

**An Investigation into the History and Effectiveness of Ghana's 1992 Constitution
and its Impact on Ghana's Past and Future Development Aspirations**

By

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Declaration

I hereby declare that this undergraduate thesis is my original work and that no part of it has been presented for another degree in this university or elsewhere.

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I hereby declare that the preparation and presentation of this undergraduate thesis was supervised in accordance with the guidelines on supervision of theses established by Ashesi University College

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ABSTRACT

This thesis seeks to explore the history of Ghana's 1992 constitution by outlining Ghana's constitutional history since independence. The study seeks to determine what the impact of this constitution has been on Ghana's governance processes. It also wants to determine how Ghanaians can achieve better governance outcomes in spite of the shortcomings in the constitution that have been revealed by legal and economic scholars as well as political scientists or by modifying and amending the constitution for effectiveness.

The research questions tackled in the thesis are: What is the history of Ghana's current 1992 constitution? What has been the impact of this history on the quality of governance processes over time? What are the main weaknesses in Ghana's 1992 constitution that subvert good governance and why do they persist? In what ways can Ghanaians as a body politic undermine these self-defeating aspects of the 1992 constitution to nurture good governance?

The research employs a descriptive research design and uses secondary data on Ghana's economy and governance spanning the years, 1980 to 2019 where data for those years is available. Qualitative data on the pitfalls of the constitution as it relates to governance was sourced from the Report of the Constitutional Review Commission. The research also relies on analysis of Ghana's constitutional and governance history from various scholars.

The principal finding is that the constitution directly impact governance in Ghana in several negative ways. These findings imply that there is the need to take seriously constitutional reform in Ghana.

Key words: Governance, Constitution, Development, Governance Indicators

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DEFINITION OF TERMS

Good governance: It is the manner in which power is exercised in the management of a country's economic and social resources for development. (The World Bank, 1992).

It has nine tenets, namely: participation, rule of law, equity, transparency, accountability, efficiency and effectiveness, strategic vision, responsiveness and consensus orientation. (Abdellatif, 2003)

Constitution: This is the supreme law of the land which no other law can supersede. It lays out the functions of all the three arms of government. (Bimpong-Buta, 2005)

Development: Development is a multidimensional undertaking to achieve a higher quality of life for all people. (United Nations, 1997)

CHAPTER 1: INTRODUCTION

1.1. BACKGROUND

Every sovereign nation is marked by its governance processes. Ghana began to govern itself when it gained independence from the British in 1957 and became a full republic in 1960. However, until the country became a republic in 1960, a functioning constitution that reflected the values of this new nation, Ghana did not exist. What was available then was the "Ghana Independence Act" which was passed by the British in 1957 and "provided no room for civic input nor broad popular consultation" (Vormawor & Atuguba, 2014).

However, as indicated by Dr. Kwame Nkrumah, it was accepted so as not to delay independence any further (Bennion, 1962). However, there were efforts made to design a constitution that would more adequately reflect the needs of the newly formed nation. Thus, in 1960, the first constitution since gaining independence, was passed and it officially made Ghana a republic. Independence meant that the British monarchy and government no longer had a hand in the way the country was governed. Rather, the citizens governed themselves through electing public officials who were to abide by the constitution. However, in the decades following independence, the political environment in Ghana was marked by instability due to several coup d'états and military authoritarian governments (S. Armah, 2020; Tangri, 1992).

Since 1992, however, when the last military ruler, Flight Lieutenant Jerry John Rawlings who had ruled since 1981, handed over power to himself as a democratically elected leader, Ghana has enjoyed a stable democracy with power changing hands between the two major political parties (the New Patriotic Party and

the National Democratic Congress). Democratic governance seems to have stimulated significant improvements in several sectors of the economy. For example, there has been a significant increase in the country's merchandise exports since transitioning to a democratic form of governance in 1992 (Sharma, 2012).

It is evident that to prove that the improvement in the Ghanaian economic situation is due to governance, one needs a careful methodology to eliminate the role of chance and to avoid ascribing to governance the effects on development of other important variables. These variables could include external factors that are largely out of the purview of governance processes. However, to even begin such an endeavour, one must have a clear definition of what governance is before investigating how governance is related to development.

1.2. GOVERNANCE

The people who govern a country and how it is governed have important implications for its socio-economic development. Countries that are governed poorly are marked by low economic and social development and lower standards of living for their people (Sharma, 2012). However, one of the major contentions among political scientists is a coherent definition of what good governance is. Just as a country's governance processes must be tailored to fit its unique context and the needs of its people, so too must the standard of good governance be defined not according to a universal criterion but according to its context (Abdellatif, 2003).

To define governance, this thesis will rely on the definition propounded by the United Nations Development Programme (UNDP) which is:

The exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and

institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences (UNDP, 1997).

This definition of governance underscores the importance of governance in determining a country's development process and thus, the wellbeing of its people.

1.2.1. Good Governance

To define good governance, two definitions will be used. These are the UNDP definition and the World Bank definition.

According to a 1992 article by Roger Tangri, the World Bank was instrumental in Ghana's transition from a military government to a democratically elected one in 1992. He explains, "the P.N.D.C.'s economic thinking evolved from radicalism to liberalism...to gain essential financial support from the World Bank and other external donors". Additionally, "with World Bank prompting, a number of policy changes have reduced the previous constraints exercised by a variety of individuals and institutions" (Tangri, 1992).

Additionally, the term "good governance" was first introduced by the World Bank (Maldonado, 2010). Thus, it will be useful to analyse our current system of governance based on their criteria of good governance which is "the manner in which power is exercised in the management of a country's economic and social resources for development" (The World Bank, 1992).

The UNDP's criteria of good governance outlines 9 standards for good governance which are:

- i. Participation: Participation requires involving citizens in decision-making either directly or through intermediate institutions (Abdellatif, 2003; Domfeh & Takyi, 2015). It is an important tenet of good governance, since, a country cannot be governed properly to assure the social and economic development of its citizens if the leaders do not know the views of the citizens. (Hubbard, 1999)
- ii. Rule of law: The principle of rule of law requires the impartial application of the law to all members of the nation. There is an emphasis on ensuring the human rights of the citizens by requiring that they are treated fairly and given equal treatment (Abdellatif, 2003). This aids in establishing a society where all citizens are held to the same standards so that those who would attempt to subvert collective development can be held to account.
- iii. Transparency: Transparency is concerned with the ability of citizens to see and understand the decision-making process through the relevant information being made directly accessible to them. Citizens cannot fully participate in decision-making if they do not have access to information concerning what happens in the political institutions tasked with governing them (Shardow & Asare, 2016).
- iv. Responsiveness: The principle of responsiveness is concerned with how government institutions and processes serve stakeholders within a reasonable timeframe (Abdellatif, 2003; Domfeh & Takyi, 2015)
- v. Consensus orientation: This principle necessitates acknowledging the views of different factions of the nation in order to make decisions that are in the best interest of the entire nation. (Abdellatif, 2003) This is essential

as good governance cannot be achieved if certain groups of the nation are left out of the nation's development trajectory (Hubbard, 1999).

- vi. Equity: Equity demands access to opportunity for all citizens. Similar to the rule of law, it is concerned with fairness and human rights and ensuring that all members of the nation can have a good quality of life (Abdellatif, 2003).
- vii. Effectiveness and efficiency: This principle require achieving outcomes with the minimal and best use of often scarce resources. It is also concerned with sustainability and ensuring that the resources are used in a way that maintains them for the nation's long-term benefit (Abdellatif, 2003 and Balogun, 1972).
- viii. Accountability: Accountability involves being held to account by the public about how resources are used and the way the country is governed (Gyimah-Boadi, 2001).
- ix. Strategic vision: Strategic vision involves broad, long-term plans for development. It requires a sense of what is needed to achieve them as well as a thorough understanding of the unique context of the nation within which they are to be achieved.

