

21 DECEMBER 2021
IDEG AUDITORIUM

**ENGAGEMENT WITH THE LEADERSHIP OF THE PROGRESSIVE
PEOPLE'S PARTY (PPP)**

**Conversation on the “Amendment of the 1992 Constitution:
Local Governance and Political Parties Organization**



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ABBREVIATIONS

CCA – Comprehensive Constitutional Amendment

CDD-Ghana – Ghana Center for Democratic Development

CRC – Constitutional Review Committee

CRIC – Constitutional Review Implementation Committee

EC – Electoral Commission

IDEG – Institute for Democratic Governance

NDC – National Democratic Congress

NPP – New Patriotic Party

PPP – Progressive People’s Party

TRT – Total Renewal Track

EXECUTIVE SUMMARY

Between 2018 and 2019, the New Patriotic Party (NPP) government pursued the amendment of Articles 55(3) and 243(1) in order to reform the local government system and devolve more power and resources to the local communities. However, the national referendum scheduled for December 17, 2019 was cancelled for lack of adequate public information and broad-based consensus. Since then, both the NPP government and the NDC opposition have restated their commitment to reset and pursue local governance reforms in the mandate period 2021-2024, if elected.

The Progressive People's Party (PPP) in their press statement, to mark December 7th Constitution Day, put forward five constitutional amendment proposals to be implemented before December 2024 General Elections. These are: (i) The amendment of Articles 243(1) & 243(3) and 242(d) which will ensure the direct election of District, Municipal and Metropolitan Chief Executives as well as the cancellation of government's appointee into the District Assemblies (ii) The amendment of Article 78(1) to prohibit Members of Parliament from being appointed as Ministers of State or MPs must resign from parliament after their ministerial appointment (iii) The amendment of Article 88 to strengthen the office of Attorney-General by separating it from the Ministry of Justice; (iv) The amendment of Articles 286(1) and 286(3) to introduce a Public Declaration of Assets Regime; and (v) The amendment of Article 94(2)(a) to guarantee the eligibility of Ghanaians in the Diaspora to hold Public Office.

The facts so far show that there is a mutual interest in the devolution of state powers and resources with regards to the election of MMDCEs. However, the varying perspectives of the NPP, NDC and PPP indicate that there is no consensus on the best approach to reforming the current local government system and multiparty constitutional democracy in Ghana. Whilst the NPP advocate for the inclusion of political parties in local government, the NDC do not support the inclusion of political parties. The PPP also believe that the inclusion of political parties in local government is not as urgent as allowing the citizens to elect MMDCEs.

Against this backdrop, the IDEG compiled a set of reform proposals that can shape these differing perspectives for the amendment of the two Articles, 55(3) and 243(1). Accordingly, IDEG and the leadership of the Progressive People's Party (PPP) engaged in an informal conversation on the "Amendment of the 1992 Constitution", on 21st December 2021, to share and discuss the different perspectives on constitutional reforms in order to build the consensus on the best way forward. The topics discussed were (i) Amendment of the 1992 Constitution, by Dr Emmanuel Akwetey, Executive Director, IDEG and (ii) Party-Organization: Experience of Minority Parties PPP by the leadership of the PPP.

In conclusion, it was agreed that due to insufficient time, the discussion on the amendment of the 1992 Constitution will be continued after the Christmas and New year Holidays. The Second engagement will opportune IDEG to present and discuss with the PPP leadership its proposals for transforming the local government system to benefit all political parties, other marginalized groups and the society as a whole.

1.0 INTRODUCTION AND WELCOME REMARKS

Mr. Jonah welcomed the participants and expressed IDEG's delight with the engagement. He further noted that this engagement is an informal conversation on the way forward for our constitutional amendment. A formal meeting would be organized in the year 2022.

Ms. Bridget Dzobenoku, the PPP presidential candidate shared a few words on behalf of her party. She explained that with the PPP celebrating their 10th anniversary themed "fix the constitution" and IDEG's objective to engage with stakeholders on the need for the constitutional amendment, was only right since both parties have a mutual interest of amending the 1992 Constitution.

