
THE TRADES UNION CONGRESS (TUC)-GHANA



**TUC POSITION ON THE REVIEW OF THE 1992
CONSTITUTION: THE PROCESS, CRC RECOMMENDATIONS
AND GOVERNMENT POSITION**

SEPTEMBER, 2026

1.0 INTRODUCTION

The 1992 Constitution of Ghana, promulgated on January 7th, 1993, has largely endured and served Ghana well. The Constitution has given the country its longest period of democratic governance, lasting over thirty (30) years. In this period, Ghana has had nine (9) Presidential and Parliamentary Elections. These elections have resulted in peaceful and orderly transfer of political power from one political party and government to the other, on four different occasions.

However, after 32 years of operating the Constitution, Ghanaians have become fully aware of the gaps and flaws in the document. In the last few years, calls for review of the Constitution have grown louder. In the Workers' Manifesto published in 2024, we expressed support for the review of the national Constitution.

In January 2025, when the President inaugurated the Constitutional Review Committee (CRC) to commence the noble exercise of reforming the national Constitution, the TUC applauded it. In various meetings and submissions, the TUC expressed full support for Government's efforts to review the 1992 Constitution. We subsequently submitted a memorandum to the Committee. We also appeared before the Committee to explain our submissions. The Committee, Chaired by Professor Kwasi Prempeh, submitted its final report to Government in December 2025.

In July 2026, at our press conference on the Tribunals Bill, we asked Government to publish the Committee's full report, as well as the Government's position on the recommendations. On July 30, 2026, Government responded positively by publishing the full report of the CRC and its position on the recommendations.

The TUC has carefully examined the CRC report and the Government Position Paper. We have done so with the support of experts in various fields, including constitutional lawyers, political scientists and analysts, governance experts, experts on natural resource governance, decentralisation and local government, and public administration, among others. Below, we outline our position on the Constitutional Review exercise. Our position covers the recommendation by the CRC, Government Position and the approach towards amendment of the Constitution. We begin by restating the TUC's philosophy for Constitutional Governance and a new National Constitution.

2.0 TUC'S Pledge and Philosophy for Constitutional Governance

As representatives of workers and their families, the TUC and its member unions recognise the rights and responsibilities of citizens at the workplace, in the communities, and in the exercise of those rights and responsibilities as citizens we pledge to *“Resolutely defend and uphold the democratic foundations on which the future of our Nation must be built and seek the fulfilment of our aspirations, hopes and the achievement of our objectives, through democratic processes and within the framework of constitutional government and concern for the welfare of the country”*

In line with this pledge, we have committed to ensure that Ghana is at all times governed democratically. That commitment is reflected in our support for the reform of the 1992 Constitution. Our philosophy is that a reformed Constitution must “truly give power back to the people of Ghana and ensure that democracy assures the people the necessities of life”. We need a constitution that unites the people of Ghana and creates a free and

just society, a constitution that creates and nourishes institutions for national and personal security and enhances the welfare of citizens.

3.0 The Approach

The 1992 Constitution was drafted by a Consultative Assembly, comprising representatives of a broad section of the Ghanaian society. The TUC represented workers alongside other special interest groups, including farmers and market women. The Constituent Assembly acted as a “parliament”. It deliberated on issues brought before it. It adopted those issues either by consensus or by voting. The approach was inclusive and accommodated a broad spectrum of interests.

We must not depart from this inclusive approach, as we seek to fundamentally reform the Constitution. While we recognise the good effort the Committee made in reaching out and collating the views of the broad spectrum of the Ghanaian society, by its nature, the Committee’s approach to Constitutional Review may not be as inclusive as the Consultative Assembly. It becomes even more challenging when the government of the day chooses which recommendations to accept or reject on the basis of its party philosophy and manifesto and uses its majority in parliament to enact them.

The current process is trudging along this path. A simple arithmetic of the total number of recommendations proposed by the CRC versus the recommendations accepted or rejected by Government shows that Government has rejected an overwhelming 54% of the recommendations. The proposed referendum will therefore be based on issues exclusively selected by Government to the exclusion of issues favoured by other groups.

