REPORT ON
THE FIRST SESSION
OF THE SEVENTH PARLIAMENT
2017

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About Odekro

A well-functioning democracy is built on a foundation of transparency and accountability. In our traditional tripartite system of government, the legislative arm bears primary responsibility for shining the light of scrutiny on the business of government and in holding public officials to account. Yet, information with which to assess the work of the Ghanaian Parliament itself or to hold MPs accountable is often lacking. While occasional assessments of individual Parliamentarians can provide useful information, a more comprehensive approach to parliamentary monitoring can often yield deeper insights into Parliament’s effectiveness.

Odekro seeks to promote transparency, accountability and democratic governance through citizen action and engagement with the Parliament of Ghana and other government agencies. The Odekro platform promotes transparency and popular participation by providing free public online access to Bills, Motions, and parliamentary Debates (Hansards). The Hansards and parliamentary data are extracted from purchased and scanned documents, Parliamentary Clerks, and portable document formats (PDFs) published openly on the Parliament of Ghana website. Odekro uses a set of indicators to assess and measure the performance of Parliament. These indicators are derived from a series of variables and are combined into an index to measure variations in the quality, quantity, and output of legislative activity and to facilitate engagements with the public and other stakeholders.

Through our work, we aim to generate, analyze, and present relevant data in citizen-friendly forms, enhancing public understanding of the workings and work of Parliament and enabling citizens to make informed assessments of the performance of individual members of Parliament (MPs) and Parliament as a whole.
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Foreword

Ghana ushered in its Seventh Parliament at the dawn of January 7, 2017, after its general elections the previous year that transferred both Executive and Legislative control to the New Patriotic Party (NPP). The 275-member single-chamber House conducted business of remarkable scope with considerable briskness in its inaugural year. It approved a new Chief Justice; screened and approved 110 ministerial and deputy ministerial nominees; summoned and questioned the Electoral Commissioner over the charging of fees for Voter ID card replacement and provision of accreditation cards to Journalists who covered the 2016 general elections; considered and passed a host of groundbreaking Bills and battled scathing controversies and setbacks.

The primary objectives of this report are to promote greater transparency of Parliament’s work and to empower Ghanaians, communities, the media and, civil society with the necessary data to hold Parliament and MPs accountable.
Research Methodology Notes

Data Sources
All datasets for this report were obtained from official parliamentary publications produced by the Table Office and the Hansard Department of Parliament. The data collected and analyzed were extracted from the Hansard, Order Papers, Votes and Proceedings, and Committee Reports.¹

Data Collection and Verification
Most of the documents were primarily obtained in soft copy, downloaded from Parliament’s website. Each digital copy was checked for completeness by comparing our cache of data with the record of Parliament’s sitting days during the first session. Additional verification for data accuracy was carried out to ensure each document was marked as having been produced by either the Tables Office or the Hansard Department and page numbering was accurate to avoid missing pages.

The major data gaps identified from the soft copies downloaded from Parliament’s website included broken links to some of the files, duplication of documents with different stamp dates, and incompleteness of some files while other documents had not yet been uploaded on the website as of the printing of this report. To make up for the data gaps, hard copies were obtained from staff of the Parliamentary Service and scanned into PDF format. At the end of the exercise, of the total number of 139 sitting days for the First Session of the Seventh Parliament, we obtained a complete set of 118 parliamentary Hansards out of 139 (84%), 136 Order Papers out of 139 (97.8%) and 137 Votes and Proceedings out of 139 (98.6%) for our analysis. The shortage in the number of Hansards is on account of the inability of the Hansards Department to make available the complete set of Hansards for the first session to us upon official request as of the time of writing this report.

Data Mining
At Odekro, we have in-house software with extensive data extraction algorithms which we use to mine targeted and specific datasets. For this report, the parliamentary data cache obtained was entered into this software with the help of predetermined algorithms to mine and extract data on a number of items relating to MPs activities in the House, including but

¹‘Hansard’ is an official report entitled ‘Parliamentary Debates’ containing the debates of each sitting of the House which shall be as verbatim as possible.
‘Order Paper’ is a daily publication in the Westminster system of government, which lists the business of Parliament for that day’s sitting.
‘Votes and Proceedings’ is an official record of the attendance of Members at each sitting and all decisions of Parliament, and shall be kept by the Clerk.
not limited to MPs attendance and other variables. Extracted data were then converted into Excel and Word documents as appropriate.

**What the Report Measures**

Our assessment was limited to variables which could be tracked using data produced by the Parliamentary service itself and recorded in the Hansard, Votes and Proceedings, Order Papers and Committee Reports.

The data on MPs plenary attendance is collated by extracting his or her name from a list of MPs Present, Absent and Absent with Permission as recorded in the daily Votes and Proceedings. MPs can correct any erroneous records at the commencement of proceedings on the next sitting. To ensure accuracy, we considered any instances of corrected records in the following day’s Votes and Proceedings document and used these records to correct our preliminary data.
Introduction

Two major examples of democratic governance are parliamentary and presidential democracies. Both of these systems of governance operate on the theory that power emanates from the people/citizenry who elect the Parliamentarians and/or the president.

A parliamentary democracy is a form of government in which the people/citizenry elect representatives called Parliamentarians on party tickets into a legislative body (Parliament) to directly exercise power on their behalf (Rock, 2017). The Legislature then elects an Executive leader, often referred to as a Prime Minister, as is the case in the United Kingdom. The party with the highest amount of representation forms the Majority and the government led by the Prime Minister, while the party/parties with minority representation form the Opposition/Minority in Parliament.

In the parliamentary system, there is usually no clear-cut separation between the Executive and the Legislature, which compromises checks and balances (Poindexter 2018). It is, however, easier to pass laws as there is no threat of a presidential veto (Rock 2017).

In the presidential system, the people elect both the members of the Legislature and an Executive leader known as a President, as is the case in the United States of America.

Ghana’s democratic system is a hybrid one, fusing aspects of both the parliamentary and presidential traditions. There is a Parliament and there is an Executive led by the President, who is separate from the Legislature. The Parliament of Ghana has a supervisory responsibility over the Executive.


In January 2018, Ghana celebrated 25 years of parliamentary democratic governance: the most enduring of all the Republican parliamentary democracies in the country’s history. While the last 25 years of multiparty parliamentary democracy in Ghana has been stable, it has had its own governance problems. For instance, since 1993, Ghana has almost become a two-party state, with the National Democratic Congress (NDC) and the New Patriotic Party (NPP) dominating and alternating power on a two four-year terms basis (see Sagoe-Moses, Armah and Sarfo-Kantankah 2016: 12-16). This dominance by the two main political parties, coupled with some lapses in our 1992 constitution and Parliament’s apparent acquiescence to the Executive, appears to have compromised the oversight functions of the Ghanaian Parliament.

As noted by Sebudubudu and Osei-Hwedie (2006: 35), “Democracy has more meaning when there are checks and balances between parliamentary opposition and government
organs.” However, since MPs’ loyalty to their political parties appears to have become more important than their loyalty to the State, it has, over the years, affected the checks and balances between the majority and the minority, on the one hand, and between Parliament and governments on the other. This is because the opposed parties usually take entrenched positions on matters affecting the state.

In debate, MPs defend party interests over citizen’s interests. This has weakened the Parliament of Ghana in its role to ensure good governance by supervising the actions and inactions of the Executive. Parliament’s weakness in overseeing activities of the Executive stems from a number of factors: excessive partisanship, executive dominance of Parliament, the appointment of Parliamentarians as ministers, among others. In fact, Ghana’s Parliament has been described as a “talking shop” (Ofori-Mensah and Rutherford 2011: 4).

In Ghana, bills, loans and infrastructural agreements mostly emanate from the President/Executive and must be approved by Parliament through a five-stage process of debate and committee assessments (see Sagoe-Moses, Armah and Sarfo-Kantankah 2016: 9-10). This is one of the crucial functions of Parliament in terms of overseeing the activities of the Executive. Due to weaknesses in the oversight, representative and legislative roles of the Parliament of Ghana, Parliament it has come under scrutiny in recent times by civil society organisations, marginalized groups and other interest groups, including Odekro.

The report begins with a focus on Speaker Oquaye’s agenda to transform Parliament. The Speaker, in his inaugural address following a unanimous approval by Parliament, mentioned a 9-point ambitious agenda he aims to achieve during this tenure. Odekro assesses the Speaker’s progress in this regard.

Also, the report looks at the volume and speed of passage of Bills and policy priorities of Akufo-Addo’s government along specific sectors. It also evaluates the extent to which parliamentary committees engaged relevant publics in the consideration of important Bills. This is followed by gender related matters in Parliament and the dynamics of MP-Constituent relations.

