

**2021 GAAS Founders Week
Ghana Academy of Arts and Sciences**

“The 1992 Constitution: Fitness for Purpose in the 21st Century”

**Threats and Challenges to Constitutional Governance:
Political Culture, Corruption and Missing Civil Societies**

Ernest Aryeetey¹

*Madam Chair, Vice President of GAAS (Sciences Section)
President, Vice Presidents, Past Presidents and Fellows of the Ghana Academy of
Arts and Sciences,
Distinguished Ladies and Gentlemen*

I would like to begin my talk this evening by thanking the Ghana Academy of Arts and Sciences for inviting me to speak on the theme of “Threats and Challenges to Constitutional Governance: Political Culture, Corruption and Missing Civil Societies”. While I consider it a major challenge to be tasked to speak on a subject that I have no formal training in, it is my understanding that the invitation was on account of my varied experiences working with different governance and public institutions in pursuit of constitutional governance.

I make no pretence of discussing whether the Constitution of Ghana is “fit for purpose” or not. I leave that to eminently more qualified persons. Indeed, my colleague on this panel, Professor Raymond Atuguba is leading a discussion of that. Nana Dr S.K.B Asante has written expertly on the subject on several occasions. And he knows a lot about constitutions. Quite recently, Professor H. Kwasi Prempeh expressed his dissatisfaction with the constitution on several grounds. What the different comments over the years have led me to believe is that there is nothing wrong with regular evaluations and reviews of how the Constitution is performing. It is certainly healthy and generates a lively debate.

I would like to focus this evening on how the application of the constitution by different actors affects different stakeholders, often leading to questions about why the Constitution is applied in a particular way and not the other. I will argue that, for many people, their perception of the Constitution of Ghana depends on how close they are or not to political authority. What this means is that,

¹ Professor Ernest Aryeetey is a Fellow of the Ghana Academy of Arts and Sciences. He is also former Vice Chancellor of University of Ghana and Secretary-General of the African Research Universities Alliance. The views expressed here are all personal.

instead of the Constitution acting as a check on the power of the Executive arm of government, the ability of the different arms of government to coalesce around a political interest has significantly reduced the effect of the Constitution as a legal constraint on the power of government, and by extension the power of the state. As a result, the coalition of political forces believes that “government can do anything”, and that is the biggest threat to constitutional governance.

I will reflect only briefly in this talk on the 1992 Constitution itself. I believe that the framers of the Constitution did an incredible job in drafting it, even if one can take issue with any number of clauses that may need to be reviewed periodically to enhance their relevance or give them proper context.

I will also present the role that *political culture, corruption and a weak or missing civil society* can play in moving the country away from the core tenets of the 1992 Constitution. I will suggest that there is a need for these three factors to be appropriately examined and understood since they can easily become a threat to constitutional governance. I argue here that, by not tackling those inherent challenges and threats, the capacity of the Constitution to protect individuals and institutions becomes compromised.

Finally, I intend to share my opinion on how to eliminate the threat and challenges to constitutional governance as posed by *political culture, corruption and missing civil society*.

Reflections on the 1992 Constitution

*Madam Chair,
Ladies and Gentlemen*

History teaches us that the core tenets of constitutionalism, as a fallout from *social contract theory* and as championed by John Locke among others, are informed by the general principles of good governance. These include transparency, accountability, participation, responsiveness, and respect for the rule of law. History also teaches us that the significance of a constitution is in its ability to guarantee the separation of powers, the protection of fundamental human rights and the provision of peace and stability within a country. These were the basic principles underlying the constitution of the United States of America, and those features can be found in almost all countries that are noted to be pursuing democracy and constitutional governance.