These principles are from the United Nation's Development Programme's policy document titled "Governance for Sustainable Human Development" from 1997. This thesis will focus mainly on the criteria of "effectiveness and efficiency" which has to do with the best use of scarce resources to achieve outcomes (Domfeh & Takyi, 2015).

1.3. RELATIONSHIP BETWEEN CONSTITUTION AND GOVERNANCE

A country's constitution has important implications for how it is governed. All the institutions and organisations of the state are created based on the constitution. It also sets out the duties of each arm of the government as well as other guidelines for how governance processes should be conducted. This reveals a strong relationship between a country's constitution and its governance.

In Ghana, the 1992 constitution was the basis for the transition from military governance to democratic governance. It lays out the rights and responsibilities of the state and its citizens. It also provides guidelines for how governance should be conducted. It is important therefore to explore Ghana's constitution and how its history has impacted its current iteration and by extension, governance in the country.

1.4. THE CONSTITUTION

A constitution is often referred to as the supreme law of the land. It shapes a country's institutions and processes and all other laws are subject to it and cannot contradict it (Bimpong-Buta, 2005). It is also not easily amended, as unlike other laws, only the parliament, which is the legislative branch of the government, can make amendments to it (Asare & Prempeh, 2010).

Since gaining independence from colonial rule in 1957 and becoming a republic in 1960, Ghana has gone through several periods of political instability. These periods of political upheaval were marked by coup d'états and military rule (Akpalu et al., 2017). With each coup d'état, the nation's former constitution was discarded, and new laws were drawn up. Thus, Ghana has had four constitutions since her inception (Vormawor & Atuguba, 2014).

1.4.1. History and Evolution of the Ghanaian Constitution

Ghana's first post-independence constitution was passed in 1960 through a plebiscite. This was a vote by eligible members of the Ghanaian electorate to determine decisions of public policy. Dr. Kwame Nkrumah, the Prime Minister at the time as well as the head of the Convention People's Party (CPP), the ruling party, championed the adoption of a new constitution that would reflect Ghana's values and make the country a republic (Vormawor & Atuguba, 2014). The constitution was framed by the Parliament despite the objections of the opposition party that professional groups and civil associations should have greater inclusion in the process (Bennion, 1962). The plebiscite to ratify the constitution asked citizens two questions:

1. Do you accept the draft republican constitution for Ghana as set out in the White Paper issued by the government on 7th March 1960?
2. Do you accept Kwame Nkrumah or Joseph Boakye Danquah as the first President under the new constitution? (Vormawor & Atuguba, 2014).

These two questions did not give the citizens the opportunity to have direct input on the content of the new constitution. Dr. Nkrumah was voted the president of the first republic and the new constitution was passed. There was no office of the vice president. The first speaker of parliament after Ghana became a republic was Justice Joseph Richard Asiedu who served until June 1965. He was succeeded by Kofi Asante Ofori-Atta who served as the Speaker of Parliament until the first coup d'état ended the first republic on 22 February 1966.

Nkrumah's style of governance had become unpopular, and he passed several acts which served to consolidate power to himself. For example, acts such as the

Newspaper Licensing Act of 1963 served to allow the executive to control press freedom in the country.

The coup d'état against Nkrumah's government was led by a joint police and military group called the National Liberation Council (NLC). It led to the end of the first republic and by extension, the suspension of the country's first constitution.

Thus, the first constitution lasted for almost 6 years. (Bimpong-Buta, 2005)

The second constitution was initiated by the National Liberation Council. It was considered a legitimate document because the views of several civil society organisations were sought in the framing of the constitution (Vormawor & Atuguba, 2014). However, unlike the 1960 constitution, it was approved not through direct vote of the citizenry but through intermediate representatives selected by various local councils and professional groups. It came into being on 22nd August, 1969. The Prime Minister of the second republic was Dr. Kofi Abrefa Busia.

There was no nationwide attempt to amend this constitution as "civil agitation for constitutional reforms in the years immediately after the promulgation of the 1969 constitution was almost absent" (Vormawor & Atuguba, 2014). Additionally, the constitution was in operation for less than three years before the second republic was ended on 13th January 1972 by a coup d'état. This coup was led by a group of soldiers called the National Redemption Council (NRC) with Colonel Ignatius Kutu Acheampong as the ringleader.

There was widespread opposition to the rule of the NRC which later became the Supreme Military Council (SMC). The SMC government was further overthrown by the Armed Forces Revolutionary Council (AFRC) led by Flight Lieutenant Jerry John Rawlings in 1979.

The AFRC was in power for three months before power was handed over to a democratically elected civilian government, headed by Dr. Hilla Limann in 1979. Dr. Limann ruled in the third republic with the 1979 constitution. Under Limann, Ghana had its first vice president in Dr. Joseph William Swain de Graft-Johnson. However, the 1979 constitution was also short-lived with Limann's government being overthrown in a coup d'état by the Provisional National Defence Council (PNDC) again led by Flight Lieutenant Jerry John Rawlings.

In 1992, following extensive pressure from citizens, local and international organisations as well as threats of withdrawal of aid, Ghana transitioned to a democratically elected government (Tangri, 1992). Elections were held, and Jerry John Rawlings, now the leader of the civilian political party, the National Democratic Congress (NDC) won, ushering in the fourth republic under the 1992 constitution. Ghana's current constitution, which is the 1992 constitution, is the nation's only constitution that has lasted for longer than 2 decades. All other constitutions were discarded after short periods due to coup d'états. Because of this, Ghana's current constitution is the only one that can be analysed most comprehensively in terms of its impact on governance. It is also the only constitution that has undergone a thorough and comprehensive review, which allows us to easily identify its weaknesses (Asare & Prempeh, 2010).

1.5. RESEARCH PROBLEM AND MOTIVATION

This study seeks to explore the ways in which governance in Ghana is impacted by the constitution, specifically how the constitution either promotes or subverts good governance. There are weaknesses in the 1992 constitution as

evidenced by the most recent constitutional review process. There are also weaknesses in Ghana's governance such as "poor enforcement of property rights which serves to deter investment" (Armah, 2020) that may be linked to loopholes in the constitution. This thesis is therefore interested in exploring how Ghanaians, with full knowledge of these weaknesses may address them to ensure good governance. (Armah, 2016)

An investigation into the impact of the history of Ghana's constitution on governance processes will provide insights into the kind of amendments that may be made to improve it and aid in improving governance processes. With the insights gained from this research, Ghanaians as a body politic can construct specific demands to hold subsequent governments accountable and reduce the societal ills that Ghanaians generally suffer from.

1.6. RESEARCH QUESTIONS

- i. What is the history of Ghana's current 1992 constitution and how has this history impacted the quality of governance processes over time?
- ii. What are the main weaknesses in Ghana's 1992 constitution that subvert good governance and why do they persist?
- iii. In what ways can Ghanaians as a body politic undermine these self-defeating aspects of the 1992 constitution to nurture good governance?

1.7. RESEARCH OBJECTIVES

- i. This thesis seeks to analyse the quality of Ghana's governance as it relates to data on certain key economic indicators to be collated from sources such as the World Bank and the Mo Ibrahim index.

- ii. According to the criteria of good governance defined, the paper will determine whether our current governance system meets the standards of good governance.
- iii. The next objective will be to determine the impact that certain weaknesses of the constitution have had on those specific indicators as well as what improvements have been suggested by the Constitutional Review and if those improvements have been implemented.