She further expressed that the impasse in parliament, regarding the passage of the 2022 budget, further necessitates the importance of amending the constitution to address the winner takes all phenomenon and introducing the inclusion of alternative political parties in government.

She again opined that the duopolies (NPP and NDC) are reluctant to change the constitution since they are benefitting from the current system. However, the PPP is supportive of the advocacy to change the constitution and reach consensus on areas with varying perspectives.

Nii Allotey Brew Hammond, the Chairman of the PPP briefly touched on the background and purpose of the establishment of the PPP. He explained that the PPP was founded in 2012 with the purpose of changing the constitution. Its 2012 manifesto, a ten-point agenda, identified fundamental changes to be made to the constitution to beget a better governance system in Ghana.

Due to the copious state powers bestowed on the president, the institution of parliament is weakened by the current constitution.

Be that as it may, the inclusion of smaller political parties will make a difference in our democratic dispensation, countering the current aberration of multiparty democracy we currently have.

Other PPP members were introduced and it was noted that the diversity in PPP's membership is reflective of the fact that PPP is inclusive of marginalized groups.

2.0 CONVERSATIONS

2.1 AMENDMENT OF THE 1992 CONSTITUTION: IDEG'S PROPOSALS

Mr. Jonah discussed the current 3 main approaches to the constitutional amendment in Ghana. Firstly, the Total Renewal Track (TRT) approach, led by #fixthecountry. Supporters of this approach believe that Ghana needs a completely new constitution as the current 1992 constitution has failed in moving the nation to where it ought to be. Critics of this approach, on the other hand, believe that the 1992 Constitution has served the nation for 30 years and does not need to be replaced with a new constitution.

Secondly, the Comprehensive Constitutional Amendment (CCA) approach, which aims at amending salient parts of the 1992 Constitution. It was initiated in 2010 by the late former President Atta Mills, whom inaugurated the Constitutional Review Committee (CRC) to review the 1992 Constitution to identify where changes are needed. A white paper was produced in 2011 after review and the Constitutional Review Implementation Committee (CRIC) was established afterwards to make amendment bills from the recommendations in the whitepaper by 2012. Ninety-six (96) amendments bills were produced, of which 41 were entrenched and 55 non entrenched. Experts in constitutional amendment however, suggested amending a few Articles than to take a whole sale approach.

Thirdly, the Targeted Constitutional Amendment (TCA) approach which aims to amend specific parts of the 1992 Constitution. Article 78(1) has been a major target for constitutional amendment, to get rid of the hybrid system. However, eliminating this system will leave two alternatives remaining; the pure presidential system that disallows politicians to be both ministers and members of parliament and the full parliamentary system where the prerequisite for becoming a minister is to be a member of parliament. It was further added that currently, the trendiest targeted constitutional provision for amendment is that of Article 243(1) and 55(3) put forward by the President, Akufo-Addo, to allow the public elect their MMDCEs and political parties participate in local government elections.

2.1.1 THE CONTROVERSY

There has been a disagreement between the NPP and NDC on the amendment of Article 55(3) especially. The NDC's opposition of the amendment of Article 55(3) which would allow the participation of political parties in local government was a contributing factor to the cancellation of the 2019 referendum. However, the president promised to bring back the referendum after being elected for his second term on the condition that there is adequate public education and national consensus on the matter.

According to a Ghana Center for Democratic Development (CDD-Ghana) survey report, 72% of Ghanaians want MMDCEs elected but only 20% of Ghanaians want parties to participate in this election. This is indicative of the fact that despite the mutual agreement of MMDCE election, there is a disagreement over the participation of parties in local government. Hence, the need for dialogue to build consensus on the amendment of both Articles 243(1) and 55(3).

The benefits of allowing political parties to participate in local Government elections are: Firstly, it will contribute to ending the current duopoly. Secondly, it will give the alternative parties (smaller political parties) the opportunity to participate in national development and fulfil their duties as development agents.