The final part of the report evaluates the absenteeism patterns of MPs and attempts an explanation for inability of Speakers to enforce Article 97(1)(c).
Speaker Oquaye in Focus

His Agenda

Having served two terms in Parliament as MP for Dome-Kwabenya (2005-2013) and as Second Deputy Speaker of Parliament (2009-2013), in addition to holding various ministerial and ambassadorial portfolios, Right Honourable Speaker Professor Aaron Mike Oquaye secured unanimous approval from the House on January, 7 2017 to become the Speaker of the Seventh Parliament. Speaker Oquaye has several academic publications on democracy and good governance to his credit, and thus it did not come as a surprise that, following his approval, he outlined a nine-point vision statement to transform Parliament as follows:

1. Passage of the Affirmative Action law;
2. Revision of the Standing Orders of Parliament;
3. Introduction of the Private Members Bill;
4. Improving the capacity and scope of the Committees of Parliament so that the inquisitorial power of Parliament is applied to its logical conclusion;
5. Commissioning a study to document all boycotts and walkouts in Parliament and an assessment of their impact on the growth and development of democracy in Ghana;
6. Modernization of the Parliamentary library and the record-keeping process including records of how individual MPs vote;
7. Commencement of a “Parliament/Citizen Encounter” programme with the assistance of think tanks;
8. Improvement in the salaries and work condition of MPs;
9. Acquisition of a new chamber, good library, books and mimeographs.

Revision of Standing Orders of Parliament

Speaker Oquaye’s intention to revise the Standing Orders of Parliament is to bring closure to a process over a decade-old and ensure that the rules and procedures of the House reflect the dynamics of parliamentary business. Over the years, some MPs have appealed to
the leadership of Parliament to create a distinction between members absent on their personal business and those absent on parliamentary business. It is curious how this will work particularly for MPs who double as Ministers of State, whose absence from Parliamentary sittings is sometimes occasioned by cabinet meetings. Having a third option for reasons of absenteeism is critical as it will add verifiable evidential material to existing literature on the extent to which the Executive is negatively affecting the work of MPs.

In Odekro’s analysis of MPs’ interventions in the Sixth Parliament, it emerged that the most significant factor that affects an MP’s participation in debates is his or her selection for a leadership position. The order of precedence in the Standing Order was created with the assumption that each party’s chosen leaders are in the best position to represent the party’s views. However, MPs are also agents of their respective constituencies and local communities, each of which is rightfully entitled to an equal opportunity to have their particular concerns aired on their behalf by their representative in Parliament. Given the high numbers of new MPs in the Seventh Parliament, the leadership runs the risk of exacerbating the pattern identified in the Sixth Parliament of parliamentary leadership dominating debates. In light of this, in the process of revising the Standing Orders of Parliament, Speaker Oquaye should ensure that there is equity in speaking opportunities among MPs.

Affirmative Action

The Speaker has been a long-time advocate for affirmative action. In his paper, “Reserving Special Seats for Women in Parliament: Issues and Obstacles”, he bemoaned the widening gap between men and women MPs whilst providing factors that account for the status quo. To eliminate barriers working against women’s interest to become MPs, Oquaye (2012) proposes amongst other actions, “schooling, training and exposure of women to politics; sharing of family responsibilities among the sexes; a stop to unfair party nomination processes.” In his nine-page inaugural speech to Parliament, Speaker Oquaye said, “an affirmative action law could be the only way of using the law as an instrument of social engineering and mischief correction to ensure equality”. It is likely that the Affirmative Action Bill will be passed in the second Session of the Seventh Parliament.

Strengthening of Parliamentary Committees

Speaker Oquaye’s statement of intent to improve the inquisitorial powers of Parliamentary committees, if implemented well, will greatly supplement existing efforts against perceived corruption in Parliament. Institutional building is however not enough. The Speaker will have to respond to Ghanaians’ demand for greater transparency and accountability. The speaker has affirmed that “a lawmaker cannot be a law-breaker”, and this incisive admonition has to manifest in deeds under and beyond his tenure. This legitimate cause is anchored on two

significant events that further damaged the already seared image of Parliament in the First Session.

On Friday 27 January, 2017, Hon. Mahama Ayariga (MP, Bawku Central) alleged during an interview on Radio Gold that the Minority Chief Whip and MP for Asawase Hon. Alhaji Muntaka gave GHS3,000 each to some NDC MPs on the Appointments Committee as part of a grand bribery scheme to secure unanimous approval of the then Minister-Designate for Energy, Mr. Boakye Agarko. According to Mr. Ayariga, these monies were given to the Minority Chief Whip by the Chairperson of the Appointments Committee, Mr. Joseph Osei-Owusu (MP, Bekwai) at the insistence of Mr. Agyarko.

In April 2017, Parliament’s reputation came under assault again after a confidential letter from the British High Commission in Accra to the Speaker of Parliament was leaked to the media. In the letter, three sitting MPs and a former MP were accused of wrongfully using their diplomatic passports to secure visas for the migration of their relatives from Ghana to the United Kingdom (UK). The accused were Hon. Richard Acheampong (MP, Bia East), Hon. Joseph Benhazin Dahah (MP, Asutifi North), Hon. Johnson Kwaku Adu (MP, Ahafo Ano South West) and Hon. George Boakye (former MP, Asunafo South).

Standing Order 191 states,

_The House may at any time by motion appoint Special or Ad Hoc Committee to investigate any matter of public importance; to consider any Bill that does not come under the jurisdiction of any of the Standing or Select Committees._

In accordance with this Standing Order, the Speaker constituted a five-member committee chaired by Hon. Joe Ghartey (MP, Essikado-Ketan) to investigate the allegations and apprise the House of its findings in the case of Ayariga’s allegations. Though the Committee concluded that the allegations were based on falsehoods and lacked material evidence, public perception that Parliament is corrupt lingered. According to the Ghana Integrity Initiative (GII):

_Based on the terms of reference of this committee (the Joe Ghartey Committee), we are not too surprised with the findings that have come out. We didn’t expect much… from the findings, we realize that there is an opportunity for Ghanaians to see [the CCTV footage of some MPs returning the envelopes purported to contain GHS3,000]. How come that is not being made available to everybody to see?_³

Meanwhile the Africa Centre for Parliamentary Affairs (ACEPA) stated that the Committee’s report rather complicated matters:

³ Anti-Graft body questions Joe Ghartey committee report
…the outcome (of the Committee’s work) has further created more clouds and has muddied the waters… it didn’t help the image of Parliament at all.  

Justice Emile Short, former Head of the Commission on Human Rights and Administrative Justice (CHRAJ), said that owing to the multiplicity of corruption allegations levelled against Parliament, it will be difficult for some to accept the Committee’s finding as a product of an objective inquisitorial exercise:

There are those who may not still be satisfied about the credibility of Parliament because of the many previous bribery allegations levelled against the institution.

Changing Face of Composition of Parliament

The First Session (2017) of the Seventh Parliament had nearly a 50% attrition rate as it recorded a total of 136 MPs as new entrants, which displeased Majority Leader Osei Kyei-Mensah-Bonsu, who argued that experience and competence are important precursors to effective parliamentary work. In contrast, Speaker Oquaye’s declaration to offer opportunities to all MPs, without any form of discrimination, and his charge to consecutive MPs to mentor new MPs, signaled his readiness to work with the demographic change. However, it seems the Speaker’s statements and what actually transpired in Parliament are mutually exclusive. Citifmonline on July 27, 2017 reports that the “House was thrown into near chaos when Minority Leader Haruna Iddrisu complained that his side was not (being) allowed to thoroughly probe government’s ‘Planting for Food and Jobs’ programme”.

On Thursday 23 November 2017, during debates on the 2018 Budget, the Minority in Parliament staged a walkout when the Speaker ignored requests by the Minority’s Chief Whip Muntaka Mubarak (MP, Asawase) and his deputy Ahmed Ibrahim (MP, Banda) to speak.

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4 Joe GharTEy Committee report only complicated matters - ACEPA http://citifmonline.com/2017/04/03/joe-ghartey-committee-report-only-complicated-matters-acepa/
**What Dominated Business Activities of the First Session**

Tax reforms, as well as some crucial bills, were very big on Parliament’s agenda. Parliament during the First Session. The tax reforms - in the form of amendments to and repeal of some existing tax acts - were ratified by Parliament to relieve local businesses of economic burdens and revive the economy. These reforms, pre-empted by the 2017 “Asempa” Budget were expected to grow the economy by 6.3% (this was exceeded by 2.4% as 2017’s economic growth was recorded at 8.7%). Odekro believes that if the tax laws and policies are implemented as envisioned and the intended purposes are achieved, it will go a long way to help push the Ghanaian human development agenda forward.