Nana Dr S.K.B. Asante has argued that in drafting the 1992 Constitution, the framers were guided by similar principles and goals, mindful of Ghanaian history and culture. The 1992 Constitution is generally seen to have established a firm basis for the practice of a constitutional democracy, characterized by, among others:

- a. The election of a President and Members of Parliament based on universal adult suffrage,
- b. A commitment to equal and balanced development of all parts of Ghana particularly in the allocation of national resources and the distribution of national wealth.
- c. The guarantee, protection and enforcement of fundamental human rights and freedoms,
- d. A free and independent judiciary,
- e. The guarantee of the freedom and independence of the media,
- f. Directive principles of state policy to ensure participatory democracy and the sound management of the national economy, and
- g. The operation of a multi-party system

There are certainly sections of the 1992 Constitution that may need to be reviewed to enhance their relevance periodically. And this is exactly what the Constitution Review Committee (CRC) attempted to do in 2010. It is my view that a process such as a ‘Constitutional Review’ must be considered periodically. This is an important part of the constitutional governance process endorsed by such scholars as Louis Henkin and several others.

When H. Kwasi Prempeh suggested that the 1992 Constitution was not “fit for purpose”, he was referring to the governance challenges he saw as being created by the constitutionⁱ. He was concerned, among other things, about how easily one could increase the number of parliamentarians simply on account of population changes, and the associated costs. He did not think that parliament was being effective on many fronts.

H. Kwasi Prempeh is quoted as saying “The 1992 Constitution is also the most profligate, in the sense that it invites wasteful growth in the size of government and in public expenditures. No wonder it has both attracted and spawned a political class in its own image”ⁱⁱ. It is easy to sympathise with this assertion, but I am even more concerned about how far the Constitution has centralized decision-making for certain public appointments. I have not stopped being surprised at how we are able to dispense with the Boards of most public entities

every four years and then take several months to replace them with very similarly qualified individuals; some good, some bad. The burden on the public purse must be enormous, with no evidence of cost-effectiveness.

It is important to observe, however, that regardless of its obvious shortcomings, the 1992 Constitution has functioned well for three decades without any major constitutional crisis. This is to its credit, especially when compared to experiences with earlier constitutions of the country, as well as the experiences of other countries in this 'turbulent' region. Ghana's 1992 Constitution has been highly praised, and as Rossanet (1998) puts it, the Ghanaian constitution is a remarkable document of liberty.

It is essential that any future review of the constitution focuses on how it facilitates good and effective governance, considering the costs associated with it.

Political Culture as a Threat and Challenge to Constitutional Governance

*Madam Chair,
Distinguished Ladies and Gentlemen,*

As defined by Verba (1963), political culture consists of the system of empirical beliefs, expressive symbols and values that define the environment in which political action takes place. It stands for the basic *attitudes* of people towards politics, policy and polity, and it is reflected in the support for political institutions, post-materialism, interpersonal trust and secularization (Ersson and Lane, 2008). When it was first proposed by Almond (1956) and later Almond and Verba (1963), the term 'political culture' was seen as specifying how people affect or influence political systems and vice versa with their daily actions and expressions.

The political culture of Ghana over the past three decades can best be described as polarized and divisive. The people generally see the division and respond accordingly. What this means is that the people are generally perceived to be either "for the government or against the government". Where one is perceived to be located in that divide is particularly critical on several fronts, including access to jobs and public positions, access to some public services, access to justice, access to public contracts and the possession of a voice on matters of public interest. But these are the basic rights that the Constitution seeks to guarantee for all, regardless of their political interests.

When did this political culture take root in Ghana? Before the 1992 Constitution, Ghanaians had been divided between those for the 'revolution' and those against the 'revolution'. This was largely so until the 'revolution' lost steam and metamorphosed gradually into constitutional rule. Earlier divisions related to the fight for independence and its aftermath simply provided undertones which later partially informed which side of the divide one would choose, if interested.

With constitutional rule, the powers of the Executive arm of government, even if nominally limited by the Constitution, have been perceived by the public to be generally more extensive than it really is. In other words, there is a strong perception that "Government can do anything", even if the Constitution does not suggest so. Several analysts have associated this growing perception to the "Winner-takes-All" politics in Ghana.

Ransford Gyampoh (2015) has described "Winner-takes-All" politics as "not merely an electoral formula for determining winners in elections but also a political mechanism for facilitating the evaluative inclusion and exclusion of individuals, groups and classes of persons". He sees it rightly as "state capture or the partisan monopolization of state resources, facilities and opportunities, as well as the exclusion of political opponents from national governance".