1.8. Justification

According to available data, since Ghana's transition to democratically elected governments in 1992, there has been marked improvement in the country's economic growth as well as other signifiers of development. For example, the 2012 article by Manju Sharma outlines how economic development saw a boost in Ghana after 1996. Using a criterion of the amount of 'merchandise export', the paper compares Ghana's economic trends to that of Côte d'Ivoire which has a similar political history and economic environment. The case is made that after 1996, Ghana experienced relative political stability compared to other periods of its history whereas the inverse was true for Côte d'Ivoire. After this period, Ghana overtook Côte d'Ivoire in terms of rate of growth in economic development. The author is thus making the point that there is a correlation between Ghana's economic growth and the consistent democratic governance that has been experienced since the fourth republic was ushered in.

Similarly, in a 2016 paper by Shardow and Asare, they explored how after 1992, the number of media outlets in Ghana has increased exponentially, leading to Ghanaians being better informed and having more avenues to express their views. Press freedom is a key tenet of good governance as well as citizen participation. The

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authors again make the connection between this improvement in governance processes and an improvement in the average standard of life of Ghanaians.

In a 1992 paper on the relationship between private business and the PNDC government of the time, author Roger Tangri explores how the government’s Economic Recovery Programme, which was an initiative to reverse the country’s poor economic fortunes failed due to the authoritative system of governance at the time. He therefore presents the argument that Ghana’s economic fortunes will change if the governance processes become more democratic.

The evidence therefore shows that at every point in time, Ghana’s governance processes, which are directly impacted by the constitution, have had important implications for the country’s attainment of significant development objectives. It is important then to explore the specific impact that Ghana’s current constitution has on its governance processes.

1.8.1. Figures Showing Key Economic Indicators for Ghana

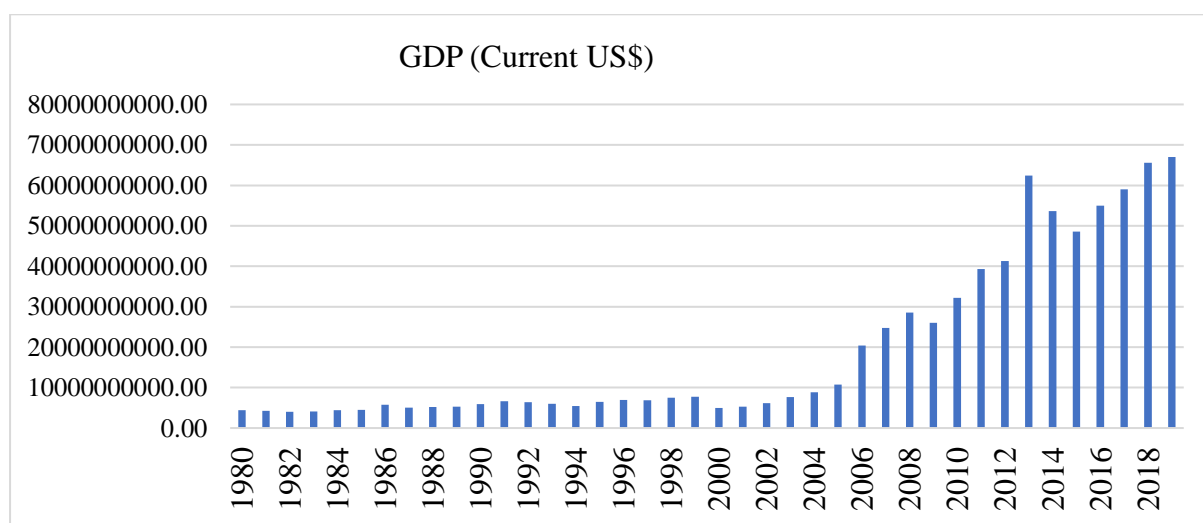


Figure 1: GDP of Ghana from 1980 to 2019

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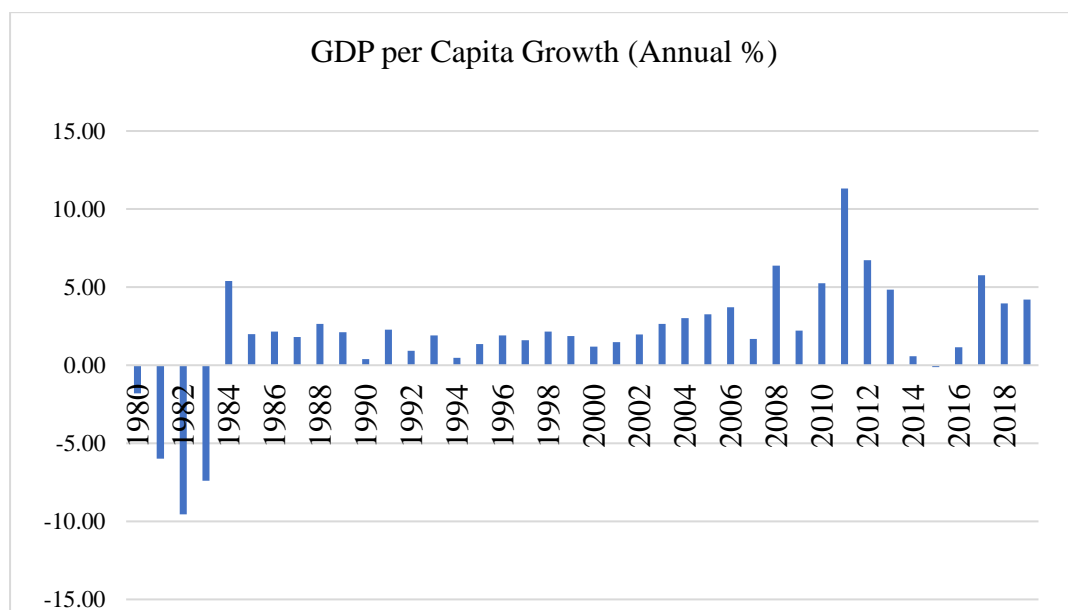


Figure 2: GDP per capita growth for Ghana from 1980-2019

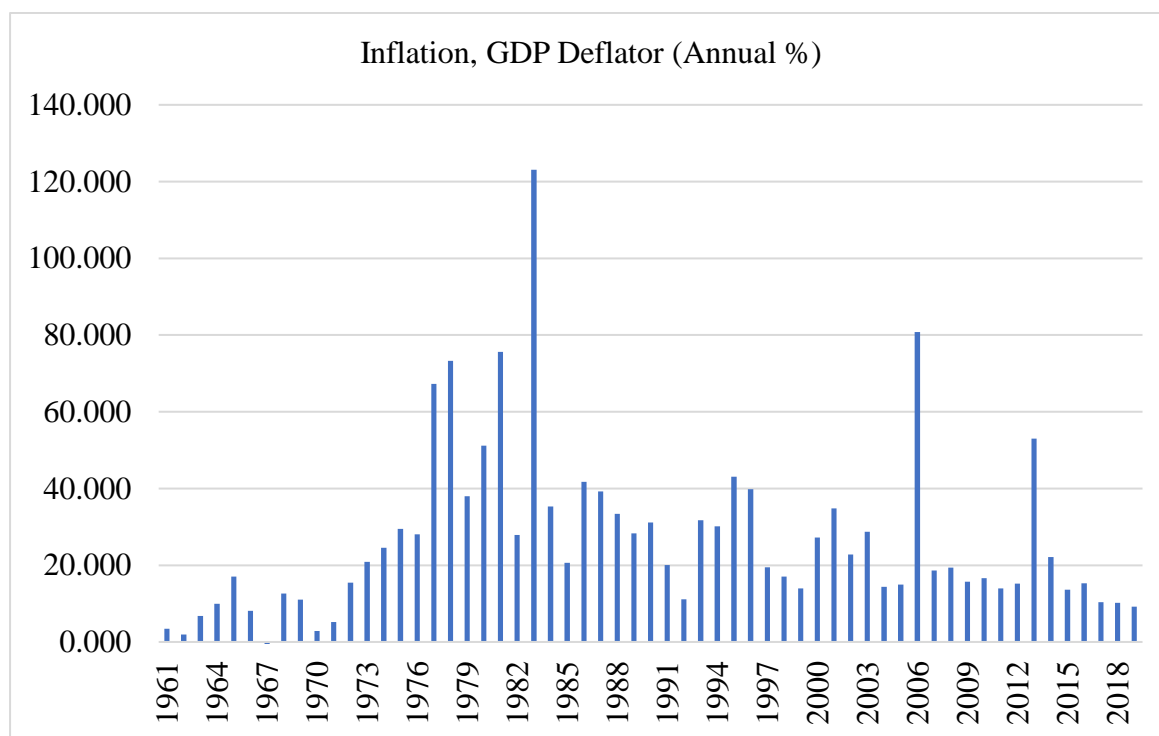


Figure 3: Inflation rate for Ghana from 1980 to 2019

(The World Bank, n.d.)