We foresee an inherent danger. We are showing the legal doorway for any future government with the requisite majority in parliament to also pursue amendments, particularly on non-entrenched clauses, based on its parochial philosophy and manifesto. We must not open up the Constitution for partisan political maneuvering. Government must make special efforts to bring on board all groups, including the opposition. It could be expensive and cumbersome, but it is necessary for building unity and consensus around the basic governing document.

4.0 The Presidency

4.1 Presidential Term of Office (Article 66(1))

The TUC notes the recommendation by the CRC for the amendment of Article 66(1) to extend the presidential term from four to five years and the Government's acceptance of that recommendation. We further take note of the Government's position that "A longer term provides a more realistic timeframe for the formulation, implementation, and assessment of government policy".

The TUC draws attention to the fact that in the event of misgovernance, a five-year tenure also means citizens will have to endure the consequences for a longer period than under the current dispensation. The acceptance of this recommendation, therefore, imposes an obligation to improve governance and bolster confidence in democratic governance. In other words, this recommendation is tied to other recommendations that are intended to strengthen and improve governance. One cannot, therefore, merely agree to tenure extension and leave everything else the same.

4.2 Presidential Appointments (Articles 70 and 195)

The TUC agrees with the recommendation to amend Article 70 to limit the appointment powers of the President. But we, like the Government, also find the four classifications of public service appointments proposed by the CRC to be vague. The TUC will work with the Constitution Review Implementation Committee (CRIC) as it develops a more appropriate and practical classification system for limiting the appointment powers of the President.

However, in the opinion of the TUC, amending this Article alone will not limit the President's appointment powers. In fact, Article 70 refers to a limited set of Public Institutions commonly described as Independent Constitutional Bodies. Insulating their appointment from the partisan instincts of a President will strengthen their independence and public confidence in their work. No doubt about that. But it does little to limit the expansive appointment powers of a President unless Article 195 of the Constitution is equally amended.

Our memorandum to the CRC proposed amending Article 195 (1) of the Constitution as part of the broader effort to limit the appointing powers of a President. Article 195(1) reads as follows "Subject to the provisions of this Constitution, the power to appoint persons to hold or to act in an office in the public services shall vest in the President, acting in accordance with the advice of the governing council of the service concerned given in consultation with the Public Services Commission".

In the opinion of the TUC, this article is the source of the expansive powers of the President when it comes to public appointments. Most subsidiary

legislations have tacked onto this Article. A typical state entity, including the Commissions and Authorities, will have a section in its enabling legislation that reads as follows: “The President acting in accordance with Article 195 of the Constitution may appoint officers or other employees as are necessary for the effective function of the Authority/Commission”. This is a problem that must be cured.

Article 195(1) must be amended to read as follows:

“Subject to the provisions of this Constitution, the power to appoint Governing Boards and Heads of public service organisations shall vest in the President, acting in accordance with the advice of the Council of State and in consultation with the Public Services Commission”.

All other appointments must be made by the Public Services Commission upon the recommendation of the Boards of the Public Service Organisation concern.

4.3 Ministers of State (Article 78(1) and 78(2))

The CRC recommends the amendment of Article 78(1) to bar Members of Parliament from being appointed as Ministers of State, Deputy Ministers, or Regional Ministers. We have taken note of the position by Government that a President should not be constrained in terms of where he draws his ministerial personnel from. We have also taken note of Government proposal to delete the words “except that the majority of Ministers of State shall be appointed from among members of Parliament” from Article 78(1). This deletion will allow a President to nominate any number of ministers from among members of parliament.

The TUC backs this recommendation by the CRC. We do not expect Ministers of State to act simultaneously as members of parliament. It has been long-held view that, in the current state of our democracy Ghana needs strict separation of powers among the three branches of government.

In the Workers Manifesto, which we published in 2024, we advocated for “strict separation of powers with special reference to the independence of the judiciary and parliament. In our submission to the CRC, the TUC was clear that for enhanced accountability in governance, it will be necessary for “strict separation of powers in which the three major arms of government are divorced completely from each other in terms of personnel. More specifically, MPs must not serve as ministers and be members of the Executive and at the same time members of the Legislature”.

The TUC does not support the CRC recommendation that an MP who resigns from Parliament must be barred from appointment as a Minister during the term of the Parliament to which the member was elected. We have no problem if Members of Parliament resign and take up ministerial appointments. Our problem is with Ministers of State doubling as Members of Parliament. The uniquely Ghanaian hybrid system has weakened parliamentary oversight and occasioned Executive dominance of the legislation. It has also weakened accountability.