Gyampoh (2015) has also documented the extent of such state capture and the exercise of the power to exclude others from access to state institutions and their governance. He describes it as anti-democratic and says, "it is a political sub-culture that excludes all other Ghanaians who are not of the ruling party from national governance and decision-making in a manner that polarizes the nation and dissipates the much-needed talents and brains for national development".

Gyampoh (2015) does not attribute the political culture associated with "Winner-takes-All" exclusively to the constitution. He questions why similar constitutions in other countries have not necessarily led to such behaviour. He believes that the other arms of government in Ghana, namely the Legislature and the Judiciary, have simply acquiesced to the authority of the Executive. One can argue that such acquiescence is largely in expectation of personal gain/security to most stakeholders.

In the political sub-culture, which suggests that "Government can do anything" agents of the state tend to believe that they are untouchable and hence above

the law. There are several illustrations of how this can play out. Let me use one here.

In February 2014, University of Ghana introduced user charges for the use of its roads after borrowing money to fix those roads. The amounts charged were to be paid at various points of entry at the University. The University had discussed with relevant state institutions its intention to make road users going through its campus pay for the use of the roads and had received no objection from the Government. This was adequately reflected in the speech read by the Minister of Roads and Highways at the sod-cutting ceremony to mark the beginning of the road rehabilitation works. After public agitation against the introduction of the Legon road user charges, operatives from the office of the National Security Coordinator stormed the university campus in the middle of the night on 18th February 2014 and tore down a security post under construction. It was not clear what the legal basis for the action of invading the campus was. Ironically the National Security Coordinator was removed from office after strong public condemnation of his actions. The University described the action as illegal, primitive, and barbaric. Following the appointment of a new National Security Coordinator, the University again discussed its intentions of restarting the project with his office. Soon after the construction of the security post resumed, this was torn down again in similar fashion on the orders of the new National Security Coordinator.

What was interesting about the lawlessness shown by the National Security operatives was the fact that their leadership could boast publicly about the need to “teach the professors a lesson”, accusing the “professors at Legon” of bias towards the opposition. Despite official protestations from University Management, the Government of Ghana never condemned the actions of its agents. They were above the law and could therefore do as they wished. The constitution could not protect the University.

Needless to mention, in the last three decades there have been countless experiences of state agents believing that they are above the law, with the assurance that they will not be held accountable by the state. When they have acted as such, they have always been motivated by the conviction that “we are part of the government, and the government can do anything”.

Another aspect of the new political culture of “the government can do anything” can be seen in law making. Law making is the preserve of parliament under the 1992 Constitution. In making laws, the general principles applied by parliaments

in democracies around the world are many, including the strength of public opinion, the pursuit of social transformation, the achievement of greater equity, the achievement of better governance outcomes, etc. Regardless of the type of law being considered the principles of equity and efficiency tend to be important. A new law must be seen to be pursuing a socially desirable outcome. A cursory look at the motivations behind many recent laws in Ghana does not suggest that this is always the case. There are often many reasons for pursuing a particular Bill, sometimes with the intention of making the life of bureaucrats and politicians less challenging.

The recent introduction of a “Public University Bill, 2020” is a good example of a potential law that underscores the “government can do anything” political culture. The Bill was first shared in 2019 among various stakeholders without any written motivation. There was no memorandum to explain why the Bill and what benefits it brought to anyone. After several mainly negative comments on it, including statements by Fellows of the Ghana Academy of Arts and Sciences, government officials singled out individuals who had dared speak on the Bill for very harsh criticism. The government observed that “The flimsy allegations being perpetrated that the Bill will undermine academic freedom are deliberate mischief-making and disingenuous”. This was certainly intended to silence any persons who had issue with the Bill.