The trends from the graphs show a general improvement in the governance and economic indicators from the year 2000 with some of the worst figures being in the

1980s when Ghana was under military rule. However, further investigation is necessary before it can be ascertained if this is attributable to an improvement in governance in Ghana.

1.9. Stakeholders and Who Will Benefit

The findings of this paper will benefit a number of people, chiefly, Ghanaian citizens who want to ensure good governance. It will also serve as a helpful resource for Ghanaian policy makers as well as Ghanaian governance institutions.

CHAPTER 2: LITERATURE REVIEW

2.1. Overview

Many scholars generally agree that the way a country is governed affects its developmental aspirations. However, especially for the Ghanaian context, the literature is not as abundant on the specific relationship between governance and the constitution. This chapter will lay out the findings of key scholars on governance and the constitution, as well as critiques of those scholarly works.

2.2. Governance and its Relationship to Development

As explained earlier in this thesis, there has been contention among political science scholars as to a proper and universal definition of good governance. (Nanda, 2006) The World Bank, for instance, emphasises less state control in economic and business affairs while insisting that a government should create the necessary environment for private investment to flourish. This according to them is an appropriate basis upon which good governance can be determined. (Maldonado, 2010)

However, different scholars theorise about good governance in a myriad of ways.

“Criteria of Good Governance”, a 1999 paper by Ruth Hubbard is helpful in providing a more global context for the importance of good governance. The major issues explored are:

- i. In a changing world, how can governance processes be adapted to further involve citizens and earn their trust?
- ii. How can governments learn from the effective processes of international, non-governmental organisations?

The paper found that most Canadian youth did not trust the government or its processes and were uninterested in participating in civic activities. The study presented 7 criteria of good governance that might encourage civic engagement including "Explicitly integrating human consideration", "Global sensitivity" and "Enabling informed participation".

The paper relied on secondary data from institutions such as The Helsinki Baltic Commission and the Netherlands Scientific Council. The paper focused on governance in Canada as well as the civic work of non-governmental organisations in Europe.

Similar to other seminal works in the field of governance, Hubbard used the World Bank governance index to define good governance. Additionally, the paper emphasized the importance of civic participation in ensuring good governance. However, the paper focused on North America and Europe while many of the other papers reviewed in this thesis focused on Africa.

In "Good Governance and Its Relationship to Democracy & Economic Development" (Abdellatif, 2003), the scholar departs from the seeming norm of only using the World Bank's criteria of good governance. The main question explored is whether there is a definitive relationship between good governance and economic development. The criteria of good governance used is from the UNDP as well as the World Bank. The author explores the difficulty of defining good governance, especially within a non-Western context. The paper makes the case that there have been instances of governance systems that failed some established criteria of good governance but achieved economic growth. However, it cannot be said that good governance is an unnecessary factor for growth. According to Abdellatif, the benefits

of good governance are important not simply because they might result in economic growth but for the improvement in the wellbeing of people and their quality of life. Similar to other papers reviewed, the article uses the criteria of good governance established by the World Bank.

Like Abdellatif, not all the literature is in agreement that good governance is always a driver for economic growth and development more broadly. In their paper, "Relationship between good governance and economic growth: A contribution to the institutional debate about state failure in developing countries", (Mira & Hammadache, 2017) the authors point out that even in the seminal World Bank policy document on governance, "Governance Matters", (Kaufmann et al., 2009), one cannot always say that authoritatively that an improvement in good governance indicators has led to an improvement in economic outcomes. (Khan & Jomo, 2000)

2.2.1. Governance in Ghana

Governance in Ghana has been theorised about by several scholars. Due to Ghana being one of many African countries that has endured long periods of political instability during and after colonial rule, scholars have the opportunity to analyse the different kinds of governance systems that have been tried in the country. (Kludze, 2008)

Different scholars have focused on how governance has impacted different areas of the country. In their 2015 paper, "Good Governance and Financial Administration in Local Governance in Ghana", the authors, Domfeh and Takyi, focus on local governance in the Cape Coast Metropolitan Assembly and how it contributes to financial administration. The paper attempts to answer two major research questions:

- i. How does financial administration impact local governance in Ghana?
- ii. How do the stakeholders in Ghanaian communities as well local government officials view their governance processes?

Using questionnaires and statistical analysis, they found that citizens and other stakeholders were generally more likely than governance officials to rank the government lower on good governance indicators such as accountability and transparency. This indicates a discrepancy in the perception of quality of governance between citizens and elected officials. However, governance officials agreed with citizens that there was a failure to mobilise adequate resources for the running of the assembly. According to the UNDP's principles of governance, effectively using scarce resources to achieve developmental goals is a key tenet of good governance. (UNDP, 1997). Thus, this tenet of good governance appears to be failed by local government institutions in Ghana. The paper concluded that proper financial administration is a key component of good governance and influences positive attitudes of citizens towards the government. Positive attitudes of citizens towards the government can be linked to higher citizen participation which also aids good governance. (Shardow & Asare, 2016) Since, the participants sampled generally had unfavourable views about their government officials, it is possible that another key tenet of good governance, which is "citizen participation" has been failed.

"103 respondents, made up of staff of the assembly, key members, assembly members, market women and car mechanics were sampled." Only governance officials who had worked with the assembly for more than 2 years were included in the sample.

This paper used similar criteria as other relevant literature to define good governance. They all prioritised "accountability" as a major tenet of good governance. That is, the ability of the people to hold the government accountable for their actions. They emphasized the importance of good governance in creating a conducive environment for private investment, similar to the World Bank (Tangri, 1992). However, the paper used a specific criterion of good governance developed by the authors themselves based on various literature.

The article, "The Politics of Government-Business Relations in Ghana" written by Roger Tangri in 1992 addresses the major question of how the P.N.D.C.'s governance policies and rhetoric affected relationships with private business and in effect, Ghana's economic aspirations.

According to the paper, as Ghana attempted to recover from economic setbacks of the 1980's, the P.N.D.C government's "Economic Recovery Programme" was hindered due to its poor relationship with the private sector. Private investment in the country was low due to lack of trust in government and an inadequate economic environment. The government's actions were influenced by distrust of the private sector and the view that they were corrupt and exploitative. As the government began to work with the World Bank, reforms and creating a more business-friendly environment were suggested. However, the government's failure to divest from various business sectors continued to hinder their economic plans.

The paper used secondary qualitative and quantitative data such as anecdotal evidence from newspapers and speeches from government officials and business owners. The paper also used primary data from the World Bank on the role of governments in ensuring a conducive environment for private investment.

Similar to other articles reviewed in this thesis, the paper focused on the role of good governance in ensuring economic development. It also explored the role of the media in ensuring government is held accountable.

However, Tangri provided unique insights from both the government and the private sector to explore the relationship between governance and economic growth.