Dr. Akwetey acknowledged that the political parties although important in our multiparty democratic state, have brought about a duopolistic system that must be dismantled. Furthermore, there is a monopoly at the executive arm of government where all members are also affiliated to the ruling party. The Constitution has allowed for the establishment of these systems that are aberrations to our multiparty democracy. Opening up the executive arm of government to all political parties is crucial to ending the monopoly at the executive arm of government. From a critical perspective, Article 55(3) is the anchor that holds the current system. The amendment of Article 55(3) is crucial to transforming the executive arm of

government and ensuring that all political parties participate in local government election. Furthermore, apart from bringing forth an inclusive multiparty governance system, another principal goal is to reform political parties. The IDEG proposals if implemented with the strategic amendment of the 1992 Constitution will ensure a conducive environment for alternative parties to grow, the regulation of all political parties as well as other desired changes within the mandate period.

It was emphasized that the desired reforms require a referendum and without the necessary reforms to establish regulations, it will be extremely difficult for the alternative political parties to use the crossover appeal to their advantage at the local government level. Amending Article 243(1) without Article 55(3) will result in the alternative parties being pushed out of the local elections as they are excluded from the national elections. This is mainly because the political parties are not regulated, opportuning them to dominate at the local level as well. Hence, extending the duopolistic system to the local government level. Furthermore, there will be enabling conditions that will opportune alternative parties to grow and fulfil their purpose as development agents in society.

In essence, the strategic amendment of Articles 243(1) and 55(3) of the 1992 Constitution accompanied by the implementation of IDEG's proposals will ensure devolution of state powers and resources, the inclusion of marginalized groups as well as the establishment of conditions for a genuine multiparty democracy to allow all political parties to work together to govern and develop the state.



Picture 1: Dr. Akwetey (from left) and Mr. Jonah (from right) discussing the need for the strategic amendment of the 1992 Constitution and IDEG's proposals.

2.2 PPP'S REFLECTIONS AND COMMENTS ON IDEG'S CONSTITUTIONAL AMENDMENTS PROPOSALS

Mrs. Dzobenoku explicated that it is imperative to assess our current situation and the requirements for its improvement. Also, crucial is the need to focus on the most urgent issues that need to be addressed i.e., the amendment of Article 243(1) to allow MMDCEs to be elected by the public, before looking at issues of less urgency i.e., the amendment of Article

55(3) to allow political parties to participate in local government. The attempt to take on both issues simultaneously have impeded the amendment of Article 243(1).

Mr. Hammond further explained that with the goal being the establishment of a participatory democracy from the grassroot level, the public should be mandated to elect their MMDCEs. This will opportune the alternative parties to use the concept of crossroads appeal to their advantage to win public support and votes. In addition, to strengthen alternative parties and ensure their presence at the Executive arm of government, it is imperative they establish a presence at the assembly level where they can build their foundation from.

It was acknowledged that contrary to the prohibition of political party participation in local government elections, political parties have been informally involved in local government. However, the election of MMDCEs will curb the winner takes all issue.

Furthermore, it was expounded that amending Article 55(3) will not be as impactful in opening up the space for alternative parties to participate in local government as amending Article 243(1) will be. With the EC being ineffective in assuming regulatory responsibilities, allowing parties to participate in local government elections will result in the extension of the duopolistic system from the national level to the local level. The dominance of the duopolies at the local level may also compel all party candidates to join the duopolies in order to secure executive power. Article 55(3) will only serve to the advantage of the big parties.

Mr. Hammond included that, in a pragmatic sense, the issues that afflict the political terrain at the local and national level are different. At the grassroot level, the individual candidates and their relationship to the public plays a vital role. Also, the public is more focused on individuals appointed into office and the desired changes they can bring, than they are on political parties. Furthermore, with crossover appeal, MMDCE candidates will be able to win elections at areas their presidential candidates cannot win. Hence, indicative of the need to focus less on amending Article 55(3) and more on amending article 243(1).

In essence, the PPP is supportive of the amendment of Article 243(1) to allow the public to elect MMDCEs. However, they believe Article 55(3) is not as high a priority as 243(1) hence, it should not hinder the amendment of 243(1). Furthermore, with the crossover appeal, the PPP and other alternative parties will be able to compete and win in the election of MMDCEs.

However, with this approach, political parties will still remain prohibited from participating in local government election. Hence, making the approach informal and unconstitutional.



