

**IDEG PRESS CONFERENCE ON PUBLIC EDUCATION**

**THEME: AMENDING ARTICLE 55(3) OF THE 1992 CONSTITUTION: PROCESSES AND IMPLICATIONS FOR LOCAL GOVERNANCE REFORMS**

**Rationale:** Distinguished ladies and gentlemen of the media, welcome to the Institute for Democratic Governance (IDEG). We wish to thank you sincerely for your positive response to our invitation to you to attend this press conference. We have invited you here to share our views on how to educate the general public and mobilize their participation in and support for a successful implementation of the recent decision by the President of the Republic, Nana Addo Dankwa Akufo-Addo, to amend Article 55(3) of the 1992 Constitution. Since that decision was announced on 8<sup>th</sup> February 2018 in the President's message on the state of the nation to Parliament, we have been monitoring public discussions in the media. At a press conference held on April 30, 2018, the Hon. Minister of Local Government and Rural Development, Hajia Alima Mahama, presented a road map and announced 2021 as the date for the first multiparty election of MMDCEs. This has triggered an on-going national debate.

We have been monitoring the debate on whether holding multiparty local government elections in 2021, rather than in 2019, which defines the 24 months the NPP pledged to get MMDCEs elected, is evidence that the President and the NPP have failed to deliver on their promise. We have found the debate interesting but also too election-centric and narrow. We believe that unless the general public is made to understand the broader vision and strategic nature of the President's decision, successful implementation of the decision to amend Article 55(3) will be frustrated.

Accordingly, the IDEG, which has been advocating for the amendment of this article since 2010, has called this press conference to start a public education drive on the amendment of Article 55(3) that would complement the commendable efforts of the sector Ministry and other government agencies. We wish to stress that widespread public awareness and deeper understanding of the goals and potential benefits of the President's decision are critical to securing strong public approval for the amendment of the 1992 in the 2019 national referendum.

**The President's Decision:**

1. In his Message on the State of the Nation delivered to Parliament in February 8, 2018, President Nana Akufo-Addo expressed his commitment to the participation of political parties in local governance and election of MMDCEs through amending the entrenched Article 55(3) of the 1992 Constitution. To save cost and reduce voter fatigue, the 2019

district level elections and the referendum to amend Article 55(3) will be held at the same time – an arrangement which is wholeheartedly supported by IDEG. The Ministry of Local Government and Rural Development (MLGRD) is to successfully shepherd the amendment process.

2. Prior to the Message, the President had held series of consultations on the subject with former Presidents (March 2017), leaders of civil society organizations (March 2017), his appointed MMDCEs (July 2017) and leaders of the political parties (January 2018). This underscores the profoundly transformational significance of his decision meant to ultimately promote the national interest.

3. Since the President’s Message, the MLGRD has held sensitization and awareness workshops aiming to mobilise support in the regions and published a roadmap for the amendment of the Constitution through a national referendum in 2019 followed by the first multi-party MMDCEs election in 2021. That programme is on-going and we would like to encourage all stakeholders to find out more about scheduled workshops and ask to participate in them too.

#### **Significance of the Decision:**

4. The successful amendment of Article 55(3) will pave the way for the democratic entry of political parties into local government and open the Executive arm of government to the participation of all the parties for the first time in the Fourth Republic. This change would effectively put an end to the winner-takes-all system and replace it with a more win-win regime for all. Multiparty elections will empower the electorate to re-distribute the current 256 MMDCEs and MMDAs amongst the political parties. Furthermore, the amendment would also advance the execution of Article 35 (6d) of the 1992 Constitution which enjoins the state to make “democracy a reality by decentralizing the administrative and financial machinery of government to the regions and districts and create opportunities to enable people participate in government and national life”. In other words, more power and resources will be devolved to the MMDCEs and MMDAs for inclusive local development than has occurred so far under the District Assembly Common Fund (DACF).