Since the return of the Bill in 2020 in a revised form, there has been a significant growth in the number of people who have strongly opposed it and asked for its withdrawal, on the grounds that it is an affront to the constitution of Ghana in both letter and spirit. It is clearly a Bill that cannot meet any accepted principle in the making of laws generally. It seeks to give greater power to the Minister of Education and make it easier for him or her to remove Vice Chancellors. That is clearly the only motivation, but the constitution is not about centralizing power in individuals. The Bill is there simply because its initiators and some law makers believe that “Government can do anything”.

The political culture of “the Government can do anything” plays out in many different scenarios and can be very costly. The politics of abandoning construction projects that were started by previous administrations is another illustration of the sub-culture and remains a threat to the tenets of nation-building and development. Several examples can be found, especially in the *health, education, and housing* sectors. Some studies have shown the extent of non-completion of government projects and the monetary loss. Williams (2017) estimated that almost a third of all projects that start are never completed and

this consumes nearly 20% of all local government capital expenditure. Recently, the Social Democracy and Development Dialogue Forum Africa (SDDDF-Africa) suggested that abandoned projects cost the Ghanaian taxpayer close to US\$25 million each year. It is important to note that the non-completion of projects is another practice that has become divisive and polarizing. It reflects poor transition arrangements after elections and is a challenge to all democratic governance processes as outlined in the 1992 Constitution.

The increasing polarization of the media along political lines is reflective of the new political culture that should be a source of concern. Jennifer Hasty, in her book, *The Press and the Political Culture in Ghana*, 2005, hinted at the polarization of the media between those supporting the Government and others. That was almost two decades ago. The polarisation today can be found in several media platforms that are perceived to be associated with political parties. These platforms are generally used for aggressive, speculative, and sensational discourses. It is worrying that the perception that state machinery can be used to undermine various media platforms belonging to the opposition is growing. These practices undermine the freedom and independence of the media as intended in the 1992 Constitution.

The lack of an apparent (proper) intra-party democracy is another political culture that needs to be properly examined. It is difficult to understand that the country practices constitutional democracy, yet the parties involved in all the processes are not necessarily democratic and transparent. For example, it is unclear how political parties are funded. Those funded by a few 'fiefdoms' have weak internal structures, lack accountability and the dynamism needed to create strong bonds between the people and their government. The result of a lack of intra-party democracy and transparency is the abuse of incumbency, political patronage, and corruption, as well as the lack of accountability to constituents or the people. This undermines political party competitiveness and the entire system of alternating governments through democratic elections.

It is important to reflect on why the above political culture elements, and the associated increased incidence of election-related violence, should be of concern as a threat to constitutional governance. These anti-democratic acts can spark a crisis of legitimacy and undermine the entire 1992 constitution. When considered together, these practices are wrong examples of constitutional governance. Over time, there may be attempts to legitimise some of these political cultures, and snippets of these are what one finds in some

African countries that have had limits to presidential terms changed to prolong their stay in power.

Corruption as a Threat to Constitutional Governance

*Madam Chair,
Distinguished Ladies and Gentlemen*

Let me start my discussion of this subject by noting that the widespread failure of development in some emerging economies can be explained by the criminalizing and perverting consequences of corruption (Frisch, 1994, Solaye, 1994). It is also important to note that corruption is not only an outcome of selfish and private actors, but it is increasingly becoming an outcome of a much larger sociocultural notion of power, privilege and responsibility in more recent political discourse (Rosen, 1992).

It is not difficult to understand that when corruption becomes pervasive due to the loss of institutional checks and balances, restrictions on the space for civil society actions and political rights of citizens, as well as the independence of courts deteriorates. Also, when the incidence of unresolved corruption scandals or the incipient lack of state interest in pursuing such cases increases, it undermines citizens' trust in constitutional governance and provokes all sorts of reactions that could easily spark a crisis.

Corruption exists almost everywhere in Ghana, with the highest incidence often recorded in *Natural Resource Management*, the *Judiciary*, as well as the *Police*. Recent data from Transparency International suggests that Ghana ranks 75 out of 180 countries in its 2020 Corruption Perception Index (CPI). The Worldwide Governance Indicators (WGI) by the World Bank ranks Ghana above the 50th percentile rank for all six indicators, suggesting corruption is pervasive and it is an issue that needs much attention.