Picture 2: Mr. Hammond (from left) and Mrs. Dzobenoku (from right) sharing the PPP's reflections on IDEG's Constitutional Amendment proposals

2.3 INTERACTIONS

In this section, other PPP representatives shared their comments on the discussions had, as well as pose questions. After which, responses were given by IDEG's representatives.

Comment 1:

It was opined that the PPP's fundamental belief is to put on hold the inclusion of political parties in local governance and focus now on allowing MMDCEs to be elected by the public. The advocacy for the amendment of Article 55(3) can commence when the public shows interest in allowing parties to participate in local government elections.

Response:

It was explained that the goal is to reform the current system to allow all political parties to be able to participate in local governance and perform as development agents. However, in order to reform the system to allow all parties to participate, there must be conditions created for them to operate which do not currently exist. Hence, it is imperative to discuss how to establish and preserve a system that benefits all political parties.

PPP's skepticism about the amendment of Article 55(3) was acknowledged as well as their focus on elections. However, they were urged take into account how currently, the conditions for democratic stability are weakening. Hence, the need for reforms that can be brought about via the amendment of 55(3)

Comment 2:

It was expressed that the election of MMDCE is intended to contribute to ensuring to ensuring development at the local level by making the elected MMDCEs accountable to the public.

Furthermore, it is also imperative to develop policies that ensure that elected officials bring about the desired development.

Further urged was the need to assess the impediments to the growth of alternative parties and address the conditions that put alternative parties out of the competitions.

Question 1:

Based on the CDD-Ghana survey report which indicates that majority of the public want to elect MMDCEs but do not want parties involved in local government election. Why is there a need to build consensus around the smaller percentage that want parties involved in local government elections?

Response:

It was explained that opinion survey data only provide information on trends but do not provide reasons for the trends. The polling data alone is never the basis for public policy because public policies developed solely on trends without consideration of the reason for the trends run the risk of collapsing. It is imperative to identify the reason why they do not want parties involved and come up with the solutions. In order to change the conditions for parties, local government is fundamental.

3.0 WAY FORWARD/CLOSING REMARKS

In essence, the PPP is not opposed to the inclusion of parties in local government however, they believe the election of MMDCEs is more urgent and should not be delayed by the campaign for the amendment of Article 55(3).

IDEG on the other hand believes that it is imperative to involve parties. However, the inclusion of political parties must be accompanied by proposals that, when implemented, will help regulate the political parties and create enabling conditions for the alternative parties to participate and grow in the local government system. IDEGs proposals elaborate on the enabling conditions and conducive environment that will be needed

It was noted that there will be another engagement between IDEG and the PPP on the amendment of the 1992 Constitution after the holidays. This will be to further discuss the proposals for transforming the local governance system to benefit all political parties.

REFERENCES

- Concept Note on the Engagement with the leadership of the Progressive People’s Party (PPP) Conversation on the “Amendment of the 1992 Constitution: Local Governance and Political Parties Organization
- Transcripts of the Engagement with the Leadership of the Progressive People’s Party (PPP) Conversation on the Amendment of the 1992 Constitution: Local Governance and Political Parties Organization

APPENDIX A: PARTICIPANTS LIST

NO	NAME	ORGANIZATION	DESIGNATION	GENDER
1.	Felix Mantey	PPP	Director	M
2.	Felix Orgah	PPP	1 ST National Vice Chairman	M
3.	Eugene N.A. Gyamfi	PPP	G.A.R. Sec	M
4.	Sanfaa Lucious	PPP	Bono Regional Chairman	M
5.	Richard Armah	PPP	E.D.	M
6.	Nana Ofori Owusu	PPP	National Chairman	M
7.	Brigitte Dzogbenuku	PPP	Presidential Candidate	F
8.	Remy Paa Kow Edmundson	PPP	National Secretary	M
9.	Joseph Yeboah	IDEG	Finance	M
10.	Kwesi Jonah	IDEG	Senior Research Fellow	M
11.	Kofi Asante	IDEG	Senior Research Fellow	M
12.	Emmanuel Akwetey	IDEG	ED	M

Total Number of Participants: 12

Total Number of Females: 1

Total Number of Males: 11

APPENDIX B: PICTURES OF PARTICIPANTS