Parliament’s inability to ratify the Right to Information (RTI) Bill (2018) was a big disappointment. The Bill was first read in Parliament on Friday March 23, 2018 and published in the Gazette that same day. The RTI Bill (2018) seeks to empower persons in Ghana, with clear mechanisms and guidelines for obtaining information from public agencies and on matters of public interest. As captured in its memorandum, the Bill aims to give substance to Article 21(1)(f) of the 1992 constitution by providing for:

a. Access to official information held by public institutions;

b. The qualifications and conditions under which the access should be obtained.

By enhancing access to information on public activities, the RTI Bill (2018) - if passed - will boost transparency in governance and public administration in Ghana; help enhance accountability from all public duty bearers, and further contribute to fighting corruption in Ghana by giving impetus to persons to obtain relevant information to expose and initiate legal actions over suspected acts of corruption. Enactment of the Bill will also reaffirm Ghana’s commitment to open governance and international human rights protocols. There are 92 clauses in the Bill.

Interestingly, neither the Speaker nor the leadership of Parliament provided any official explanation of Parliament’s inability to enact the Bill in the First Session. Simply put, the government attended to higher priority campaign promises during the period.

Parliament scored some good marks on social inclusion policies, through the ratification of the Marrakesh Treaty to ensure that public information is accessible to the visually-impaired; passage of the three development Bills (2017) and the Zongo Development Fund (2017) to plug development gaps across the country, particularly in marginalized and deprived areas.

**Private Members Bill**

Article 108 has been interpreted by successive Speakers to mean that only the Executive can initiate Bills with cost implications. Article 108(a)(i-iv) states:
Parliament shall not, unless the Bill is introduced or the motion is introduced by, or on behalf of, the President – (a) proceed upon a bill including an amendment to a bill, that, in the opinion of the person presiding, makes provision for any of the following –

(i) The imposition of taxation or the alteration of taxation otherwise than by reduction; or

(ii) The imposition of a charge on the Consolidated Fund or other public funds of Ghana of any moneys not charged on the Consolidated Fund or any increase in the amount of that payment, issue or withdrawal; or

(iii) The composition or remission of any debt due to the Government of Ghana;

But though Speaker Oquaye departs from the conservative interpretation of Article 108, there is no demonstrable indication of his commitment to follow through on this by giving Members of Parliament an opportunity to initiate or introduce Bills.

The Missing Element

What is conspicuously missing in the discrete parts of the Speaker’s vision is his clear stance on Article 78(1) of the 1992 constitution of Ghana which states,

Ministers of State shall be appointed by the President with the prior approval of Parliament from among members of Parliament or persons qualified to be elected as members of Parliament, except that the majority of Ministers of State shall be appointed from among members of Parliament.

It is on public record that during his tenure as MP and Deputy Speaker of the Fifth Parliament and to date, Speaker Oquaye has been and is a staunch advocate for review of some ambiguous aspects of the 1992 Constitution. Among others, he advocates for a constitutional provision that “adequately addresses the appointment of Members of Parliament (MPs) onto boards of state-owned enterprises (SOEs), whether they are wholly or partly owned by the State.” But the Public Agenda newspaper of August 13, 2010 cites him (representing the New Patriotic Party (NPP)) together with other representatives from the National Democratic Congress (NDC), Convention People’s Party (CPP) and People’s National Convention (PNC) proposing that there should be no ceiling on the number of Ministers to be appointed by Parliament.

Then on Thursday December 21, 2017, he lamented:

Honourable members, we must be careful about the reputation of this honorable house. We come to work; we don’t get the numbers. If that is the attitude you want to adopt, let us tell Ghanaians.

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On that note, the Speaker had to suspend sitting for the second time in just three days. Prior to that, on October 31, 2017, the Speaker walked into a nearly empty chamber.

With a majority in Parliament dominated by MPs who owe their livelihoods to the Executive, it is difficult to retain reasonable separation of powers to enable Parliament perform its crucial role as an effective forum for executive scrutiny. Article 78(1) has become an anachronistic provision: a fact acknowledged by some former MPs who have served for several years:

It (being Minister and a Member of Parliament) is a big challenge. As a member of the Consultative Assembly, I recall we had good reasons for this provision. At the time, I believe we were thinking of Cabinet Ministers and not Ministers as a whole. The thinking also was that it would enable Parliament to access the knowledge of their colleagues who can provide an insight into Bills discussed at Cabinet. Somehow, this did not come out well and so, we have a situation where majority of Ministers must come from Parliament, grossly undermining (emphasis ours) the work of Parliament.

We also have a situation where Ministers sometimes miss sittings and are unable to fully contribute to debates. Of course, they are also unable to criticize their colleague Ministers particularly on issues, they are party to at cabinet level.

There is also a creeping culture of “scratch my back and I will scratch your back”. Minister “A” provides electricity for Minister “B’s” constituency and Minister “B” provides roads for Minister “A’s” constituency. Of course, this attracts the label of “non-performing” for MPs without access to this sort of patronage. We need to change this attitude in the interest of the representation of the people.

- Hon. Cletus Avoka (former MP, Zebilla); Five terms; 20 years in Parliament

  After 16 years in office and Parliamentary experience, I have developed a resistance to this idea. Firstly, it weakens Parliament extensively. In a 230-capacity Parliament (fifth Parliament), with 120 on the Majority side, taking over fifty percent of Ministers from the House is a sizable cut. There is also the tendency for Members of Parliament to play “good boy”, so that they do not intensively criticize government policy.

- Hon. Kenneth Dzirasah (former MP, Ayawaso West Wuogon & South Tongu, four terms, 16 years in Parliament

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9 Speaker complains as sitting is suspended twice in 3 days [https://www.myjoyonline.com/politics/2017/December-20th/speaker-complains-as-sitting-is-suspended-twice-in-3-days.php](https://www.myjoyonline.com/politics/2017/December-20th/speaker-complains-as-sitting-is-suspended-twice-in-3-days.php)


12 Parliamentary Memoirs
I am against it (MPs doubling as Ministers of State). We should go strictly the Westminster way where the Minister is a Member of Parliament and the Prime Minister is a Member of Parliament. We have a hybrid system that weakens Parliament. Governments can break down, but Parliament cannot really pass a vote of no confidence because of the system we operate. Under the current system, the Legislature is strongly in bed with the Executive. This is because Members of Parliament are part of the Executive when they become Ministers. Admittedly, we cannot do anything unless we change the constitution.

- Hon. Freddie Blay (former MP, Ellembelle), three terms, 12 years in Parliament

Even a former Clerk to Parliament, Mr. Samuel Ntim Darkwah, had this to say on the matter:

We should have strict separation of powers. We had this dual situation because of the defeat of President Limann’s budget. Of course, there was a bit of antagonism between the Executive and Parliament at the time. If we want Parliament to be independent, then we must have separation of powers. I think there is no total loyalty to Parliament if you have an eye on seeking appointment as a Minister.
Bills & Legislation (2017)

The Standing Orders of Parliament (2000) defines a bill as “the draft of a statute (or Act of Parliament) and includes both a private and a public Bill.” Before a bill is approved by Parliament and becomes enforceable, it must pass through the following processes [1]:

a. First Reading: The occasion when a Bill is presented to Parliament for the first time is referred to as the First Reading. The Speaker calls out the full title of the Bill and it is noted in the Hansard as having been read for the first time. The Speaker then refers the Bill to the relevant committee.

b. Committee Stage: The relevant committee scrutinises the contents of the Bill and submits a report on its findings to Parliament. Before scrutinizing the contents of Bills, committees typically solicit memoranda and advisory papers from members of the public. Interested stakeholders are then given the opportunity to present their recommendations on the Bill(s) under discussion to the committee. In some cases, committees conduct working visits to apprise themselves of the practical considerations that could influence their law-making decisions.

c. Second Reading: Parliament debates the principle of the Bill as contained in the explanatory memorandum submitted by the sponsoring Minister and the report of the relevant committee.

d. Winnowing: At this stage the sector committee removes any amendments deemed trivial. If more than 20 amendments are proposed to a Bill after the second reading stage, any MP proposing an amendment may appear before the relevant committee to defend his or her amendment(s) during the winnowing process.

e. Reading and Motion to Pass the Bill: This is the final stage of a Bill’s life in Parliament. At this stage the Bill’s full title is read in Parliament and either the Chairman of the Committee that examined it or the sponsoring Minister moves a Motion for the Bill to be passed. If a Majority of MPs present vote in favour of the Bill, it passes. There must be a quorum of at least one-third of MPs present for any Parliamentary business to be conducted, including the passage of Bills.

The first Session of the Seventh Parliament reviewed over 20 bills and on average, nearly passed all these bills (over 90% approval rate) and used on average 29.4 days to approve a bill. Legislative activity on amendments to tax acts and local government issues, mostly done under certificate of emergency, generally took less than a day to be ratified. They include
the Local Governance (Amendment) Bill, 2017; Income Tax (Amendment) Bill, 2017; Special Petroleum Tax (Amendment) Bill, 2017; Customs and Excise (Petroleum Taxes and Petroleum Related Levies) 2017; Special Import Levy (Amendment) Bill, 2017; and Appropriation Bill, 2017 (find brief narratives on these bills below).