	2018 Percentile Rank	2019 Percentile Rank	2020 Percentile Rank
Control of Corruption	52.9	52.4	50.5
Government Effectiveness	46.2	41.3	46.6
Political Stability and Absence of Violence/Terrorism	45.3	52.4	51.9
Regulatory Quality	51.4	50.5	52.4

Rule of Law	56.7	55.3	53.8
Voice and Accountability	66.7	64.7	64.7

Source: World Bank

It is again important to mention that there are simply too many unresolved corruption cases in the country. Recently, Corruption Watch listed as many as twelve (12) unresolved cases since 2016, some of which include:

1. The Airbus Scandal
2. Missing excavators' scandal
3. The MPs double salary issue
4. Procurement breaches at NLA involving over 1 million Cedis
5. Anas' 27-minute documentary titled "Galamsey Fraud Part One"
6. Procurement malpractices uncovered at the Zongo Development Fund
7. The missing tricycles saga in the Northern Development Authority
8. The payroll fraud of almost GHC50 million (US\$11.1 million) at YEA
9. The unlawful award of Contracts, misappropriation of funds and political bias at the Electoral Commission

I am concerned that corruption and the limited evidence of the state's interest in addressing some key cases can contribute to behaviours that could undermine the 1992 Constitution. Particularly, for the large unresolved corruption cases, the legitimacy of democratic institutions that are tasked to deal with such situations becomes weak with time. Merkel (2004) has already shown how corruption undermines democracy by negatively affecting free and fair elections, political rights and participation, civil rights, ability to govern and citizen trust in democratic institutions and society.

The Commission for Human Rights and Administrative Justice (CHRAJ) has also shown how corruption erodes trust in public institutions, hindering economic development and the disproportionate impact on the enjoyment of human rights by the marginalised or disadvantaged groups such as minorities, people with disabilities, refugees, migrants and prisoners. These rights are guaranteed in the 1992 constitution, and this is how corruption undermines it.

Corruption, being high in law enforcement agencies, is particularly dangerous for the 1992 Constitution. The law enforcement agencies are key in the provision and pursuit of justice. These institutions are also important in the protection of freedom of expression and transparency. These are the traditional core principles in basic constitutional governance. If institutions tasked to perform

these functions are either corrupt or seem to be corrupt, the key constitutional provision of justice is seriously compromised.

The issue of corruption being high in natural resource management is often accompanied by local elite capture of key strategic resources. This is often accompanied by limited transparency and accountability about such contracts. Those who may suffer the unintended consequence of this elite capture are individuals in mining communities and their environs etc.

Closely related to the incidence of corruption is the issue of judgement debt. I need to be careful here since I have a personal interest in one potential judgement debt case. While judgement debt occurs for various reasons, including negligence, blatant disregard for public procurement laws and illegal abrogation of contracts, it is to be noted that most are underpinned by the corrupt activities of public officials. The payment of judgement debt hinders the country's development process, as these funds could have been used with better outcomes. A recent report by the Centre for Social Justice (CSJ) has indicated that between 2000 and 2019, Ghana paid GH¢1.89 billion Cedis in judgement debt; and this was equivalent to 135 percent of new multilateral loans contracted in 2019.

Weak or Missing Civil Society as a Threat to Constitutional Governance

*Madam Chair,
Distinguished Ladies and Gentlemen,*

Civil society is an important element in political theory in promoting democracy and good governance. Although there is a plethora of definitions, I rely on the tradition of liberal-democratic theory to define 'civil society' as organizations, mainly advocacy groups, that are interested in building or consolidating the gains of democracy. One can also broaden the concept of civil society to encompass all units outside of government and business with an interest in promoting the interests of society. This would include what are generally referred to as non-governmental organizations (NGOs) and other independent bodies. Universities and their stakeholders are sometimes seen as part of civil society, depending on how independent they are perceived to be. It is to be noted that several western intellectuals and donor agencies have championed reliance on civil society to globalize democracy in places like Africa.