In "Does Good Governance Influence Economic Development? Examples from Ghana and Ivory Coast" (Sharma, 2012) explores the question of whether quality of governance influences economic indicators in developing countries as economists believe they do in developed countries.

With merchandise export per capita as the economic indicator, Sharma used the World Bank's good governance index to determine the relationship between quality of governance and economic development. The author posited that in phases where Ghana experienced political turbulence and unstable governance, Côte d'Ivoire experienced a higher rate of economic growth. However, as Ghana's governance processes have stabilised while Côte d'Ivoire has experienced greater political instability, the trend has reversed in Ghana's favour. The author concludes that in developing countries, quality of governance is a key indicator of economic growth. The paper relied on secondary quantitative data on merchandise export and quality of governance from the World Bank. The author used a systemic comparison method to compare Ghana's merchandise export data to that of other low-income countries in the World Trade Organisation while doing the same comparison for Côte d'Ivoire with other mid-lower income countries. The method of difference was used to compare Côte d'Ivoire to Ghana with the explanatory variable being good governance. The scope of the study was from 1960 to 2008.

Similar to the paper from Domfeh and Takyi, this paper used quantitative financial and economic data to define good governance while also exploring the way political instability creates an unsuitable economic environment to aid development. This paper relied solely on secondary quantitative data.

In "Media Ownership and Independence: Implications for Democratic Governance in the Fourth Republic of Ghana" (Shardow & Asare, 2016), the authors attempt to provide an answer to the question of whether the media in Ghana has the power to act as the fourth estate of the realm as specified by the constitution. i.e., Are they able to fulfil their duty of holding the government accountable?

The paper argued that a major hindrance to the media's ability to hold government accountable was a lack of financial resources. This created a situation where journalists aligned themselves with certain political parties for financial rewards. It also led to newspapers being unable to do due diligence in political investigations since they lacked the financial resources. There is also a punishment and reward system where journalists who are critical of the government can have their careers derailed.

The paper used qualitative analysis tools to analyse four newspapers' coverage of 2 high-profile stories involving government. Criteria of "objectivity", "factuality", 'critical coverage', "news prominence" and "sources of information" to determine the quality of watchdog performance by 2 private-owned newspapers and 2 state-owned newspapers. This article, similar to others, emphasised the role of accountability to citizens in ensuring good governance. The authors also emphasized the importance of civic participation in keeping governance accountable.

The article relied both on anecdotal evidence from newspaper stories, primary data from speaking with journalists as well as secondary data related to the media's role in ensuring that the government is held accountable. This article made the point that several key tenets of good governance including, transparency, consensus orientation and accountability have not been adequately met by the Ghanaian government.

The literature therefore points to the fact that if good governance is defined based on the UNDP principles and the World Bank definition, Ghana cannot be objectively said to be meeting that goal.

2.3. THE EVOLUTION OF GHANA'S CONSTITUTION

As identified by some legal scholars, the various constitutions in Ghana's history have attempted to focus on the issue of human rights in order to address the human rights violations that occurred during military government rule. (Kludze, 2008)

However, many issues still remain with the constitution in its current form, prompting a comprehensive review of the document under the presidential leadership of Dr. John Atta-Mills. (Asare & Prempeh, 2010)

In the peer-reviewed book, "Civil Society and Constitutional Reforms in Africa" (2014) authors Vormawor and Atuguba provide a historical analysis of the trajectory of Ghana's constitution and how civil society have contributed to each iteration of the constitution.

Beginning in the colonial era, they outline how Ghanaians have from the very beginning of constitutional law in the country, been actively involved in shaping the

document. The book also gives an overview of how governance was shaped by the constitution and vice versa.

Unlike other texts, this book focuses on how civil society in Ghana shaped the formation of our various constitutions, and by extension our governance systems. The treatise, "The Role of the Supreme Court in the Development of Constitutional Law in Ghana" (Bimpong-Buta, 2005) also lays out a history of Ghana's constitution as well as outlining the duties and limitations of the judicial arm of government in Ghana.

In the journal article, "Amending the Constitution of Ghana: Is the Imperial President Trespassing?", (Asare & Prempeh, 2010), the authors make the claim that Ghanaian constitutions have historically afforded excess power to the executive branch of the government allowing them to make several key decisions without checks and balances. This assertion is supported by the journal article, "Strategies to stimulate Ghana's economic transformation and diversification" (Armah, 2016). Using a criteria for strong institutions, the authors lays out the claim that Ghana's lack of strong institutions as well as flawed constitutional provisions allow for the executive to reign unchecked and to have control even over the bodies that should traditionally hold them accountable.

However, the 1992 constitution makes more explicit provision for the guarantee of human rights than previous constitutions (Kludze, 2008). By devoting the entire chapter five of this constitution to human rights, the framers of the constitution provide the pathway for Ghana to meet the "rule of law" and "equity" tenets of good governance.

Despite disagreements among various scholars on how the constitutional review process should be handled, there nevertheless seems to be general consensus that the document in its current state is flawed as it hinders good governance and that there is the need for those flaws to be addressed.

CHAPTER 3: METHODOLOGY

3.1. Overview of Methodology

This research sought to explore the loopholes in the 1992 constitution as laid out by the Constitutional Review Commission as well as experts across various fields. The thesis further hoped to ascertain what the impact of these weaknesses are on Ghana's governance. Specific governance indicators from the Worldwide Governance Indicators as well as economic indicators from Open Data Portal both from the World Bank, indicators from the Mo Ibrahim governance index, Corruption Perception Index and the Index of Political Stability were used to determine the trend in Ghana's governance since the 1980s. The thesis is employed mixed research methods: using quantitative data related to the governance indicators as well as qualitative textual analysis of the constitution review commission's report and how their finding relate to the trends in the data from the governance indicators.

3.2. Research Design

The research design of this thesis is about formulating a plan for "how, when and where data are to be collected and analysed". (Parahoo, 2014) The research design is a descriptive research design. This is because such a design allowed an exploration of the data from the governance and economic indicators and provided insights as to how the weaknesses identified in the constitution may have impacted those indicators. For the quantitative data, it was observed from the literature review that for national governance indicators, the major analytical tools used were trend analysis and a systemic comparison method to compare the trends between two countries.

Additionally, qualitative data was used to explain the trends in the quantitative data. This can be seen in the articles “Does Good Governance Influence Economic Development? Examples from Ghana and Ivory Coast” and “The Politics of Government–Business Relations in Ghana”. (Sharma, 2012) (Tangri, 1992)

The specific indicators used include Real GDP, Real GDP per capita growth rate, inflation, perception of corruption and overall government effectiveness. The trend in these indicators were observed and the textual analysis of the constitution review committee report enabled an analysis of how the constitution may have impacted the trend observed.

The data was gathered from 1980 to 2020 where possible. This is because the 1980s in Ghana are when Ghana's last military authoritarian government ruled while the country transitioned to democratically elected governance in 1992. This thesis attempted to observe and provide insights for any significant changes in governance during those different periods.

3.3. Data Analysis

The data analysis involved the constructions of graphs showing the trend in the indicators over the period under consideration. The data was downloaded into Excel sheets, cleaned up by removing inapplicable years due to unavailable data, and then interpreted in the form of graphs to analyse the trend.

Additionally, textual analysis using literature from legal and economic scholars was used to analyse and interpret the findings of the constitution review commission as they relate to the indicators chosen.

3.4. Ethical Considerations

This thesis made use of secondary data from reputable sources. As such no data gathering was done directly with human participants. However, some anecdotal evidence was used to explain some of the trends in the governance indicators. However, these were sourced from publications that already have the permission of the participants for their words to be published.