**Local Governance (Amendment) Bill, 2017**

The Minister for Local Government and Rural Development, Honorable Alima Mahama laid the Local Governance (Amendment) Bill, 2017 before the House on Tuesday, 31st January 2017. The bill provided for the discretion of the President to revoke the appointment of an appointed member of a District Assembly by amending subsection (9) of section 10. This single-subclause amendment ensured the Bill is in harmony with Article 249 of the 1992 Constitution of Ghana[2], the discretionary power given to the President to appoint in Section 5(1)(d) of the Local Governance Act, 2016 (Act 936)[3] and also Section 23 of the Interpretation Act 2009, Act (792) which states:

*Words in an enactment which authorizes the appointment of a person to an office confer, in addition, on the authority in whom the person is vested, (a) a power, at the discretion of the authority, to remove or suspend that person.*

The Bill was passed on the same day since it was determined to be of urgent nature (Article 106 (13) of the Constitution and Order 119 of the Standing Orders of Parliament).

**Amendments to Tax Acts, 2017**


The Income Tax (Amendment) Bill (2017) was first read in the House on Tuesday, 14 March, 2017. It was an amendment to the Income Tax Act, 2015 (Act 896) to exempt the gain on realization of securities of companies listed on the Ghana Stock Exchange from income tax for the period 2017 to 31 December 2021. The bill contained a single clause which amended section 7(1) of Act 896. The bill, which was determined by the Finance Committee to be of urgent nature, was passed on 15 March, 2017.

The Special Petroleum Tax (Amendment) Act, 2017 was an amendment to the Special Petroleum Tax Act, 2014 (Act 879) to reduce the rate of special petroleum tax on petroleum products from 17.5% to 15%, so as to reduce the tax burden imposed on taxpayers and to provide some relief to the users of petroleum products.

The Special Import Levy (Amendment) Act, 2017 was passed to remove the 1% special import levy on specific imported goods. The specific goods covered are machinery for aircrafts and hydraulic turbines; water wheels; regulators with power not exceeding 10,000 megawatts; educational, cultural or scientific materials; fishing gear; machinery; alongside plan, apparatus and spare parts for agricultural purposes.

The Value Added Tax (Amendment) Act, 2017 was first read on 28 March, 2017. The object was to classify the supply of financial services, domestic transportation of passengers by air, and supply of immovable property by a real estate developer as exempt supplies, and to establish a VAT flat rate scheme to facilitate the collection of VAT and National Health Insurance Levy (NHIL) on the supply of goods in the distribution chain. The bill was passed within three days.

**Development Bills**

Page 21 of the compressed version of the New Patriotic Party’s (NPP) 2016 manifesto contains major economic initiatives of the government “designed to take giant leaps in transforming Ghana holistically, with particular emphasis on rural and deprived communities, in a major effort at inclusive development of all parts of the country, by adopting a localized development approach.” The Infrastructure for Poverty Eradication Programme (IPEP) (also known as “One Constituency, US$ 1 million”) initiative seeks to provide the equivalent of US$ 1 million to the 275 constituencies every year (totaling US$ 275 million) for the financing of infrastructure development and upgrades across the country. The idea is that, by the end of 2020, approximately US$ 1.1 billion will have been spent by government on local development provision in under-served communities of the various constituencies. In this regard, the Northern, Middle Belt and Coastal Development Authorities shall be established to implement the IPEP programme and they shall be accountable to the President.

Bills for the three aforementioned development authorities (Northern, Middle Belt and Coastal) were presented in Parliament and first read on 31 July, 2017 by Chairperson of the Committee on Employment, Social Welfare and State Enterprises Hon. Kwame Anyimadu-Antwi (MP, Asante Akim Central). Prior to consideration of the Bills, the Committee undertook consultation exercises across the country to solicit the input of Ghanaians. Article 36(2) of the 1992 Constitution of Ghana states,

*The State shall take all necessary action to ensure that the national economy is managed in such a manner as to maximize the rate of economic development and to secure the maximum welfare, freedom and happiness of every person in Ghana and to provide adequate means of livelihood and suitable employment and public assistance to the needy.*
In line with this, the Development Bills (now Acts) seek to achieve the following broad objectives:

a. Ensure even and balanced development of all regions and every part of each region of Ghana;

b. Improve standard of living in the rural parts of the country;

c. Ensure equal and equitable distribution of the benefits of economic growth across the country.

In respect of the Northern Development Authority Bill (2017), which seeks to provide a framework for accelerated socio-economic development of the 57 constituencies and areas in the Upper East (15 constituencies), the Upper West (11 constituencies) and the Northern region of Ghana (31 constituencies), persons from the affected regions were consulted. There were also horizontal consultations (3 days) between the sector Select Committee (Employment, Social Welfare and State Enterprises) and Finance; Local Government and Rural Development; and Poverty Reduction Strategy Committees at the consideration phase of the Bill. The Northern Development Authority Bill (2017) spent 101 days in Parliament before it was approved.

The Middle Belt Development Authority Bill (2017) targets development gaps in the 109 constituencies and areas in the Eastern (33 constituencies), Ashanti (47 constituencies) and Brong Ahafo (29 constituencies) regions of the country. The Middle Belt Development Authority Bill (2017) spent 93 days in Parliament before it was approved.

The Coastal Development Authority Bill (2017) seeks to accelerate socio-economic development outcomes for the 109 constituencies and areas in the Greater Accra (34 constituencies), Central (23 constituencies), Western (26 constituencies) and Volta regions (26 constituencies) of Ghana. Its three-day consideration phase by the Committee in liaison with the Finance; Local Government and Rural Development; and Poverty Reduction Strategy Committees was preceded by a public consultation event held in Accra. The Coastal Development Authority Bill (2017) spent 93 days in Parliament before it was approved.

While the Development Authorities are not exceptional in concept, they do have the potential to catalyze or accelerate development. However, sluggish delivery of results by government agencies is – by extension - what necessitated the creation of these Authorities in the first place. While the latter do not collectively constitute a direct threat to the existence and relevance of public agencies, similarities in their mandates and differences in their operational structure could result in chaotic and abusive relationships. Public agencies, which are the administrative wings of government, have been left to operate in their usual bureaucratic manner with piecemeal support to improve their systems, and must still report to the Sector Ministry to seek clearance on some major decisions. Meanwhile the Development Authorities, which are essentially political apparatuses, report directly to the Office of the President, which means they have access to relatively bigger budgets, can make
key decisions in good time and, owing to their political importance, are likely to have their needs precede that of public agencies. For these reasons, some aspects of the Bills were hostile to both the public interest and principles of transparency and accountability.

The legislative scrutiny and strategic interventions by the Committee of Employment, Social Welfare and State Enterprises to ensure that necessary changes are made to these aspects are worth mentioning:

a. The role of the Development Authorities is complementary, not substitutionary. Thus, the Authorities will have to work together with the existing Municipal and District Assemblies to avoid duplication of efforts (pg. 4 of report of the Committee on Employment, Social Welfare and State Enterprises, 2017).

b. In the initial Bills submitted by Cabinet to Parliament, the Authorities were not obliged to consult Ghanaians in the three Northern regions on major projects scheduled for implementation (clause 28). The Committee recommended that it should be mandatory for the Authorities to hold public consultations on major projects (pg. 5 of report of the Committee on Employment, Social Welfare and State Enterprises, 2017).

The Zongo Development Fund Bill (2017) was first presented and read on the floor of Parliament on 18 July, 2017 and subsequently approved on 9 November, 2017 (spending 114 days in Parliament). The purpose of the Bill (now Act) is to tackle development challenges in inner-city and Zongo communities through investments in education and training; health and sanitation infrastructure development; community policing and security. It also seeks to provide support to local businesses, including the culture and arts sector. Prior to its passage, the Finance Committee and the Ministry of Inner-City and Zongo Development together consulted about 11,548 stakeholders to seek their input into the Bill (pg. 2 of Finance Committee Report, 2017). The Fund is managed by the Ministry of Inner-City and Zongo Development, which is under the Office of Government Machinery. Taking cognizance of the limited data on Zongos across the country, it will be difficult to map out and properly target beneficiary communities and groups to achieve equity in the implementation of development projects. Additionally, the Fund, if not properly managed through tight financial and accounting controls, could be turned into a ‘slush fund’ vehicle by unscrupulous elements in government seeking to buy political influence, ultimately defeating the purpose of the fund.

