

LGBTQ+ AS AN INSTRUMENT OF POLITICAL ELECTIONEERING IN GHANA: BY MARTIN A. B. K. AMIDU

INTRODUCTION

The aftermath of the 2012 elections put the political controversy between the National Democratic Congress (NDC) and the New Patriotic Party (NPP) over supporters and opponents of LGBTQ rights on the backburner as the NDC won that election and had the endorsement of the Supreme Court for its victory at the election petition hearing. The 2016 election was fought more on the basis of the incumbent government's alleged mismanagement of the economy and corruption than on gay rights – John Dramani Mahama was the NDC incumbent President. The antecedents of Nana Akufo-Addo as a seasoned human rights, anti-corruption, democracy, and rule of law campaigner and advocate for the development of Ghana's natural resources for the benefit of the ordinary Ghanaian resonated with the electorate for a decisive victory over the John Mahama Government which was seeking a second and last term in office.

The period from 7 January 2017 to date has demonstrated how a demagogic presidential candidate can take the electorate for a ride by making believable promises which turns into thin air after political power has been secured. The 2020 elections and the beckoning of the 2024 elections on the horizon has once again brought the subject of sexual orientation to the fore as an instrument of political electioneering for political power by the party in power and the party in opposition. Conflicts between two adversaries always leave residues which informs the next circle of conflict between the same adversaries. Anti-homosexuality or anti-gay rights appears to have become the main campaign tool designed by the NDC and its associates as the moral and emotional vehicle for winning over the electorate come 7 December 2024. The NPP on the other hand, while not opposed to the criminalization of homosexuality is more inclined to maintaining the status quo ante of allowing the Criminal Offence Act, 1960 (Act 29) to be the main instrument for dealing with any moral and legal issues relating to homosexuality.

The quest for political power for raw power's sake before thinking about how that power may be used to enhance the well-being of citizens and their fundamental human rights and freedoms as guaranteed under the 1992 Constitution appears to have blinded the NDC to the fact that Section 104 of the Criminal Offences Act, 1960 (Act 29) is still an existing law under which the NDC governments under the 1992 Constitution ruled this country and upheld the fundamental human rights of the electorate. The NPP or at least its President, having regards to his antecedents and political calculations prefers maintaining the status quo to creating geopolitical problems with any sweeping substitution of the homosexual laws as they exist on the statute book today with one emanating from the model private member's bill that was introduced in 2021 to create the appearance of opponents and supporters of LGBTQ+ rights for purely electioneering purposes within the electors at the 2024 elections.

THE GENESIS AND PROGRESS OF THE ANTI-LGBTQ+ DEBATE FOR POLITICAL ELECTIONEERING

The lines in this debate of opponents and alleged supporters of LGBTQ+ rights were first drawn for political electioneering purposes over 13 years ago during the short lived tenure of the late President John Evans Atta Mills/John Dramani Mahama Government. The late John Kumah allegedly stoked the embers with an accusation that the then President was gay

resulting in his arrest by the Police in July 2011, followed by instructions by the President to set him free. In the same month, the then Western Region Minister, Paul Evans Aidoo, MP, ordered the immediate arrest of all homosexuals in the country's west. The NDC Western Regional Minister was reported to have tasked the then Bureau of National Investigations and security forces to round up the country's gay population and had called on landlords and tenants to inform on people they suspected of being homosexuals. Mr. Paul Aidoo stated that: "All efforts are being made to get rid of these people in the society." The NDC Minister's orders were also reported to have followed months of campaigning by the Christian Council of Ghana which had the previous week called on Ghanaians not to vote for any politician who believes in the rights of homosexuals. Contrast with this historical link: [The Six Worst Excuses by Anti-Gay Public Figures Caught Doing \(Allegedly\) Gay Things \(nymag.com\)](#).

This state of affairs was followed on 2 November 2011 by a BBC report that the President of Ghana, Prof. John Evans Atta Mills, had rejected the UK's threat to cut aid if he refuses to legalize homosexuality. Prof. Atta Mills stated that the UK could not impose its values on Ghana and he would never legalise homosexuality. The Prime Minister of the United Kingdom, Mr David Cameron had raised the issue of gay rights at the previous week's Commonwealth Heads of Government Meeting in Perth, Australia, and threatened to cut the specific bilateral aid known as general budget support to countries which failed to respect gay rights. At the time Mr. Cameron issued his threat on budget support aid it was estimated that some 41 nations within the 54-member Commonwealth had laws banning homosexual acts as legacies of British colonial rule. Mr. John Dramani Mahama strongly supported the position of his President and continues to do so as a matter of supposedly religious belief.