3.5. Limitations

The main limitations for this study involved difficulty in accessing relevant data. For instance, the indicator of poverty rates could not be used as the World Bank only had data for 2005, 2012 and 2016. Additionally, the Mo Ibrahim Index which is a relevant source for data on governance indicators only has information that spans from 2010. In the case of data from the corruption perception index, data could only be obtained from 1998. This did not provide an adequately wide scope to determine the effect of the constitution's weaknesses on those indicators since its inception.

CHAPTER 4: ANALYSIS

4.1. BACKGROUND OF CONSTITUTIONAL REVIEW COMMISSION (CRC) REPORT

The main research objective of this thesis is to determine the impact of Ghana's 1992 constitution on its governance practices. The quantitative indicators of governance to be used as defined in the first chapter are the current GDP, inflation rate and annual GDP growth rate. The CRC report came about as a result of a mass call among Ghanaians for constitutional reform. Though there was no pivotal political event in 2011 when the process began, it was seen as essential so that Ghana's governance structures do not deteriorate if any issues are left unchecked.

4.2. Flaws in the Constitution

As explained by the factors that motivated the creation of the CRC, Ghana's constitution has many flaws that directly impact its governance processes. The connection between the country's constitution and its governance processes has been well documented earlier in this thesis. In the case of Ghana's 1992 constitution, the main flaws that impact governance include the inordinate amount of power that is afforded to the executive compared to other arms of the government. This section will explore those flaws as laid out by the CRC's report.

4.2.1. Challenges to Separation of Powers

One of the main pitfalls of the constitution that has been identified by scholars such as Armah (2016) is that it gives rise to challenges associated with the separation

of the arms of government. These challenges include disproportionate amount of power held by the executive.

As explained in the Report of the Constitution Review Commission (CRC) "the president has huge powers of appointment to public offices under the Constitution". Under several articles of the constitution including articles 70, 74, 86, 202, 207, 212, 232, 243, 183, 185, and 189, the president of Ghana has the power to appoint various members of public service in Ghana. This includes not only ministers of state for the ministerial cabinet but also heads of various independent institutions such as the governor of the Bank of Ghana as well as the Auditor-General. The President also has the power to appoint members of the court of appeal including the Chief Justice and Justices of the Court of Appeal.

Another challenge to separation of powers in Ghana's governance is that some members of the government can belong to more than one arm. The president is mandated by article 78 of the 1992 constitution to select a majority of his ministerial cabinet from among the members of parliament. This leads to situation where a significant section of the executive as also members of the legislative.

4.2.2. Challenges to Independent Constitutional and Other Bodies (ICBs)

When the 1992 constitution was enacted," Ghanaians instituted a number of oversight institutions, independent of the executive, legislative or judicial arms of government". These institutions were intended to uphold the rule of law and hold government accountable. Several of these institutions including the Electoral Commission and the Commission for Human Rights and Administrative Justice (CHRAJ) all have their heads being appointed by the president under the provision of

the 1992 constitution. Their conditions of service, including salaries are also determined by the executive. The governor of the country's central bank, the Bank of Ghana is also appointed by the president. The Bank of Ghana like any central bank, exists to manage the country's monetary policy to enhance economic development. It is therefore imperative that this institution remain free of undue influence from the government.

Similarly, the office of the Auditor-General exists to audit the government's accounts and public expenditure. As stated in article 70 of the constitution, the president appoints him on the advice of the council of state, of which eleven of the members are appointed by the president. Additionally, the position of Special Prosecutor is appointed by the president. This presents a unique challenge since the job of the Special Prosecutor is to hold the executive accountable.

The issue of the disproportionate powers of the executive also presents a challenge to the scope of the responsibilities of that arm of government since they are broader than has been advised by the CRC report.

4.3. Impact of the Ghanaian Constitution on Governance

These institutions exist to hold the government accountable, however, they are hindered in doing this by their lack of independence from the government. The overarching powers of the executive have implications for Ghana's governance as it relates to its economic landscape and the perceptions citizens hold about government.

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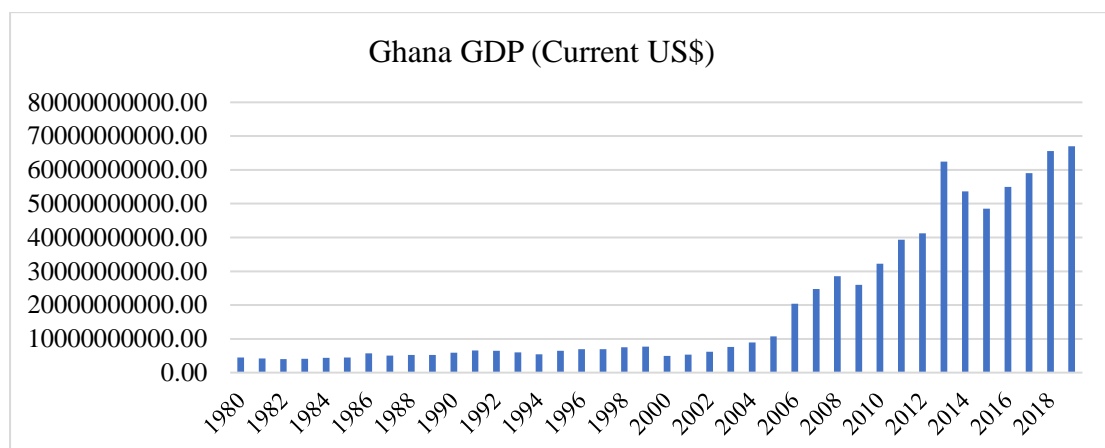


Figure 4: GDP of Ghana from 1980 to 2019

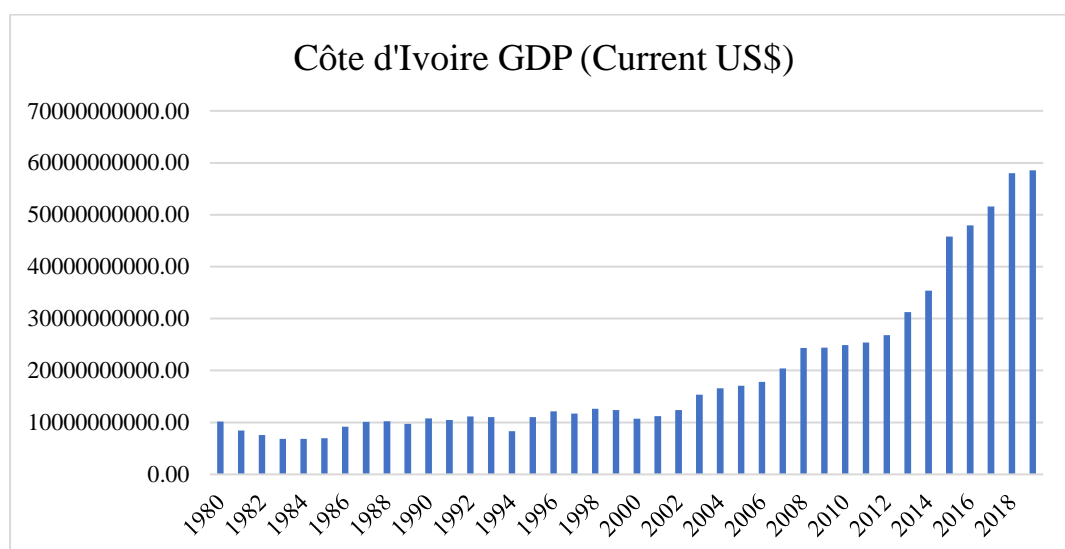


Figure 5: GDP of Côte d'Ivoire from 1980 to 2019

In terms of the Gross Domestic Product, we see similar upwards trends in Ghana as well as other countries. Ghana is compared to Côte d’Ivoire since we have similar political histories and economic landscapes.