4.4 Dual Citizenship and Parliamentary Membership (Articles 8 and 94)

The TUC takes note of the recommendation to amend Article 94(2)(a) to allow dual citizens to contest parliamentary elections and become

members of parliament while remaining a citizen of another country. We have equally taken note of the Government's acceptance of this recommendation, including the current efforts in parliament to allow dual citizens to hold any public position except President and Vice President.

The TUC disagrees totally with the recommendation by the CRC, and the Government's acceptance of it as well as the current legislative processes on the matter of dual citizenship. In fact, we characterise the recommendation as self-serving and a direct assault on the genuine citizenship. It is contradictory and serves no useful purpose for the country.

It is strange for the CRC to recommend that a teacher in the Ghana Education Service (GES) who is serving mother Ghana in a deprived community must resign a full year before he or she can contest parliament elections, but a dual citizen does not have to resign their other citizenship. This is the contradiction and the unfairness. We must not constitutionalise this unfairness. The current arrangement must remain.

4.5 Composition of the Council of State (Article 89(2))

The CRC recommended an amendment of Article 89(2) to create a 33-member Council of State and to also change the composition of the Council. The TUC accepts this recommendation. In recent times, the Council of State has faced challenges including public accusations that it has become an expensive extension of the Executive Branch. There have been calls for it to be abolished.

In the view of the TUC, the Council of State remains a useful organ of state that must be reformed to be effective at meeting the expectations of

citizens. The overwhelming dominance of presidential appointees on the Council is unhelpful. The processes for electing regional representatives have become infested with partisan politics. Given these challenges, coupled with the fact that the Council of State (for good reason) does not publicise its work, there are growing doubts about its relevance. The reforms recommended by the CRC must be supported.

The Council of State needs to be reformed. The number of Council members appointed by the President must not be more than five (5). The excuse that the President ought to be comfortable with the people advising him/her is not tenable. The President already has the Cabinet, which he appoints to advise him. The Council must be dominated by independent advisors unrelated to the party in power or the opposition.

5.0 Local Government and Decentralisation

5.1 Phased Election of District Chief Executives (Article 243)

The CRC recommended a phased approach to the election of District Chief Executives (DCEs). The Committee tied the right to elect a DCE to a district's economic status, implying that economically weaker districts will have to wait for a while before being offered the votes. Government agrees to the recommendation in principle. Government argues that all districts must have the right to elect their DCEs at the same time.

The TUC agrees with Government. In our memorandum to the CRC, we recommended electing all DCEs. Making the election of DCEs contingent on economic status will be discriminatory. All DCEs must be elected.

However, the TUC totally disagrees with the proposal by the Government that, for the election of DCEs, an incumbent Government will select or

nominate five (5) candidates, out of which of three (3) will be shortlisted as candidates for election of a DCE. The TUC rejects this proposal. It is paternalistic, and it retains the central government's dominance of the district administration. Most likely, an NDC government will select five (5) NDC members or sympathisers. An NPP government will do same. And Ghanaians will ask: did we go or did we come?

In the opinion of the TUC, districts must be allowed the autonomy to conduct their elections without a central government selecting candidates for them. Residents with the requisite qualifications must be allowed to contest without securing the nomination of a ruling government.

5.2 Revised Composition of District Assemblies (Article 242)

The CRC recommended amendment of Article 242 to change the composition of District Assemblies. Specifically, the CRC recommended a structured allocation of the 30 percent District Assembly members reserved as Government appointees. We support the recommendation. In fact, we add other groups such as the District Councils of Labour, Associations of Engineers, Architects and Surveyors where such bodies exist in a district.

We do not see the practical difficulties in implementing allocations to traditional authorities, women, business owners, persons with disabilities, the youth, and non-governmental organisations. In section 3.2.2 of the Government Position Paper, Government is proposing increasing the size of parliament from the current 276 to 300. And Government says the additional 24 members would be elected through proportional representation among women, persons with disabilities and youth. If Government sees no difficulty in allocating 24 parliamentary

seats to identified groups, there should be no difficulty in allocating 30 percent District Assembly membership to similarly identified groups.