The NDC government's position exhibited by the Western Regional Minister's orders to treat homosexuals as vermin to be hunted down and eradicated would later be contradicted by a report by the Daily Graphic on 1 February 2012 of an interview with President Mills upon his return from Addis Ababa, Ethiopia, after attending the 18th Ordinary Session of the Assembly of Heads of State and Government of the African Union (AU) where the then UN Secretary-General, Mr. Ban Ki-moon was reported to have told African leaders that discrimination based on sexual orientation had been ignored or even sanctioned by many states for far too long. President Mills told his interviewer that Ghana did not support legislation that would legalise homosexuality in the country. The Daily Graphic reportage contradicted the earlier orders of the Western Regional Minister when it reported that: "President Mills, however, said Ghana did not discriminate against gays, and lesbians, since there was no witch-hunting, and stressed that nobody had gone hunting for them, while nobody had been denied a job in Ghana because he was gay."

The impression created by President Mills in his interview of 1 February 2012 that: "Democracy means government of the people by the people and for the people. And if the people do not want it, no responsible leader will go against the wishes of the people.", exhibited ignorance of how homosexuality came to be criminalized throughout the British Empire and found its way into the laws of the Gold Coast which was inherited at independence by Ghana.

The law against homosexuality was first introduced and criminalized in the British colony of the Gold Coast in 1892. Ashanti was even then not part of the British colony. The Gold Coast criminalization of homosexuality was the direct result of the Offences Against the Persons Act 1861, a British law which criminalised sodomy, and was consequently implemented in all British colonies. Ghana inherited this law upon attaining independence from the British

through the integration of the Gold Coast colony and Ashanti, the Northern Territories of the British Protectorate of the Gold Coast colony, and the British United Nations Mandated Territories of the Gold Coast colony on 6 March 1957. The argument that the homosexuality law derived from the moral values and culture of the composite entities that became the independent nation of Ghana skews history for political purposes. Whatever culture and values may have developed were underpinned by British imposition of their cultural and moral values at the time which has through social construction theory now changed in favour of LGBTQ+ rights in the United Kingdom.

The fallacy in the attempt to locate the worldview of the proponents of anti-LGBTQ+ activities in a culture and value system attributable to Ghanaian Christian beliefs, Islam, and Traditional Religious practices is the fact that in 1892 when the British colonialist criminalized homosexuality in the Gold Coast colony, Christianity had made little or no progress in other constituent parts of what became Ghana after 6 March 1957. The Ashanti Kingdom was formally annexed to the colony on 1 January 1902 by the British for Christianity to have had any foothold there. The former northern provinces were separately constituted the same day as the British Protectorate of the Northern Territories of the Gold Coast. Islam had made incursions into some parts of the north from the trade routes in North Africa. The Trans-Volta Togoland was then a German colony. It was not until around 1906 that the Catholic Missionaries arrived in Navrongo from the then French Upper Volta to begin the propagation of the catholic faith in the north. Consequently, any culture or values that developed was the result of the British prohibition of homosexuality within the British Empire and not a particularly pervasive traditional culture or value system. As for Christianity it had always been the accompaniment of the sword of the colonisers in the enterprise of colonialism.

In politicizing the anti-gay movement for political electioneering purposes one must not allow history to be stood on its head and baseless claims to be socially reconstructed for the sake of attaining political power for its own sake.

On the NPP side of the coin, the graphic.com.gh of 26 November 2017 reported President Nana Addo Dankwa Akufo-Addo as saying that homosexuality is illegal in Ghana because there were not enough activists pushing for its legalization. Nana Akufo-Addo is reported in an interview on Al Jazeera's Talk To Al Jazeera hosted by Jane Dutton on Sunday to have said that a sufficiently strong coalition is bound to emerge in the future that will eventually push for a change in the law. He made it clear that under Ghanaian criminal law same-sex sexual activity among males is illegal. The President expressed uncertainty whether same-sex sexual activity among females is illegal. Then on Saturday, 27 February 2021 the same President, Nana Addo Dankwa Akufo-Addo, reiterated that same-sex marriage will not be legalized in Ghana. He was this time speaking at the installation of the second Archbishop of the Anglican Church of Ghana at Asante Mampong in the Ashanti Region. President Akufo-Addo stressed that the legalization of same-sex marriage will never happen during his presidency. "Let me repeat, it will never happen in my time as President," the President stressed.