Some proponents, including Schmitter (1997), have suggested that the standard every 'civil society' organization must meet to enhance its relevance include:

- Autonomy from both social interests and the state
- Capacity for collective action that promotes interests or passions
- Absence of an intention to govern the polity
- Agreement to act within civil rules 'conveying mutual respect'

The implication of this is that only organizations that "agree to act within pre-established rules of a 'civil' nature (conveying mutual respect) can be included in the definition of 'civil society' organisations. These organizations are expected to eschew violence, respect pluralism, the law and other actors".

It is to be noted that civil society is currently recognized in Africa to have been at the root of the struggle for independence and decolonization, the promotion of social justice, rights and the rule of law, enhancing state performance, promotion of popular participation in public policy making and the promotion of transparency in governance. Thus, civil society organizations (CSOs) are useful in the democratic discourse and various bodies have championed their promotion. A weak or missing civil society can thus be a threat and challenge to constitutional governance.

Before the era of NGOs in the last three decades, the most notable presence of civil society in modern Ghana was in the second half of the 1970s when various professional bodies came together to fight against 'Union Government' and the perpetuation of military rule. That campaign saw collaboration among the professional bodies, academics, and students at the various universities. The Ghana Bar Association was very much at the centre of events, as was indeed the Ghana Medical Association, the Ghana Institution of Engineers and the University Teachers Association of Ghana. It was a very successful campaign which paved the way for a change in government and the abandonment of the idea of 'Union Government'. They were successful because they remained united throughout the campaign and were fighting a cause most Ghanaians believed in.

In more recent times, civil society in Ghana has tended to be more fractured and susceptible to capture by the state. Even though civil society organizations have contributed in diverse ways to consolidating democracy, some of their efforts to press for the rule of law and social justice (either through the implementation of laws or the adoption of new legislative initiatives and reforms), have been

perceived to promote other interests instead of those that seek to promote the true values and 'spirit' of the 1992 Constitution.

The recent tension between Ghana National Petroleum Corporation (GNPC) and a coalition of 15 CSOs working in the extractive industry over the proposed acquisition of stakes in Aker Energy and AGM Petroleum Ghana is quite revealing about how CSOs and government relate to each other. This was an occasion where the CSOs approached the issues based on careful and diligent analysis of rich data. While the CSOs opposed the deal on several grounds, including an improper valuation of the assets, especially considering the impending energy transition, it was unfortunate to see that their campaign sometimes appeared to have been affected by divisions in their ranks. There were accusations of some of their leaders being encouraged to break ranks with colleagues and hence weaken the struggle. There is a growing perception that CSOs must choose sides if they want to survive.

Even more interesting is the strong perception that professional bodies in Ghana are no longer a viable civil society force. They are generally seen to have been taken over by political parties as soon as the objective of stopping the entrenchment of military rule was achieved.

The story of the Ghana Bar Association (GBA) is probably the most telling. The Association in the 1970s and 1980s carved a reputation for itself as the moral conscience for the preservation of democracy in Ghana, a voice for justice, advocates for the cause of right and for justice as well as hope for many Ghanaians. It is strongly doubtful if the Association still commands that authority. For many observers, the association has on several occasions relied on the interpretation of the Constitution to seek its own interest and not necessarily to protect the citizens. During the 2021 Annual Conference of the GBA held in Tamale, a press statement was issued by some of its members calling for their Association to rediscover its voice.

"We use this opportunity to bring to the attention of the Conference, the ensuing Open Statement. The Statement, which was opened for signatures, has so far been signed by several members and non-members of the GBA. The Signatories are challenging the GBA to do better and to stand up for the defense and upholding of Freedom and Justice"

"Our disengagement has been felt. Our indolence has allowed illegality, abuse of rights and injustice to fester. The Ghana Bar Association today looks like a pale

shadow of itself. The moral weight of its history now stands devalued by successive leaderships that have given the Association little sense of purpose or direction. Not only does our history indict us, but our present now counts only as proof of how much we have defamed this Association and made cheap its promise to "concern itself with the defence and upholding of freedom and justice in Ghana."