6.0 Lands and Natural Resources

On this important topic, the CRC made general recommendations for improving management of Ghana's mineral resources. Government rejected all the recommendations. The TUC finds it strange that, given all the historical and contemporary concerns over our lands and natural resources, Government finds no value in all the recommendations by the CRC.

6.1 Lands and Natural Resources (Articles 257 to 269)

The TUC agrees with the broad recommendations by the CRC that seek to reform the legal framework for managing our lands and natural resources. We have on several occasions railed against the management of our natural resources. We have concluded that Ghana's vast natural resources have failed to transform our economy and improve livelihoods. It is primarily because of the way we have managed our natural resources. We, therefore, recommend a fundamental change in the way we have managed our resources.

The TUC agrees with the recommendation to vest our lands in the people of Ghana and not the President. We also agree that the Lands Commission be reformed to play the role of a primary constitutional trustee and manager of our lands. We agree to these recommendations because of our recent collective experiences with how politicians have managed lands entrusted in their care.

6.2 Natural Resource Governance (Article 268 and 269)

The CRC recommended amendment of Article 268 to require prior parliamentary approval before signing of any granting or signing of any natural resource agreement or concession. The use of ‘ratification’ instead of ‘approval’ is problematic. The peoples’ representatives must be empowered to give approval rather than being merely mobilised to ratify an agreement already executed by a minister.

We further support the recommendation to vest natural resources in a public trust purposefully created for that purpose. It is our view that the current trusteeship system has not delivered tangible benefits to the people of Ghana. Ghana needs a new trusteeship arrangement for better management of its natural resources.

7.0 Public Services

7.1 Membership of the Public Services Commission (Article 194(5))

The CRC recommended amending Article 194(2) to reconstitute the Public Services Commission (PSC) as a full-time body comprising a Chairperson, Vice-Chairperson, and up to five other Commissioners. This recommendation has the effect of eliminating the positions of part-time Commissioners. Government has accepted this recommendation.

The TUC has a nuanced position on this recommendation. A commission with all full-time Commissioners loses the insight of outside Commissioners who are not part of the day-to-day operations of the Commission, including internal politics of the Commission. In so many public sector organisations, part-time Commissioners/Board members

serve as a veritable check on full-time Commissioners who may have been absorbed and become part of the insider corps.

The TUC disagrees with the recommendation, but we can live with it. However, given that the PSC is largely a regulator of the Public Services where the unions operate, a reconstituted PSC must have representation from Organised Labour.

7.2 Prior Approval from the President by the Public Services Commission to make Regulations (Article 197)

The CRC recommended the amendment of Article 197 to allow the PSC to make regulations by Constitutional Instrument without prior approval of the President. We have taken note of Government rejection of the recommendation with the argument that the requirement to obtain the prior approval of the president has not impeded the functioning or independence of the PSC.

The TUC agrees with the recommendation by the CRC. Since the creation of the PSC as a regulator of the Public Service, it has not issued a single Constitutional Instrument for the effective discharge of its functions. On the contrary, the Electoral Commission (EC) has the power to make regulations by Constitutional Instrument without obtaining the prior approval of the President. The EC has issued several Constitutional Instruments. People familiar with the operations of the PSC in the last few years have attributed its inability to regulate by Constitutional Instrument to the requirement to obtain presidential approval before doing so.

8.0 Conclusion

The 1992 Constitution of Ghana has largely endured and served Ghana well. The Constitution has given the country the longest period of democratic governance lasting over thirty (30) years. It has contributed immensely to the political stability of the country. In this period, Ghana has had nine (9) Presidential and Parliamentary Elections. These elections have resulted in peaceful and orderly transfer of political power from one political party and government to the other on four different occasions.

The country has fully become aware of the flaws in the Constitution. Past attempts at reforming the Constitution have been unsuccessful. The current reform process has been the most ambitious. The political will and the national appetite for a reformed Constitution remains elevated. We must harness the synergy to deliver a reformed Constitution that strengthens governance, uphold rights, and turns political stability into economic and social transformation.

The process for delivering a new Constitution matters as much as the content. All stakeholders must be afforded the opportunity to participate and contribute to the process and all must be guided by the broader national interest. The process must be underpinned by effective consultation and a genuine effort at building consensus. That way, we can have a new Constitution that will unite the country, deepen democracy, guarantee security, and promote social economic well-being of the good people of Ghana.