sought from the audience. At the end of this Conference, a detailed report on the key recommendations and proposals will be submitted to the appropriate authorities and stakeholders for their consideration and possible implementation. An edited book of selected peer reviewed papers to be presented at this Conference is also anticipated.

VI. Participation

This event seeks to take a multi-disciplinary and multi-stakeholder approach, and will therefore be open to persons and professionals from varied disciplines.

VII. Steering/Organizing Committee & Call for Papers

Senior members from the GIMPA Faculty of Law, under the leadership of the Dean of the Faculty of Law, Dr. Kwaku Agyeman-Budu constitute the Steering/Organizing Committee for this Conference. The Steering Committee of the 2023 GIMPA Law Conference is therefore inviting submissions in the form of papers, panel proposals, poster presentations etc. from scholars, academics, professionals and other stakeholders in Ghana and beyond, on any of the aforementioned or ancillary topics/sub-themes.

The submissions are to include:

- An abstract of the paper, panel proposal, or poster presentation etc. of about 500 words (or at least one page) clearly indicating the sub-theme the author wants his or her abstract to be reviewed under; and
- A Curriculum Vitae (CV) of the Author.

The deadline for submissions is **31st January 2023**. They are to be sent as email attachments to info@gimpalawconferences.org, with a copy to Ms. Humu-Annie Seini at hseini@gimpa.edu.gh. Abstracts may also be submitted by visiting (<http://www.gimpalawconferences.org/submissionOFpapers.php>)

On acceptance of an abstract by the organizers, the author will be invited to submit a draft paper, details and structure of the panel proposal (to be incorporated in the Conference programme), or draft poster presentation etc. by **28th February 2023**, which will be circulated to all conference participants in advance, and in the case of the poster presentations, they will be displayed at strategic locations at the conference venue throughout the duration of the Conference.

Registration for participation in this Conference is free and interested persons may register by visiting the conference website at: www.gimpalawconferences.org

VIII. Contact Person

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