These indications about lack of integrity in the Association are not very different from the speech delivered by the Deputy Attorney-General at the 2015 Annual Conference of the GBA in Kumasi. The issues of how to restore judicial integrity and professional integrity dominated the discussions. The problem with having a compromised GBA is that public trust in key civil society organizations is lowered, confidence in the judicial system is compromised and citizens will begin to have doubts in the justice system and in the Constitution.

The Ghana Journalists Association (GJA) is yet another professional organization that sought to promote and defend press freedom and create solidarity amongst journalists. The GJA is today seen as suffering from integrity issues as its membership and their professional activities are viewed as publicly divided between the two major political parties. For the public, many television and radio programmes reflect mainly political choices made by presenters and their guests. Thus, slowly, the space for independent journalism is disappearing.

The University Teachers Association of Ghana (UTAG), once a formidable voice in national matters, is still struggling to define its place in the new order. When the Public University Bill first surfaced in 2019, it was interesting that those who spoke against it publicly were mainly retired Professors from University of Ghana. When it resurfaced in 2020, UTAG was left wondering what its position should be on a matter that should have been seen immediately as inimical to the future of academic freedom and the independence of their institutions. It was difficult to understand why academics could not see their future being stolen from them with the Bill. Following the lead that had been taken by the Ghana Academy of Arts and Sciences, some members of UTAG Legon finally began a new and strong campaign against the revised Bill. I must commend those individuals belonging to UTAG Legon for seeing the light. Unfortunately, the National Executive of UTAG and at other universities are yet to comprehend what is going on. But this is hardly surprising because UTAG is very much a politically divided entity where each political party has its interests well represented. Their followers will not dare oppose a bad Bill if it means that their

political backers would be upset with them and possibly deny them the opportunity of contesting parliamentary elections one day.

Even our students and their leaders are divided as they wait anxiously to become “communications experts/party spokespersons” on the way to one day becoming DCEs and MPs. There is no room for being non-aligned.

One of the interesting developments in Ghana just before the advent of constitutional rule was the arrival of Think-Tanks, American style. Institutions like the Centre for Policy Analysis and the Institute for Economic Affairs were set up with considerable support from international funding agencies to conduct independent research and provide policy support to the government. Since the early 1990s, the number of ‘Think-Tanks’ has grown rather significantly. What has become debatable is whether they can be classified as independent and whether they are capable of the needed research. Clearly, some of them are still perceived to be independent and have a track-record of good research.

But there are other similar organizations that cannot be classified as independent ‘Think-Tanks’. They are sometimes referred to as partisan ‘CSOs’ or political pressure groups that are aligned to known political parties or some known interest. They may either be created by the political party or may have been adopted or co-opted by the party. Even for some that may not start as a political ‘Think-Tank’, particularly for those that work on anti-corruption and governance issues, they sometimes become targets of the political party in power, which could lead to considerable loss of freedom in the civil society space. Another new development in this space is the use of partisan NGOs to solicit funding to support political parties.

The key point I would like to make here is that a missing or weak civil society or an apparent lack of interest in pursuing the civic responsibilities that can foster development is itself a huge threat to the spirit of the 1992 Constitution. When civil society becomes self-serving there, cease to be independent voices that can provide a balance in the situation where the different arms of government have coalesced around known political interests.

How can we eliminate the threats and challenges that *political culture, corruption and missing civil society* pose to the 1992 constitution?

*Madam Chair,
Ladies and Gentlemen*

It is not at all my intention to suggest that the political culture is completely flawed. Every now and again, we have seen well informed and spirited debates take place in parliament. We have seen some sound judgements come out of the courts in high profile cases with no obvious political bias. There are still many professionals who do their work as professionally as possible, and there are Think-Tanks that are still analytical in their work.