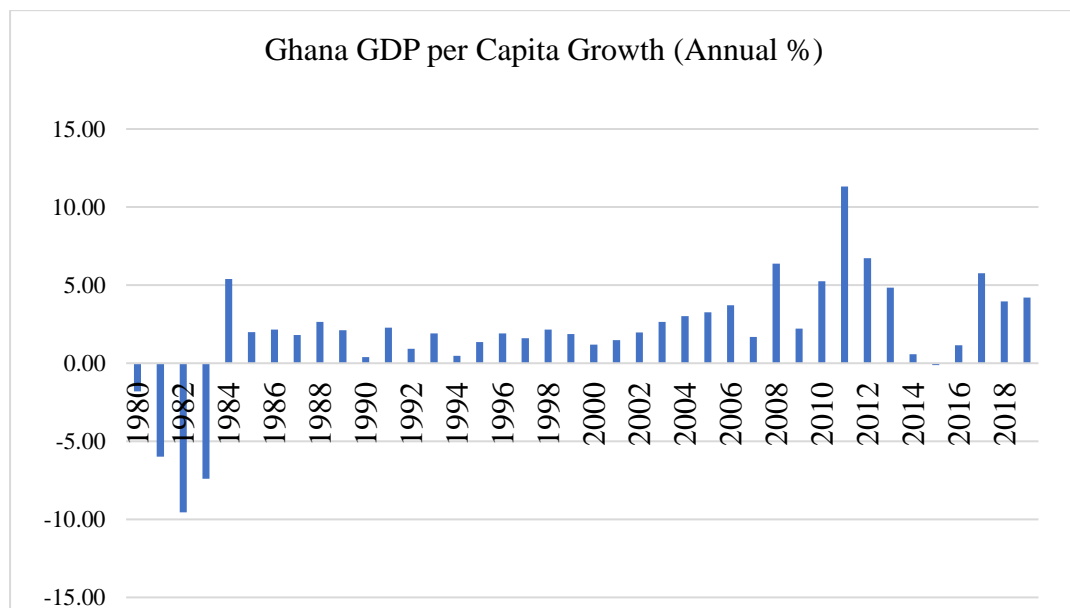


Figure 6: GDP per capita growth for Ghana from 1980-2019

In the early 1980s there was a very sharp decline in the GDP per capita growth rate with the figures being in the negatives. Even as there has been improvements since then, the frequent fluctuations with some years recording very low percentages, indicates that the GDP per capita does not consistently grow at a positive rate and during some years there is a decline. There is the need for the Bank of Ghana and other bodies to be made fully independent so as to be able to adequately manage our economic policy to prevent further declines.

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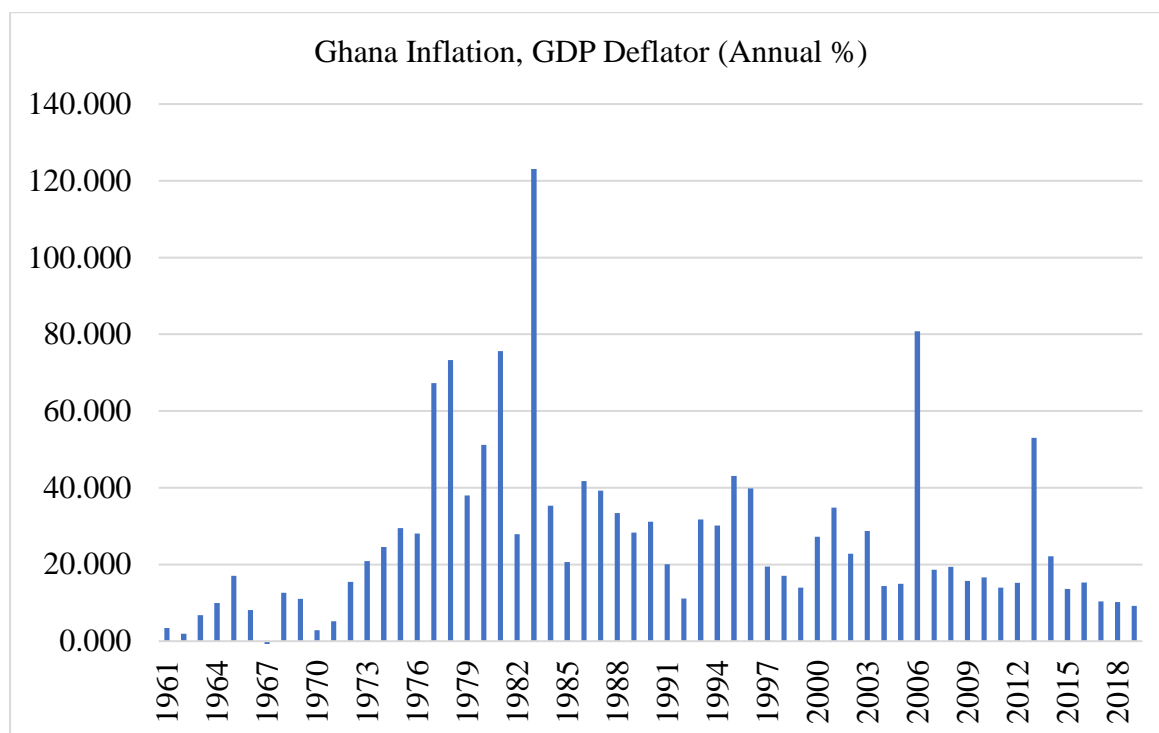


Figure 7: Inflation rate for Ghana from 1980 to 2019

(The World Bank, n.d.)

The trend in the graph shows a severe increase in the inflation rate in the early 1980s.

While, the rates have tapered down over the years, they are still fairly high and are mostly in the double digits. This indicates the need for national fiscal and economic policy that addresses the potential underlying causes of these high rates.

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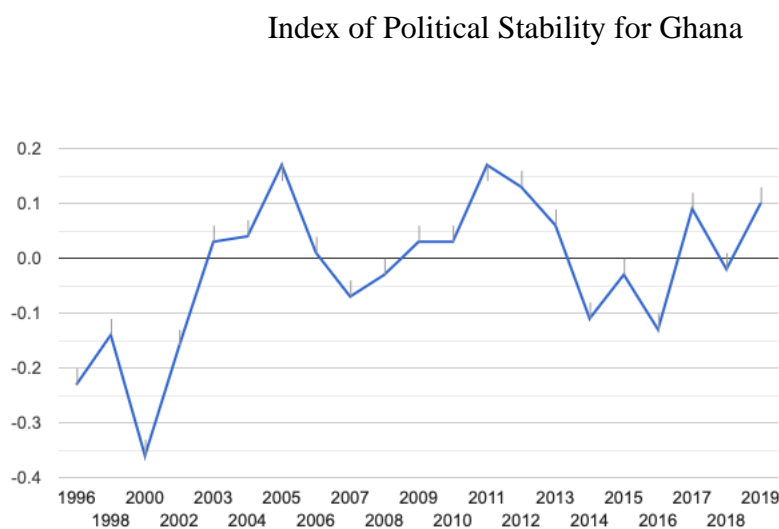
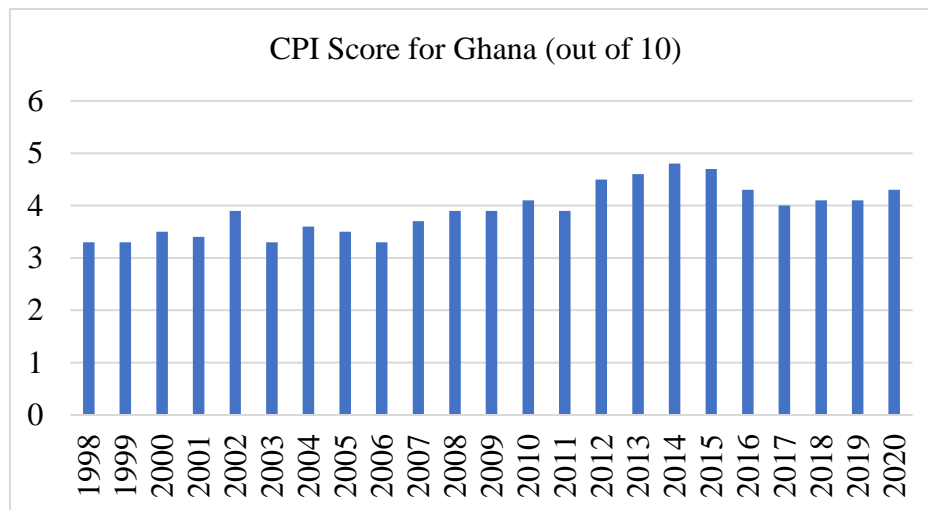