**Office of the Special Prosecutor Bill, 2017**

The Office of the Special Prosecutor Bill (2017) was first presented and read on the floor of Parliament on 18 July, 2017 under a certificate of emergency. Following public interest and criticism of Parliament’s failure to solicit public input, the Bill was subsequently withdrawn from Parliament to allow ample time for public consultation. It was quietly laid a second time in Parliament on 2 August, 2017 with little or no effort to raise public awareness around it.
The purpose of the Bill is to “establish the Office of the Special Prosecutor as a specialized agency to investigate specific cases of corruption involving public officers, politically-exposed persons as well as individuals in the private sector implicated in corrupt practices and to prosecute these offences on the authority of the Attorney-General.” This Bill was enacted by Parliament on 14 November, 2017 after spending 119 days in Parliament, in fulfillment of the NPP’s manifesto promise to fight corruption and promote public accountability.

However, the independence of the Special Prosecutor, which is the highlight of the Bill (now Act) is not in agreement with Article 88 of the 1992 Constitution which entrusts the ultimate authority on prosecutions in the Attorney General. Article 88 (3) and (4) reads:

(3) The Attorney-General shall be responsible for the initiation and conduct of all prosecutions of criminal offences. (4) All offences prosecuted in the name of the Republic of Ghana shall be at the suit of the Attorney-General or any other person authorized by him in accordance with any law.

Essentially before the Special Prosecutor can proceed with the investigation of corruption allegations, he will need authorization from the Attorney-General (AG) who is appointed by the President. Mr. Martin Amidu, who was nominated by the President, vetted, and subsequently approved by Parliament to serve as Ghana’s first Special Prosecutor published an article on Citifmonline on September 6, 2017 titled “A Critique of the Office of the Special Prosecutor Bill by Martin Amidu.” Therein, he blamed the ineffectiveness of successive Attorney-Generals to prosecute corruption cases on Presidents’ interference. In his own words:

There is no escaping the fact that the Special Prosecutor under the proposed Bill will remain an appointee of the Executive Authority (the President) pursuant to Article 58 of the 1992 Constitution in accordance with its separation of powers design, scheme and structure. The persons who have perpetually been responsible for the inability of Attorneys General and the Office of the Attorney General to execute their constitutional mandate of prosecuting corruption and related offences have been the Presidents as the Executive Authority in fully complying with the letter and spirit of Article 58 to execute the Constitution and laws…[3]

Also, with the power of nolle prosequi, the AG wields the discretionary power to discontinue prosecution at any stage of a criminal case[4] (Ace Anan Ankomah, 2017).

Major Mahama Trust Fund Bill, 2017

This Bill, now an Act of Parliament, makes financial provision to the surviving wife and children of the late Major Adams Mahama, who was lynched on 29th May, 2017 by a mob at Denkyira-Obuasi in the Central Region. The financial support ceases once the widow remarries or dies. The intention behind the Bill was noble but the considered approach for its implementation is problematic on several counts.
First, the inputs of Ghanaians were not sought on this Bill. Even publications on the internet raising plausible flags on the constitutionality, inclusiveness, equity and retroactivity of the Bill were all ignored.[5]

Second, the Parliamentary Committee on Defense and Interior did not conduct any investigation into events which led to the mob action nor attempt to provide justifiable grounds for the enactment of the Bill without public input. Yet the Chairperson of the Committee and his ranking member were made trustees of the fund, entitling them to some financial benefits.

[1] Parliament passes office of the Special Prosecutor Bill 2017  


[3] A critique of the office of the special prosecutor bill by Martin Amidu  

http://citifmonline.com/2017/01/25/the-office-of-the-special-prosecutor-how-independent-article/


MyJoyOnline. “Mr. President, think long before signing Major Mahama Trust Act”. 13 November, 2017  

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**Table 1 Bills and timelines (2017)**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Laid on (2017)</th>
<th>Passed on (2017)</th>
<th>No. of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Development Authority Bill, 2017</td>
<td>31 July</td>
<td>2 November</td>
<td>93</td>
</tr>
<tr>
<td>Bill</td>
<td>Introduced</td>
<td>Read Second</td>
<td>Passed</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
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<td>-------------</td>
<td>--------</td>
</tr>
<tr>
<td>Middle Belt Development Authority Bill, 2017</td>
<td>31 July</td>
<td>2 November</td>
<td>93</td>
</tr>
<tr>
<td>Northern Development Authority Bill, 2017</td>
<td>31 July</td>
<td>9 November</td>
<td>101</td>
</tr>
<tr>
<td>Zongo Development Fund Bill, 2017</td>
<td>18 July</td>
<td>9 November</td>
<td>114</td>
</tr>
<tr>
<td>Office of the Special Prosecutor Bill, 2017</td>
<td>18 July</td>
<td>14 November</td>
<td>119</td>
</tr>
<tr>
<td>Local Governance (Amendment) Bill, 2017</td>
<td>31 January</td>
<td>31 January</td>
<td>Same day</td>
</tr>
<tr>
<td>Major Mahama Trust Fund Bill, 2017</td>
<td>24 October</td>
<td>9 November</td>
<td>16</td>
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<td>Income tax (Amendment) Bill, 2017</td>
<td>14 March</td>
<td>15 March</td>
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<td>Special Petroleum Tax (Amendment) Bill, 2017</td>
<td>14 March</td>
<td>15 March</td>
<td>1</td>
</tr>
<tr>
<td>Customs and Excise (Petroleum taxes and petroleum related levies), 2017</td>
<td>14 March</td>
<td>15 March</td>
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<tr>
<td>Special import levy (amendment), 2017</td>
<td>14 March</td>
<td>15 March</td>
<td>1</td>
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<tr>
<td>Value Added Tax (Amendment) Bill, 2017</td>
<td>28 March</td>
<td>31 March</td>
<td>3</td>
</tr>
<tr>
<td>Earmarked funds capping and realignment bill, 2017</td>
<td>15 March</td>
<td>28 March</td>
<td>13</td>
</tr>
<tr>
<td>Supplementary Appropriation Bill, 2017</td>
<td>30 March</td>
<td>7 April</td>
<td>8</td>
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<tr>
<td>Appropriation Bill, 2017</td>
<td>31 March</td>
<td>31 March</td>
<td>Same day</td>
</tr>
<tr>
<td>Bill</td>
<td>Date</td>
<td>Date</td>
<td>Duration</td>
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<td>---------------------------------------------------------------------</td>
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<tr>
<td>Customs (Amendment) Bill, 2017</td>
<td>30 May</td>
<td>14 June</td>
<td>15</td>
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<tr>
<td>African Union Bill</td>
<td>*</td>
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<tr>
<td>African Union Import Levy Bill, 2017</td>
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<tr>
<td>National Identity Register (Amendment) Bill, 2017</td>
<td>14 November</td>
<td>17 November</td>
<td>3</td>
</tr>
<tr>
<td>Energy Sector Levies (Amendment) Bill, 2017</td>
<td>28 March</td>
<td>3 April</td>
<td>6</td>
</tr>
</tbody>
</table>

Source: Parliamentary Hansards (2017)

*Information unavailable


[2] Subject to any procedure established by law, the mandate of a member of a District Assembly may be revoked by the electorate or the appointing body

[3] Other members that shall not exceed 30% of the total membership of the District Assembly appointed by the President in consultation with the traditional authorities and other interest groups in the district
Gender and Parliament

Over the last few decades, several conventions and protocols have addressed the need for women’s greater participation in politics and decision-making, with many making recommendations for specific percentages of women in elected offices. In Ghana, women’s organizations such as ABANTU have routinely referred to these documents as they seek to influence and lobby governments and, in particular, to put in place specific measures such as electoral gender quotas to meet such goals.

Some of these conventions and protocols include the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Articles 3, 7, & 8); the 1995 Beijing Declaration and Platform for Action (Critical Area of Concern G and Articles 181–195); the 2003 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol), which set a target of 50 percent representation by women in decision-making bodies by 2020; the 2004 Solemn Declaration on Gender Equality in Africa, in which leaders pledged a commitment to gender parity in the African Union and their own governments, among others. The Economic Community of West African States (ECOWAS) has also developed a 2010–2020 Gender Strategy. Ghana is a signatory to all these conventions and protocols.

Against this background, there have been several arguments for increasing women’s representation in national legislatures. For example, it has been argued that it is unfair or unjust for men to monopolize political power; that without increasing women’s representation, women’s interests, needs, and concerns will not be adequately addressed; and that legislative bodies that are more inclusive and more representative are also more democratic (Phillips 1998). These ideas are however not exclusive to Ghana as they resonate across the African continent.

Gender Composition across Ghana’s Seven Parliaments

Ghana practices a unicameral or one chamber legislature. A simple majority (or first-past-the-post) voting system is used to elect MPs into the House. The 1992 Constitution allows each MP to be an elected representative of a single-seat constituency for a four-year term.
However, unlike the Presidency, there is no limit to the number of times an MP can contest elections.