5. Another major change that will occur with the amendment of Article 55(3) is the creation of a more enabling political, legal, financial and decentralized environment which would allow independent political parties to effectively function as developmental parties; not just marginalized election and business machines in post-elections eras. The 30 years or more that political parties have been excluded from participating in local government have deprived them of the political, organizational, administrative and technical competencies needed to effectively steer accelerated local economic and social development. All the political parties in the country today admit that will need capacity development and funding to enable them to operate effectively in local government and lead local economic development. In August 2017, former President John Agyekum Kufuor underscored these points too when he addressed the annual delegates conference of the NPP in Cape Coast.

### **Implementation Processes:**

6. Article 55(3) states that “Subject to the provisions of this article, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for elections to any public

office other than to District Assemblies or lower local government units”. This is Article is entrenched meaning that its amendment requires public approval in a national referendum.

7. There are two processes involved. The first should take place this year, 2018 and the second in 2019. In 2018, the parliament and executive have to work together to amend Article 55(3) by agreeing on the amendment Bill and the framing of the referendum question. In this process, they have to work to Constitutionally defined timelines involving publishing and gazette of the amendment Bill. Timely completion of this process by the end of December 2018 will trigger the 2019 process.

8. The 2019 process involves publishing and gazette over a six months period, fulfilling the Constitutional requirements for holding the national referendum, undertaking public education and mobilizing broad-based support for a peaceful and successful referendum.

### **Supporting Implementation:**

9. We urge all stakeholders, both state and non-state actors as well as the general citizenry as well as the media to take interest in the implementation procedures and to undertake activities to educate their membership and general public on them. Specifically, political parties should initiate discussions, avoid politicization of the procedural issues and leverage their collective competences to educate the public and mobilize their supporters towards this historic national agenda. All stakeholders should engage and exert pressure on their representatives in Parliament to act in a timely manner to assure a successful amendment of the Article 55(3) of the 1992 Constitution by September 2019.

### **IDEG’s Role- (2010-Date)**

10. The IDEG is an independent non-partisan research and advocacy think tank, therefore, the IDEG supports the President’s decision to amend Article 55(3) because it is visionary and very good for the advancement of Ghana inclusive democratic governance and transformational development. Since 2010, the IDEG has been advocating for the amendment of Article 55(3) to remove the prohibition against political parties in local governance. In its opinion, this prohibitive Article constitutionalized the winner-takes-all politics and exclusionary governance that has intensified the polarization and politicization of the nation. IDEG’s advocacy is meant to tackle the recurrent turbulence and threat of electoral violence in the presidential and parliamentary elections and to improve peace, national security and democratic stability. For these are vital preconditions for accelerated and transformational development of the economy and the communities. In 2010 and 2013, the IDEG made submissions to the CRC and CRIC on the importance of amending Article 55(3). And since April 2014 through to 2017, has been conducting periodic public education outreach and dialogues the imperative for Article 55(3) to be amended and democratic devolution reforms executed in Ghana.

11. In support of the implementation of the President's decision on the amendment of Article 55(3) and the joint District Assembly elections and national referendum the IDEG would continue with its Public Education outreach programmes, training and deploy about 1000 trainers to decentralize the programme of mobilizing public support for the amendment throughout the 256 MMDAs. Already engaging the MLGRD, the IDEG would also work with all the relevant State institutions and the national, regional, sector and community radio stations and media networks. We shall convene in soon a civil society conference to brainstorm on collective efforts to support the reform. The media will be a very important partner in this.

### **Expected Results:**

12. The national referendum on the amendment of Article 55(3) would be deemed to have been approved by the majority, if a minimum of 40 percent of the registered voters' turnout in the referendum and 75 percent voted in favor of the amendment. IDEG reckons that the turnout could be massive if civil society organizations and the political parties work together in mobilizing popular support for the referendum. Similarly, we think that the Parliamentary process of amending the Constitution in 2018 will be completed in time.

### **Conclusion:**

13. The IDEG commends the President for strategic and courageous decision on the amendment of Article 55(3) by 2019. We urge all stakeholders to support the effective and timely implementation of this momentous decision in both parliament and the national referendum. The amendment of this important Article would strengthen democratic stability, developmental governance and accelerate transformational and inclusive local economic development.

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