Figure 8: Index of Political Stability Report for Ghana (2020)

The graph shows negative trends in the political stability of Ghana until the 2000's. This corresponds with Ghana's governance history as the country was under military rule until they started to experience political stability characterized by smooth transitions of government in the 2000's. However, there are still negative trends as recently as the 2010's, indicating that despite enjoying relative stability, it is important that the governance structures are analysed to ensure they do not fail.

and its Impact on Ghana's Past and Future Development Aspirations

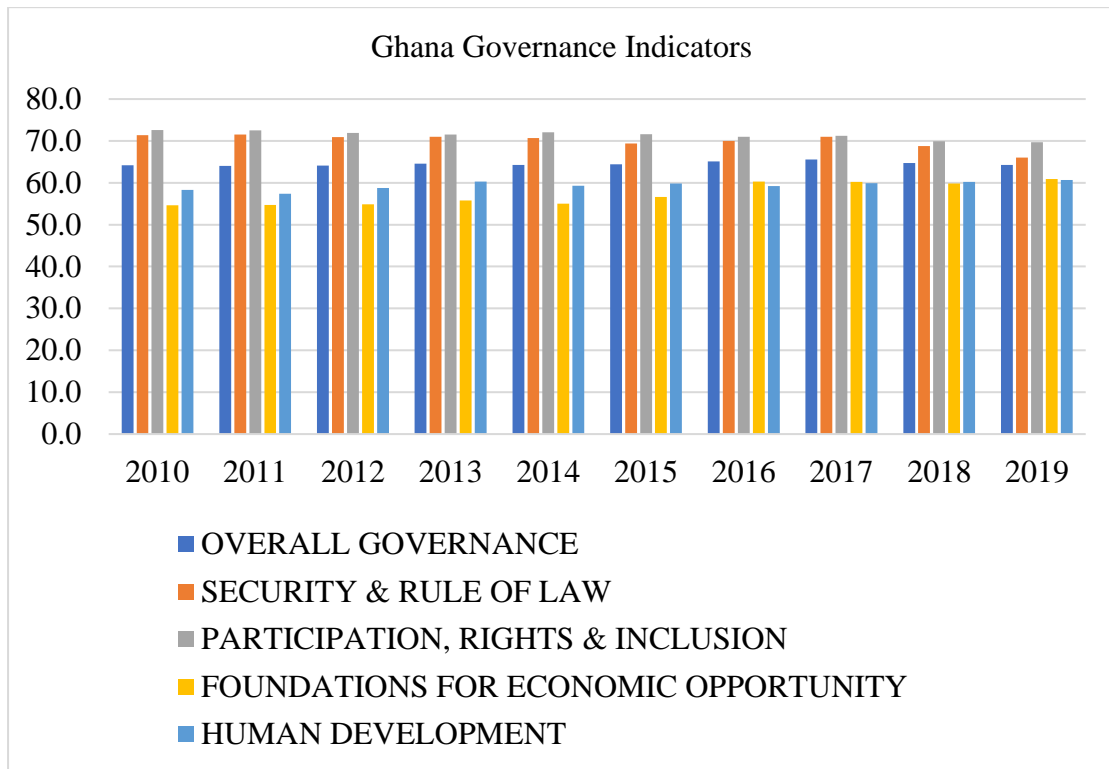


Figure 9: MoIbrahim Index of Governance Indicators for Ghana

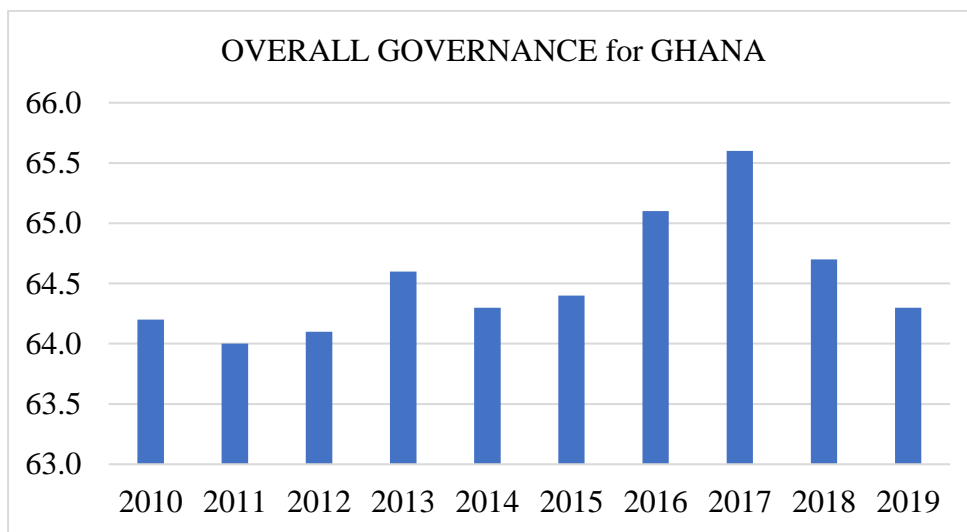


Figure 10: MoIbrahim Index of Governance Indicators for Ghana

While Ghana records generally higher scores than the average scores across Africa, the scores tend to be below 70% for most indicators. This indicates that there is room for improvement in the governance processes of the country.

CHAPTER 5: RECOMMENDATIONS AND CONCLUSION

5.1. Conclusions

As explored by various scholars as well as by the CRC's report, Ghana's 1992 constitution has been instrumental in our transition to a democratic form of governance. However, there are several self-defeating aspects of the constitution that undermine the developmental goals for which it was established. There is the need for more attention to be paid to how it specifically impacts governance and what changes can be enacted to ensure that Ghana meets universal standards of good governance as laid out in sources such as the UNDP.

5.2. Recommendations

There is the need for the government to implement the suggestions of the White Paper on the Report of the Constitution Review Commission. In the CRC report, the specific areas that call for improvement are clearly laid out. The White Paper goes further to provide specific programmes to be implemented to solve many of the problems identified, including the institution of a National Development Plan which will ensure that a change in government will not impact the enactment of these necessary reforms.

For Ghanaians as a body politic, data from the Corruption Perception Index indicates that they have little faith in the government to run the affairs of the country. This means that it is up to citizens to push for the changes they want. Through getting involved at the community level, they can enact programmes that serve their

communities. Providing mutual aid among themselves may hopefully indicate to the government that they may become obsolete if they do not meet the needs of the people.

5.3. Further Research

Further research is required to explore the reasons why the suggestions outlined in the CRC report and the White Paper have not been implemented in a timely manner.

It is also imperative that more focus is given to illuminating the latent connections between the 1992 constitution and Ghana's governance processes so that any new constitution does not repeat the same mistakes.

Finally, research should be done on how effective governance can take place in places, such as Ghana where trust and confidence in the government by the people is low.

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