Women’s representation in Parliament, with an increase of 200 in 1992 to 275 by 2016, has hovered around 10 percent, peaking at 13.1 percent following Ghana’s 2016 election. Article 17(2) of the 1992 Constitution states that “a person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.” Yet, in practice, little can be said of and written about any gender balance in representation that significantly mirrors the population demography of Ghana.

The statistical data from the last three conducted population censuses posits that women constitute a majority of 52% of the country’s population. Yet in every facet of Ghanaian society, the number of men in leadership entirely dwarfs women’s representation. The legislative arm of government is by no means an exception. Averagely, women MPs have only 13 ever constituted 11.2% of the entire membership of the Parliaments under the Fourth Republic.

This bleak number of women MPs, when further analyzed across the seven Parliaments, reveals that 60.7% of women MPs are at all times new MPs; 36.8% are serving consecutive terms while the remaining 2.5% are women MPs serving non-consecutive terms. This means that only about 40% of all women elected into Parliament get to serve more than one term, and that they serve two terms at most.

Separating women MPs in Ghana by region and political party is also instructive. On a region-by-region basis, the Greater Accra (with 22.1%) leads gender efforts in ensuring more women are elected into Parliament. Within context, this is far-reaching considering the fact that the next region, Ashanti, follows at 15.3%. Central, Western and Eastern regions follow in that order at 14.7%, 9.8% and 9.2% respectively.

Except for the first two Parliamentary elections, which may be considered exceptional (with the NPP having boycotted the 1992 election and President Rawlings and the NDC still winning the 1996 election), there have always been more NPP women MPs than NDC women MPs, irrespective of which party held the presidency or which party had the majority in Parliament.

This gender malaise inherent in our Parliamentary representation has transcended two decades and the numbers show no indication that popular political party rhetoric in addressing the issue will result in real historical change.

**Why Are There So Few Women MPs in Ghana’s Parliament?**

The gender composition of all Parliaments under the Fourth Republic has been directly allied to the will of participating political parties to ensure an appreciable balance in the candidates that contest elections on the ticket of their parties. Yet, time and time again, the dominant pattern has shown political parties to insincerely engage in heady discussions and public demonstrations of commitment to get more women into Parliament, amounting to little change beyond the pages of bulky manifestos. Two decades down the line, the huge gender deficit between political rhetoric and reality cannot be explained by mere temporary delay, but rather by an inchoate vision and commitment on the part of political parties. The only potential guarantees of political commitment must be the actual creation of genuine, effective mechanisms to ensure more women are elected to Parliament.

In Parliaments across other countries, the use of electoral gender quotas has guaranteed more than 30 percent women in their single or lower houses of Parliament. For decades before its use became so widespread, scholars of women’s legislative representation investigated the various factors influencing women’s access to elected office around the world, including level of socioeconomic development, women’s education, workforce participation and political rights, and the roles of religion, political parties and electoral systems, among others. More recent studies (Lindberg 2004; Stockemer 2011; Yoon 2001, 2004) have examined some of these same factors with respect to African countries in particular. Tripp and Kang (2008) argue persuasively that in the 2000s electoral gender quotas (along with electoral systems that offer greater candidate turnover, such as party list proportional representation systems) offer the most explanatory power for women’s increased representation in Parliaments around the world, including Africa. Indeed, countries with a lower status for women and poorer socio-economic indicators who some type of electoral gender quota, may have greater representation of women than the opposite, and we are now seeing this in parts of Africa.

With its First-past-the-post electoral system (FPTP), Ghana does not support such gender quotas. A number of challenges face potential women aspirants and candidates, especially in FPTP electoral systems, in Africa. FPTP is an electoral system that has been acknowledged to be less ‘woman-friendly’ than proportional representation systems, partly because in FPTP systems, voters vote for individual candidates, albeit members of parties, rather than for parties and their lists of candidates (Matland, 2006). In FPTP systems, the less ‘woman-friendly’ selection mechanism of party primaries are one of the mechanisms by which candidates for the general election are determined.

Darkwa (2015, pp. 251-252) identifies three main patterns to explain women’s low representation in politics in Ghana. First, there are few women candidates not because women lack interest in politics, but because of “structural and direct violence in the Ghanaian political environment” (251). Second, while “traditional gender ideology” continues to play a role in determining the outcome of electoral contests for women,
political party affiliation is even more significant than gender for women candidates (252). Third, despite consistent rhetorical commitment to women’s increased political participation, political parties “are unwilling to make the fundamental structural changes needed to engender intra-party political processes to provide women with the needed opportunities for effective participation” (252). Tsikata (2009a, 15-21) also refers to another three oft-cited explanations for the dearth of women in politics and decision-making in Ghana: 1) the impact of women’s position in other spheres of life as a result of the inequalities in the sexual division of labour, women’s disadvantages in the control of resources and gender ideologies which naturalize and reinforce inequalities; 2) the problems of the political system, including the challenges posed by political parties that are wary of women in leadership positions, the plurality majority electoral system, and an increasingly vocal role played by chiefs; and 3) the failure of public policy, including the failure of successive governments to make good on international commitments, manifesto promises, and their own policy commitments.

In spite of there being highly educated and qualified women eligible to stand for Parliament today, women aspirants and candidates may also have less access to educational and financial resources in Ghana. Musah and Gariba (2013, 468) identify women and girls’ inferior educational achievements as a barrier, quoting one-woman MP from the mid-2000s: “...in this country, right from the colonial days, women’s limited access to education has contributed greatly to their low participation in politics. Even though more girls enjoy equal opportunities in elementary schools, there is high dropout in secondary and tertiary level due to institutional, domestic and societal obstacles…”

There is also the ‘cost of politics’: elections in Ghana – whether primaries or the general elections – are prohibitively expensive for all candidates (Lindberg 2003; Westminster Democracy Foundation 2016) – but even more so for women candidates who are likely to have fewer financial resources and more difficulty raising money. According to Musah and Gariba (2013, 470), “party dues, filing fees, funding campaigns, among others, require huge amounts of money which most Ghanaian women do not have.”

**Performance of women MPs across Parliaments**

Akita’s (2010) portraits of 15 Ghanaian women in politics, about half of whom were MPs at one time or another, give a sense of which kinds of women are elected to Parliament in Ghana. Irrespective of their background – rural or urban, underprivileged or elite – all were highly educated (with at least a first university degree) and highly accomplished professionally. Most had defied significant odds to be elected to Parliament. Current or former women MPs observed, in particular, the ways in which marriage, religion, culture, socialization, and formal education threaten to subordinate and disadvantage women and girls. In 2010, two women MPs from the Eastern Region, exhorting women to stand for political office and vote for women candidates, argued that, in spite of their numerical disadvantage, women MPs were “matching their male counterparts boot for boot.”
In their study of women MPs in Ghana, Musah and Gariba (2013, 454-458) found that women MPs, though few in number, raised concerns in Parliament around roads (for access to markets), communication (for mobile reception) and peace and security (for vulnerable populations), and healthcare (water and sanitation) issues. As in other African countries, women MPs in Ghana identified specific pieces of legislation and pushed for their passage, such as the Children’s Act 1998 (Act 560) and the Domestic Violence Act 2007 (Act 732) (Musah and Gariba 2013, 458-460). Tandoh-Offin (2011, 4), meanwhile, cites the passage of the 2007 Domestic Violence Act as an example of the substantive representation of women’s interests by civil society organizations, in the short run, as a “viable means for addressing gender imbalance in policy making while efforts are made to increase the descriptive representation of women [for example, in Parliament] in Ghana in the long run.” It has also been suggested that bringing more women into the national legislature could help to reduce corruption.

Women MPs also complain of the many constraints they still face in expressing themselves and voicing their concerns on the floor of Parliament. Musah and Gariba (2013, 471) heard from respondents that “men dominate all the activities of the legislature and this tends to affect the effective participation of women in debates because they feel overwhelmed by the numbers.” Further, while a woman MP has chaired the Gender Committee, all other committees have been chaired by men MPs. In fact, there are some committees, like Government Assurances, Subsidiary Legislation and Judiciary, with no women members at all. Musah and Gariba (2013, 473) conclude that the challenges facing women’s legislative representation in Ghana are “many, varied and huge.”
MP-constituent relations

It is not easy for MPs to juggle constituent engagement with their core parliamentary obligations. The endeavour is labour and capital intensive, and yet necessary for MPs keen on maintaining goodwill with constituents and a grip on power. On a regular basis, constituents call into morning shows hosted on Radio and TV to complain about seemingly intractable local problems and the failure of government to address them. With a constituent engagement strategy in place, MPs can monitor and track these conversations and get actively involved in addressing these problems. Through townhall meetings and in-camera engagements with constituents affiliated to their parties, MPs can fashion a collective and inclusive approach to problem solving, also getting the opportunity to explain constraints faced in their line of work.