The shrinking space for independent voices in the political culture is what needs to be stopped. It is time for those independent voices to fight for their space and make themselves increasingly relevant to society. It is time for Ghanaian professionals to always act professionally, regardless of whether they work in the civil service, any other part of the public service or even in the private sector. Sitting on the fence cannot be good for the application of the spirit and letter of the constitution. While it is perfectly acceptable for individual professionals and academics to show interest in the activities of one political party or another, it is not acceptable that their professional conduct is influenced by which party they belong to or have sympathy for. It is also not acceptable that the body which, by law, brings them together can be captured by political parties, to the extent that it ignores its stated responsibility to the citizens. It is not acceptable that national institutions managed by the same professionals get drawn into partisan politics and become ineffective.

Political parties, whether in power or not, can help change the political culture by changing the rhetoric. Those in government can show some commitment to inclusivity by bringing independent people into discussions of national policies. They can be more tolerant and stop accusing independent-minded people of mischief and “not being one of us”. They can indeed stop reacting in an intimidating manner to persons who express disagreements to policies and other government positions. The Constitution requires all hands on deck at all times. After all, we are all Ghanaians!

Thank you.

References

- Almond Gabriel, A., & Verba, S. (1963). *The civic culture: Political attitudes and democracy in five nations*. Princeton: Princeton University.
- Almond, G. 1956. "Comparative Political Systems." *Journal of Politics* 18: 391-409.
- Ersson, S., & Lane, J. E. (2008). *Political culture*. Routledge.

- Frisch, Dieter 1994 Effects of Corruption on Development in Corruption, Democracy, and Human Rights in West Africa: Summary Report of a Seminar Organized by the Africa Leadership Forum in Cotonou, Benin. Pp. 57–62. Ibadan: ALF Productions.
- Ghana Anti-Corruption Coalition (GACC) 1994 Effects of Corruption on Development in Corruption, Democracy, and Human Rights in West Africa: Summary Report of a Seminar Organized by the Africa Leadership Forum in Cotonou, Benin. Pp. 57–62. Ibadan: ALF Productions.
- Gyampo, R. (2015). Dealing with Winner takes All Politics in Ghana: The Case of National Development Planning. Project: The Quality of Parliamentary Representation in Ghana
- Hasty, Jennifer. 2005. The Press and Political Culture in Ghana. Bloomington & Indianapolis: Indiana University Press. 2005.
- Henkin, L. (1989). Treaties in a constitutional democracy. *Mich. J. Int'l L.*, 10, 406.
- Merkel, W. (2004). Embedded and defective democracies. *Democratization*, 11(5), 33-58.
- Rosen, Lawrence 2002 The Culture of Islam: Changing Aspects of Contemporary Muslim Life. Chicago: University of Chicago Press.
- Rossanet, B. D. (1998). The Ghanaian constitutionalism of liberty. *The Review-International Commission of Jurists*, (60), 47-55.
- Rossanet, B. D. (1998). The Ghanaian constitutionalism of liberty. *The Review-International Commission of Jurists*, (60), 47-55.
- Schmitter P., “Civil Society East and West”, in *Consolidating the Third Wave Democracies: Themes and Perspectives* eds. Larry Diamond, Marc F. Plattner, Yun-han Chu and Hung-mao Tien (Baltimore: Johns Hopkins University Press, 1997).
- Solaye, Onolapo 1994 Effects of Corruption on Development. In *Corruption, Democracy, and Human Rights in West Africa: Summary Report of a Seminar Organized by the Africa Leadership Forum in Cotonou, Benin*. Pp. 63–68. Ibadan: ALF Productions.
- Waldron, J. (1989). John Locke: social contract versus political anthropology. *The Review of politics*, 51(1), 3-28.
- Williams, M. J. (2017). Unfinished development projects in Ghana: Mechanising collective choice (available at <https://voxdev.org/topic/infrastructure-urbanisation/unfinished-development-projects-ghana-mechanising-collective-choice>)

ⁱ <https://citinewsroom.com/2021/07/1992-constitution-worst-in-our-history-its-time-to-fix-it-h-kwasi-prempeh/>

ⁱⁱ <https://citinewsroom.com/2021/07/1992-constitution-worst-in-our-history-its-time-to-fix-it-h-kwasi-prempeh/>