



COMMUNIQUE ISSUED AT THE END OF THE GIMPA LAW CONFERENCE ON THE THEME “THE 1992 CONSTITUTION @ 30: TAKING STOCK, ASSESSING PROGRESS AND REFLECTING ON THE FUTURE” HELD AT THE GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION (GIMPA) FROM THE 14TH TO 16TH MARCH, 2023

PREAMBLE

The GIMPA Law Conference took place at the Ghana Institute of Management and Public Administration (GIMPA) From the 14th – 16th March 2023. The theme of the conference was “*The 1992 Constitution of Ghana @ 30: Taking Stock, Assessing Progress and Reflecting on The Future.*” The sub-themes of the conference were as follows: 30 Years of Multi-party democracy: Challenges and Prospects; The Economy and Financial Management in Ghana since 1993; Human Rights under the 1992 Constitution; Miscellaneous Constitutional Questions (including the political question doctrine); Management of Natural Resources under the 1992 Constitution; Women’s Rights and Rights of Persons with Disabilities; Constitutional Review and Amendment of the 1992 Constitution; Interpretation and Enforcement of the 1992 Constitution; Contribution of the Judiciary to Constitutional Development; and finally, the Judiciary under the 1992 Constitution.

OBSERVATIONS

The Participants of the 2023 GIMPA Law Conference, observed the following:

1. That our 30-year-old Constitution has been the basis upon which the administrative bodies of government have applied principles such as the Rule of Law, Constitutionalism, Separation of Powers, Checks and Balances, and the promotion and protection of fundamental human rights of the citizens.
2. That the Constitution is the supreme law of the land and all other arms of government or persons are subservient to it.
3. That as a relatively young Constitution, there are certain necessary changes needed, as well as better ways the Constitution can be implemented.

RECOMMENDATIONS

The Participants at the 2023 GIMPA Law Conference, recommended the following:

1. As a nation, we must embrace technology and its created systems as opposed to abandoning the idea of incorporating technology as a part of our governance architecture, due to foreseeable failures or challenges with technology that can be prevented and/or addressed.
2. Private prosecution of corruption related offences should be considered to help the State fight corruption.
3. Article 181(5) of the 1992 Constitution should be seriously looked at as it seems not to be serving the purposes which it was enacted.
4. The provision on the prohibition of an unconstitutional overthrow of the Constitution should be amended to explain what would constitute a suspension, an overthrow or an abrogation.
5. We must consider a cap on the number of constituencies created as well as the number of Members of Parliament as this would help ease the pressure on the public purse.
6. We must also consider returning to the 1979 Constitutional provisions on strict separation of powers between the Executive and the Legislature, so that a Member of Parliament cannot be a Minister of State at the same time. This will help strengthen the institution of Parliament to serve as a check on the Executive.
7. The Legislature in enacting or amending new or old laws regulating natural resources should use as a blueprint, the law regulating the management of petroleum resources.
8. We should urgently take another look at the content of the Affirmative Action Bill to bring its provisions in line with contemporary realities, as well as ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol), and always make provision for persons with disabilities in all our laws.
9. The process of enacting Executive instruments should be amended to include a process that reflects the principle of checks and balances.
10. Discretionary powers of administrative bodies such as the Electoral Commission should be carefully circumscribed.

The Faculty of Law and in particular the Steering Committee of the 2023 GIMPA Law Conference takes this opportunity to appreciate all persons who graced the event, especially our distinguished speakers who have highlighted the strengths and weaknesses of the 1992 Constitution and made proposals for reform. Finally, we thank the Chairman of the GIMPA Governing Council, Kofi Darko Asante Esq., for being with us for all three days and for his insightful contributions to the discussions.

THURSDAY 16TH MARCH 2023

AT THE GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION (GIMPA)