Though MPs can access funds to meet constituency development needs through common funds and lobbying, the manner in which MPs conduct themselves during election campaigns creates the impression that they are “walking ATMs” with ready cash for every problem. The downside of branding MPs as direct development providers, instead of lawmakers, is that it adds extra load to their core obligations and leaves the District Chief Executive responsible for direct development provision off the hook of accountability. Thus, it comes as no surprise to hear some Ghanaians call on their MPs to fix broken water pipes and public places of convenience.
Plenary Attendance

Regular attendance to Parliamentary sittings is a good measure of an MP’s commitment to the performance of his or her constitutional mandates of legislation, executive oversight and representation. Thus, there exists a constitutional provision in the form of Article 97(1)(c) to push chronically absent, absentee MPs to vacate their seats. Article 97(1)(c) states, “A Member of Parliament shall vacate his seat in Parliament - (c) if he is absent, without the permission in writing of the Speaker and he is unable to offer a reasonable explanation to the Parliamentary Committee on Privileges from fifteen sittings of a meeting of Parliament during any period that Parliament has been summoned to meet and continues to meet;”.

Official assignments, committee meetings, ill health and constituency activities are a few legitimate reasons that can affect MPs’ attendance to proceedings. However, per the Standing Orders of Parliament (15(2)), an MP is required to inform the Speaker in writing about his absence by filling out the leave of absence.

MPs’ attendance data is recorded in the Parliamentary Votes and Proceedings: the official record of the attendance of MPs during each sitting. The attendance record for this report was generated by summing MP’s attendance to the First Session of Parliament (2017) from a list of MPs Present, Absent and Absent with Permission as recorded in the Votes and Proceedings. At the commencement of each day’s proceedings, MPs have the opportunity to correct any erroneous records that have been captured from the previous sitting. To ensure our records were accurate, we recorded any instances of corrected records in the following day’s Votes and Proceedings document and used these records in our report.

The attendance data for this report was extracted from a complete set of 131 sitting days out of a total of 139 sitting days for the First Session (2017) of the Seventh Parliament. This section examines MPs attendance records in relation to five key variables namely: party affiliation, electoral competition, term of office, age and ministerial or deputy ministerial status.

Absenteeism Per Meeting

According to the Standing Orders of Parliament, a meeting is “any sitting or sittings of Parliament commencing when Parliament first meets after being summoned at any time and ending when Parliament is adjourned sine die.” In parliamentary practice, each session (a
series of meetings of Parliament within a period of twelve months) is divided into three meetings.

From the datasets, the overall data across the three meetings of the first session showed an increase of 2.4% in absenteeism between the first and second meetings, and a marginal increase of 0.2% between the second and third meetings.

On an individual basis and across the meetings, for every six times an MP attends sittings, he or she will absent him/herself from the seventh sitting.

Table 2 Number of sittings and rate of absenteeism

<table>
<thead>
<tr>
<th>Meeting</th>
<th>No. of Sittings</th>
<th>Rate of Absenteeism (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>50</td>
<td>4.7</td>
</tr>
<tr>
<td>Second</td>
<td>39</td>
<td>7.1</td>
</tr>
<tr>
<td>Third</td>
<td>50</td>
<td>7.3</td>
</tr>
</tbody>
</table>

Source: Parliamentary Votes and Proceedings for First Session of Seventh Parliament

Gender

The record for the number of women elected in any single general election has been as low as 15 MPs out of 230 MPs during the Fifth Parliament, to 37 MPs out of 275 under the current Seventh Parliament. At present, the ratio of men to women MPs is 6:1.

The datasets available to Odekro for this report show an observable pattern of no significant difference between the rate of absenteeism between the women and men MPs during the First Session of the Seventh Parliament (2017). However, the huge disparity in their numbers (men MPs = 238; women MPs = 37) makes it challenging to draw any meaningful inter-gender analysis on MPs attendance to Parliament during the First session. Noticeably, the data only shows that women MPs are seven times more likely to be absent from Parliament without the written permission of the Speaker, against the men MPs who are six times more likely to be absent without permission.

In addition, due to the appointments of a majority of ministers from Parliament, the intra-gender analysis between the two political parties shows NPP (majority) men MPs were absent without the written permission of the Speaker two times higher than NDC (minority) men MPs who absented themselves without the Speaker’s permission. Similarly, women MPs belonging to the ruling NPP were three times more likely to be absent without the written permission of the Speaker than the NDC’s minority women MPs who did same.

Figure 1 Absenteeism trends: Gender
Unlike the just-ended Sixth Parliament under the Fourth Republic of Ghana, which had independent Parliamentarians, all MPs in the Seventh Parliament are affiliated to political parties, predominantly the New Patriotic Party (NPP) and the National Democratic Congress (NDC). The NPP MPs are in the majority with 168 MPs (61.1%), while the NDC’s minority are 107 (38.9%).

The data analyzed showed that on average, the rate of absenteeism without the written permission of the Speaker among NPP MPs is double that of the NDC MPs Parliament. This is often due to conflicting schedules with ministerial and deputy ministerial responsibilities.

**Figure 2 Absenteeism trends: Party Affiliation**
Electoral Competition

The fundamental proposition underlying the use of this variable in assessing MPs attendance to Parliament is to ascertain to what extent electoral competitiveness (victory margins) impacts MPs Parliamentary attendance.

On average, the data shows no significant difference between MPs coming from constituencies with either higher or lower electoral competition. Contrary to common narratives that MPs from constituencies with higher electoral competitiveness spend more time at the constituency level to engage with constituents, the Parliamentary data available shows little or no correlation between the intensity of electoral competitiveness and the attendance record of MPs to Parliament. That said, although MPs’ engagements with constituents fall outside the scope of analysis of this report, MPs who absent themselves from sitting to engage in genuine constituency work should do so in writing to the Speaker for record keeping.

Figure 3 Absenteeism trends: Electoral competitiveness
Term in Office

There has been a total of seven Parliaments under the Fourth Republic, with the Seventh Parliament still in session. According to Article 113(1) of the 1992 Constitution, each Parliament spans four years. The term of MP as used in this section denotes any number of four-year terms an MP has been voted into Parliament to represent his or her constituents.

The membership of the current Parliament is a near 50/50 split between both new MPs (representing 136 or 49.5%) and consecutive term MPs (representing 139 or 50.5%).

The attendance record shows that MPs serving consecutive terms are more likely to be absent without the written permission of the Speaker than new MPs. Perhaps new MPs feel the weight of responsibility towards their constituents and fear being called out for mistakes; want to familiarize themselves with procedures and rules of parliamentary conduct a little more than those who have stayed longer in Parliament.

Figure 4 Absenteeism trends: Term in office
The majority of MPs across both sides of the political aisle fall within the ages of 46 and 55 years. The youngest MP in the Seventh Parliament is 24 years old, and the oldest MP is 70 years old.

The data shows MPs aged from 46 years and above are seven times more likely to absent themselves from Parliament without the written permission of the Speaker, than MPs aged 24 to 35 years who are on average six times more likely to be absent without the written permission of the Speaker of Parliament.

**Figure 5 Absenteeism trends: Age**
Ministers and Deputy Ministers

The Akufo-Addo government by far has the largest number of ministers and Deputy Ministers than any of his predecessors in the history of the Fourth Republic. In line with Article 78(1) of the 1992 Constitution, a majority of 71 MPs have been appointed to perform additional responsibilities as ministers and Deputy Ministers. Of this number, there are 25 Ministers of State and 46 Deputy Ministers. Altogether, this is nearly one quarter of the 275 MPs in the House (26%) Deputy Ministers.

The attendance record shows that on average, MPs who double as Ministers of State are 14 times more likely to be absent from Parliament without the written permission of the Speaker. MPs with additional responsibilities as Deputy Ministers are 8 times more likely to be absent from Parliament without the written permission of the Speaker while MPs with no ministerial or deputy ministerial added responsibilities are 5 times likely to be absent from sitting without the written permission of the Speaker.

The analysis reiterates Odekro’s stance that the appointment of the majority of Ministers and Deputy Ministers from Parliament into the executive arm of government increases the chances that such MPs will be ineffective in the performance of their Parliamentary roles and responsibilities.

Figure 6 Absenteeism trends: Ministerial status
Absenteeism trends: Ministerial Status
First Session of Seventh Parliament, 2017

Source: Odekro data compilation

(a) MPs who Violated Article 97(1)(c)

Article 97 (1) (c) of the 1992 Constitution states that a Member of Parliament shall vacate their seat in Parliament if they are absent without the written permission of the Speaker for 15 sittings days or more anytime Parliament has been summoned to meet.

