

The Parliament of Ghana: A countervailing force in the governance process?

By Ernest Darfour



Ghana (or the Gold Coast at the time), established its first semblance of a Parliament (Legislative Council) in 1850 with representatives appointed by the British colonial government. The Legislative Council consisted of the Governor and at least two other person appointed by the colonial administration. [The Legislative Council](#) was required to make laws and ordinances necessary for the peace, order and governance of the Gold Coast. The legislature at the time was merely an advisory body and had no oversight power over the colonial government. Various agitations against the colonial authorities for equal representation and universal suffrage led to the transformation of the non-elected legislature into an elected Legislative Assembly in 1954.

After gaining independence in March 1957, Ghana saw four Parliaments under four different Republics (i.e. First Republican Constitution of 1960, the Second Republican Constitution of 1969, the Third Republican Constitution of 1981 and the Fourth Republican Constitution of 1992). The incessant interventions of the military in politics truncated the terms of the first three Parliaments in 1966, 1972 and 1981. The democratic instability that was witnessed over the period ensured that Parliament was an unstable governance institution until 1993, when democracy was finally restored under the Fourth Republic.

Since then, Ghana has conducted six multiparty elections that have been described as free and fair by both international and local observers. Five Parliaments have been elected and

completed their terms successfully, with the Sixth Parliament gradually approaching its expiration in January 2017.

Political system

Administratively, Ghana is divided into [10 regions with 216 districts](#). Each region has a Regional Coordinating Council headed by a Regional Minister appointed by the President who co-ordinates the activities of districts under their jurisdiction. At the local level the District Assemblies are the highest political authority. Memberships of the Assemblies are elected from various electoral areas to represent their communities at the Assembly. In addition, the government nominates 30% of the membership in consultation with the traditional authorities in each district. The Member of Parliament whose constituencies fall within the district is an ex-officio member of the Assembly without a voting right. The local assemblies are allowed to pass by-laws to regulate various activities in the district. The districts are headed by the District Chief Executives who are nominated by the President and approved by the Assemblies.

Ghana has also experienced different political systems at various periods of its political history: parliamentary system (1957-1960; 1969-1972), presidential system (1960-1964; 1979-1981), and one-party system (1964-1966). As a unitary state, Ghana's system of government is classified as hybrid or semi-presidential. The President, who is elected for a four year term, is enjoined by article 71 of the [1992 Constitution](#) to appoint majority of Ministers from among Members of Parliament (MPs). MPs who are appointed as Ministers continue their tenure as MPs. The Vice President, Ministers and Deputy Ministers who are not MPs are ex-officio Members of Parliament with no voting rights.

Electoral system

The majoritarian system or the First Past the Post is the electoral system that has been adopted for both presidential and parliamentary elections in Ghana. At the parliamentary level only a simple majority is needed for a candidate to be elected.

Currently, 23 political parties are registered with the [Electoral Commission of Ghana](#), the body that oversees the conduct of elections. Since the Fourth Republic, two major political parties, the [National Democratic Congress](#) (NDC) and the [New Patriotic Party](#) (NPP) constitute around 96% of the seats in Parliament with the remaining 4% shared among three other parties and independents MPs. It has become extremely difficult for smaller parties to marshal majorities to win seats in the legislature. Their share of the total electoral vote continues to dwindle.

Smaller parties that have won seats in Parliament have done so through electoral alliances among themselves or with the two major parties. As a result, Ghana can be considered a two party state.

The NPP and the NDC had an alternation of power both at the presidential and the parliamentary levels in 2001 and 2009 respectively. Since 1993, the party that has won the presidential election has also won a parliamentary majority. This has been attributed to the concurrent nature of the parliamentary and the presidential elections which are held on the same day.

The 2012 parliamentary elections results indicate that the NDC currently hold a parliamentary majority with 145 seats (52.7%), the NPP, 123 seats (44.7%) and the remaining seven (7) seats (2.5%) represents independent candidates and two other smaller parties. Out of the 275 Members, only thirty (10.9%) are women.

