Mr Speaker, I would want to congratulate the Hon Ras Mubarak for his well-researched Statement. Mr Speaker, having said that, I would want to advert my mind to the proposition made by the maker of the Statement, which is a call for an amendment to be affected, relative to article 89 of the Constitution, on the issue of the nationality of the members of the Council of State. In the view of the Hon Ras Mubarak, it has not been provided for in article 89 for members of the Council of State to be Ghanaian, as it is in respect of Members of Parliament, the President, et cetera.

However, Mr Speaker, reading article 89 with a critical eye, together with the oath of office of a member of the Council of State, I have a very strong conviction. If we read the Constitution as a whole and attempt to glean at the spirit of it as espoused in Tuffour v. Attorney-General, we would easily come to the conclusion that one cannot be a member of the Council of State if one is not a Ghanaian.

It is not for nothing that the framers of the Constitution clearly provided for a retired Chief of the Defence Staff, a retired Inspector-General of Police and the President of the National House of Chiefs. All these former public office holders, by necessary implication, would be Ghanaians. Mr Speaker, additionally, if we consider the fact that the Council of State, in article 90, wields some amount of legislative power; it could consider Bills and even propose amendments to Bills, which are before Parliament or even Bills which have already been passed by the Parliament of Ghana, we would easily arrive at the conclusion that the spirit —

Mr Speaker, if one reads the letter and confines himself to the letter, he would arrive at the wrong conclusion. So, a deliberate attempt must be made to glean at the spirit of the Constitution. When he has done that, he would come to the conclusion that, the eligibility criterion as proposed by the maker of the Statement, in respect of nationality, might not be too necessary.

Mr Speaker, I share in the views of the Hon Member who spoke on the other side of the House. But in his view, we may have to probably consider the elevation of the Council of State to a second Chamber. The maker of the Statement said, and I am not sure whether I heard him right. He sort of suggested that the Council of State is a Second Chamber. If that was what he wanted to say, I would say that, no, it is not a second Chamber yet. Propositions have been made for its elevation. I am one of those who believe that the time has come for the Council of State to be elevated to the status of a second Chamber of Parliament.

Mr Speaker, like I said earlier, this is a body which already wields some amount of legislative power. It has the mandate, if the President refers Bills to it, to consider and even propose amendments, and refer the amendments together with a memorandum to the President for his consideration. If this is one of the functions of the Council, why do we not elevate it, so that it
can take its proper place when it comes to law-making? So so that Bills passed by this House, before they receive Presidential assent, would have to go through the Second Chamber for their review before Presidential assent, as it is done in countries that have the bicameral legislatures.

Mr Speaker, I would also state that we should consider the amendment of article 91. This is because if you look at it, what we have succeeded in doing is to provide for a Council of State, which has the mandate to advice the President, but the President is not bound by its advice.

Mr Speaker, the Council of State acting suo moto, can pick on an issue that is being handled by the President, Parliament or a Minister of State, and render its advice, but in all these things the President, Parliament or even the Minister of State is not bound by the advice of the Council of State. So, the Council itself is toothless in that sense. It can bark but cannot bite. They advise, and somebody can at will say I would not listen to them. What do they do?

Mr Speaker, to make the Council of State very relevant within our times, it is important that we consider elevating it to a second Chamber of the House.

Mr Speaker, thank you very much for the opportunity.