On a meeting-by-meeting basis, the data shows 3 MPs never absented themselves without written permission of the Speaker; 34 MP Ministers (n=15) and Deputy Ministers (n=19); and 20 non-MP Ministers/Deputy Ministers violated Article 97(1)(c).

Table 3 MPs with perfect attendance records

<table>
<thead>
<tr>
<th>Name</th>
<th>Constituency</th>
<th>Party</th>
<th>1st Meeting</th>
<th>2nd Meeting</th>
<th>3rd Meeting</th>
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Table 4 MP Ministers/Deputy Ministers who violated Article 97(1)(c)

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<tr>
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<th>Party</th>
<th>Minister / Deputy Minister</th>
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<th>2nd Meeting</th>
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Source: Parliamentary Votes and Proceedings for first session

Table 5 Non-MP Ministers/Deputy Ministers who violated Article 97(1)(c)

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<th>Name</th>
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Source: Parliamentary Votes and Proceedings for first session
Inability of Speakers of Parliament to Expel Chronically Absentee MPs, Roles Citizens Can Play, and The Way Forward

Absenteeism can obviously ruin the work of the Ghanaian Parliament. The question is why Speakers of Parliament are not enforcing the rules on Parliamentary absenteeism? Several factors may account for this, including partisanship on the part of Speakers, Executive dominance of Parliament and appointment of Parliamentarians as ministers.

In Ghana’s Parliament, the Speakers have always been put forward by the government/President and have mostly been elected by the Majority in Parliament, even though this is often done by a consensus between the Majority and the Minority\(^4\). Thus, the Speakers mostly have a leaning towards the interests of the government in power and the Majority, which makes it difficult for them to crack the whip against absentee MPs, the majority of whom are from the Majority side.

Article 97(1)(c) requires that an MP shall vacate his seat in Parliament “if he is absent, without permission in writing of the Speaker and he is unable to offer a reasonable explanation to the Parliamentary Committee on Privileges from fifteen sittings of a meeting of Parliament during any period that Parliament has been summoned to meet and continues to meet.”\(^5\) (emphasis added). While this constitutional provision gives the Speakers of Parliament an enormous power to expel absentee MPs from Parliament, the provision appears quite difficult to interpret. For example, it is difficult to specify what a reasonable explanation is, allowing for discretion on the part of the Speaker. How would the Speaker be able to consider as unreasonable an MP-Minister’s explanation that he/she attended other national assignments in his/her capacity as a Minister? What about cases of ill health, where an MP can provide a certificate of hospital attendance? What if an MP attended to an emergency constituency assignment? It appears that MPs will almost always find ‘reasonable’ explanations for being absent from Parliament, hindering the Speaker’s ability to expel absentee MPs.

The appointment of the majority of Ministers from Parliament as stipulated by Article 78 of the Ghanaian Constitution is one of the problems affecting the Speaker of Parliament’s

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\(^4\) See Article 95(1) of the Constitution of Ghana which provides for the election of Speakers of Parliament.

\(^5\) According to George Ofosu, Odekro’s recent report suggests that about 42% of MPs were in breach of this Constitutional provision. See: [http://blog.odekro.org/2015/12/20/mp-absenteeism-during-ghanas-sixth-parliament-2013-2015/](http://blog.odekro.org/2015/12/20/mp-absenteeism-during-ghanas-sixth-parliament-2013-2015/)
ability to expel MPs who flout the constitutional provision on absenteeism. As noted above, it seems all MP-Ministers can always offer reasonable excuses for not being in Parliament for fifteen (15) or more days. Again, since the Speakers most often are sympathetic towards their governments' interests, it will be difficult for them to sack a government (or Minister) MP from Parliament. Expelling a government MP from Parliament may have serious consequences for their government.

Perhaps, also, the punishment prescribed by the constitution is too heavy, making it difficult for the provision to be implemented. In this sense, Parliament may begin to explore other punitive measures such as a suspension, a reprimand, a call to the Bar of Parliament to render apologies, financial penalties (such as MPs forfeiting parts of their salaries) when they flout the constitutional provision.

Article 78 of the Constitution can be amended to remove the provision enjoining the President to appoint the majority of his Ministers from Parliament. Otherwise, Parliament could legislate on the number of ministries and Ministers that a government/president can establish or appoint.

Civil Society Organisations (CSOs), stakeholders, citizens and other interests groups should begin a serious campaign to urge the Speaker of Parliament to enforce the law. It is one way in which citizens’ participation in our democracy can be realized.

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16 Odekro agrees with Sampson Lardy Anyenini that Ghanaians should show enough anger at the absentee behaviour of the Ghanaian MPs. See: https://www.myjoyonline.com/opinion/2018/April-28th/samsons-take-lets-get-these-mps-out.php
Concluding remarks

1. Most of the bills laid before Parliament, during the First Session, stemmed from the ruling party’s (NPP) 2016 Manifesto – notably the three development bills, the Office of the Special Prosecutor Bill (2017), and amendments/repeal to tax acts. But then, as indicated earlier, the government was keen on getting the economic fundamentals in shape; hence the comparatively faster speed with which the tax amendments were ratified against the Development Bills and Office of the Special Prosecutor Bill (2017). Besides economic growth, exactly how these tax amendments will materially improve local businesses, the working conditions of workers in the sectors affected and the general economic wellbeing of Ghanaians is yet to be established with empirical evidence.

2. It should also be stated that whilst the tax acts involved simple amendments and repeal, the Development Bills and Special Prosecutor Bill (2017) were newly introduced bills conceptualized from scratch and therefore had to be subjected to the full processes of law making.

3. To improve their representative duties, MPs must study available channels of communication, select and use those most applicable and effective for constituents’ engagement. Nonetheless, it has become necessary to blend both traditional (town-hall meetings) and alternative methods (social media platforms) to become more accessible to constituents.

4. There are few women in Parliament partly because some systemic and socio-cultural barriers still exist. Speaker Michael Oquaye’s vision of ensuring the passage of the Affirmative Action law is yet to materialize and perhaps the Second Session of Parliament might offer a glimmer of hope. An in-depth analysis of women candidates contesting for Parliamentary seats and the experiences of women MPs in the Seventh Parliament will be conducted in a separate report. Speaker of Parliament Professor Michael Oquaye has long advocated more women in Ghana’s Parliament. In his research paper “Reserving Special Seats for Women in Parliament: Issues and Obstacles” published in 2012, the Speaker recommended that reserved seats be adopted in Ghana as one of the ways of increasing the number of women MPs. It is imperative that the Speaker ensure the passage of the Affirmative Action law during his tenure. The current men to women ratio 6:1 is disturbing and does not offer an accurate representation of the gender distribution of the population. Although there is no observable significant difference between men and women MPs’ rate of absenteeism, the stark numerical disparity between the sexes coupled with the ministerial status of some women MPs
makes it difficult to draw very accurate conclusions in respect of the performance of women MPs.

5. Overall 54 MPs reached and crossed the 15 sittings absence without permission threshold, thus violating Article 97(1)(C) of the 1992 Constitution of Ghana, since there is no material evidence that they sought permission in writing from the Speaker. Of this statistic, 34 chronically absentee MPs (representing 62.9% of the 54 absentee MPs) double as Ministers and Deputy Ministers of State. What begs reiterating in the context of this recurring trend is the damaging impact Article 78 (1) is having on the effectiveness and operational independence of Parliament. Article 78(1) empowers the President to appoint the majority of his Ministers from Parliament. July 2017 witnessed the material effect of this constitutional provision when the Selection Committee of Parliament had to reconfigure the leadership of committee leaderships, because - as it were - the substantive Ministers happened to be Committee Chairs of their ministerial sectors. The Majority Leader of Parliament and Minister for Parliamentary Affairs captured the situation aptly:

*In the main, so many of us who came into Parliament have been taken out and have been made Ministers and Deputy Ministers who don’t usually have time to come and participate in the business in the floor of the House…we keep telling them that they should manage their time such that they should be able to have time to come to Parliament to participate in the business of Parliament and go later to their office to work, and for many of them it’s become difficult.* (GhanaWeb, 29 April, 2018)

Without prejudice to some parts of the narrative on Speakers’ inability to enforce Article 97(1)(c), below are some reformative measures Parliament can take to check MPs absenteeism:

a. Automation of the process of requesting for permission to be absent. The current process whereby MPs must manually fill out the ‘Leave of Absence’ can be somewhat ineffective. There are occasional urgent emergencies MPs must respond to in their respective constituencies which might make it impossible for an MP to come to Parliament and file an official request to be absent. This will broaden avenues of seeking the explicit permission of the Speaker in writing to be absent.

b. MPs who have sought permission in writing of the Speaker should have duplicate copies of approved “Leaves of Absence”. This is to draw a distinction between approved and unapproved leaves of absence.
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