Although, the majoritarian electoral system is a factor affecting women's representation in Parliament, many other factors including cultural, financial and the nature of the politics have hindered the successful participation of women in politics in Ghana. Affirmative actions and reforms of the electoral system to allow for the adoption of a mixed system will ensure that the representational gap is bridged.

Main powers of Parliament

[The Parliament of Ghana](#) under the Fourth Republic derived its mandate from Chapter Ten of the [1992 Fourth Republican Constitution](#) with the responsibility to make laws (Article, 93.2), control public finance (Chapter thirteen), and monitor the performance of the executive branch (article 103). The Parliament of Ghana also has a responsibility to scrutinize and give concurrent approval to various appointments made by the President including nominees for appointment as Ministers, Deputy Ministers, Chief Justice and other Justices of the Supreme Court, Members of the Council of State and other public offices specified by law.

Parliament determines its own agenda and the executive can neither dissolve the legislature nor force it to vote on a bill. Parliament also has the power to pass a resolution to remove the President, Vice President or Speaker under special circumstances.

Committee system

[The committee system](#) is an important feature of the Ghanaian Parliament. The functions of the committees include the scrutiny of legislation, executive appointments and oversight of the executive. They are also responsible for conducting investigation and inquiry into the activities and administration of ministries and departments of government. In performing their functions, Committees have the powers of a High Court to enforce the attendance of witnesses, the production of documents and take evidence on oath. Currently, the Parliament of Ghana has 31 select and standing committees on various policy issues and also to shadow government ministries and departments.

Every Member of Parliament is a member of at least one committee. The membership of committees as much as possible must reflect the different shades of opinion represented in Parliament. The composition of committees is arranged by the party whips through a formula that is agreed by both the majority and the minority parties based on their numerical strength. The chairpersons of committees are selected from the majority party, while the minority party has a recognised leader called the Ranking Member who protects the interests of the minority/opposition on the committee. Two committees, the [Public Accounts Committee](#) and [Committee on Subsidiary Legislation](#) are chaired by members of the minority party. As a convention, Ministers and Deputy Ministers are not allowed to serve on a Committee which provides oversight on the Ministry they are responsible for.

Size and structure

The Parliament of Ghana is a unicameral legislature composed of 275 members. It is elected for a four year term with no limit on the number of terms a representative can serve. It is headed by the Speaker who chairs a five member Parliamentary Service Board. Parliament is supported by a Parliamentary Service with the Clerk-to-Parliament as the Chief Executive Officer. The Service provides professional, technical and administrative support to Parliament and its committees.

The Parliament is presided over by a Speaker who is nominated by the majority party in Parliament. The Speaker is not a Member of Parliament, but must possess the qualifications to stand for elections as a Member of Parliament. A Member of Parliament who is elected as Speaker must resign his seat as a Member. The Speaker is assisted by two Deputies, who must not come from the same political party. Both the Speaker and Deputy Speakers are elected by Members of Parliament at the first meeting of a new Parliament. The Speaker presides over all sitting of the House and ensures that order is maintained at all times. Parliament sits on an

average of 36 weeks throughout the year with recess periods in-between to enable members to attend to business in their constituencies.

Parliament is regulated by the [Standing Orders](#), rules of procedure and conventions that spelt out how business and debate should be conducted both at plenary and in committees. The Standing Orders also contain various procedures and tools such as Questions, Motions, Statements, Censure Motions and others that members can use to ensure executive accountability.

Since the inception of the Fourth Republic, the Parliament of Ghana has discharged its mandate creditably in the areas of law making and representation. It has fallen short in areas of oversight of the executive as a result of constitutional and logistical constraints. Constitutionally, article 78 which allows the President to appoint the majority of ministers from Parliament and article 108 which prevents Parliament from introducing financial legislation have stifled parliamentary initiative in policy making and inhibited effective oversight of the executive. It is hoped that the [constitutional review](#) currently ongoing will help address the challenge and empower Parliament as a countervailing force in the governance process.

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