The Human Sexual Rights and Ghanaian Family Values Bill, 2021 is largely the handiwork of the NDC and its associates tacitly supported by NPP Members of Parliament who did not wish to be seen as standing in the way of the Bill for reasons of political expediency. The Bill

was allegedly unanimously passed by a voice vote on 28 February 2024 because of the fear that if the NPP called for secret ballot the wrong signal would be transmitted to the public that it supported gay rights.

Before then, in the middle of June 2021 the NDC Speaker of Parliament, Alban Bagbin, stated that the LGBTQ+ rights “should not be encouraged or accepted by our society” and that “urgent actions are being taken to pass a law to eventually nip the activities of [the] groups in the bud.” In the same month, seven NDC Members of Parliament and one NPP Member of Parliament proposed the *Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021*. On 29 June 2021 TV3 GH had a short video clip on “MPs pray against LGTQ+ ahead of the introduction of a private member’s bill to criminalize it in the country” – a must watch for Christian religious fanaticism and fundamentalism akin to Islamic fundamentalism or jihadism. On 1 July 2021 the Speaker of Parliament was reported to have told a prayer meeting with lawmakers that he expected the law to be passed within six months and stating that “the LGBT+ pandemic is worse than COVID-19.” Mr. Bagbin was quoted to have stated at a morning prayer meeting with lawmakers, inter alia, that:

“The LGBT+ pandemic [...] is worse than COVID-19.... I can tell you that it is more than COVID-19, and I am happy that our beloved country, Ghana, is together in this....The President [Nana Akufo-Addo has spoken, our traditional leaders have spoken, our religious leaders have spoken together, and Ghanaians have spoken with one voice, and we don’t want to do anything that has to do with LGBT+ activities.”

Then on 2 August 2021, the bill passed its first reading in Parliament, and was referred to the Committee on Constitutional, Legal and Parliamentary Affairs. Eventually, on 28 February 2024 Parliament voted unanimously to pass the bill.

It may be recalled that in July 2011 the then Western Region Minister, Paul Evans Aidoo, MP, ordered the immediate arrest of all homosexuals in the country’s west following months of campaigning by the Christian Council of Ghana which had called on Ghanaians not to vote for any politician who believes in the rights of homosexuals. The aftermath of the passage of the LGBTQ+ Bill on 28 February 2024 saw a renewal of calls by the Ghana Pentecostal and other evangelical churches literally blackmailing and intimidating the President to assent to the Bill even before it got to his desk. On 5 March 2024 mjoyonline.com reported that the Catholic Bishops Conference had threatened to punish the governing New Patriotic Party (NPP) in the upcoming election if President Akufo-Addo refuses to sign the Anti-LGBTQ+ bill into law. It was reported that: ‘According to Very Rev Fr Clement Kwasi Adjei though concerns over whether or not to incarcerate suspects are welcome, “it doesn’t mean that the LGBTQ activities, we should support it.”’ The threat was blatant in the following words:

“We will speak and we will continue to keep speaking against what we think is wrong. If the President refuses to sign, and you know the implication for him [Nana Akufo-Addo] and his party. [I'm referring to] elections, voting... these things must not be hidden. We work in the villages, people are listening.”

While the LGBTQ+ Bill was gathering steam for passage through Parliament the leader and flagbearer of the NDC whose Speaker and Members of Parliament sponsored the bill was reported by Reuters on 31 January 2024 to have weighed in while responding to a church leader’s call against LGBTQ+ people to state that: “The faith I have will not allow me to

accept a man marrying a man, and a woman marrying a woman. I don't believe that anybody can get up and say I feel like a man although I was born a woman and so I will change and become a man.” The report caveated that Mr. John Mahama, “however, did not say whether he would sign the bill that would criminalize same-sex relations, being transgender and advocating LGBTQ rights, should he win December elections.” John Mahama would later declare at another meeting with religious leaders on 12 March 2024 his support for the passage of the bill by Parliament, and attributed and taunted President Akufo-Addo in a myjoyonline.com report on 13 March 2024 for “hesitance to approve the anti-LGBTQI+ bill to Ghana's heavy reliance on foreign aid.”

Paradoxically, Mr Mahama who had been President of Ghana for almost five years previously, was reported to have while addressing religious leaders “...outlined strategies to establish an economically self-sufficient Ghana, reducing dependence on foreign donors.” Mr. Mahama was quoted at that meeting to have said that: “This is just the reason for being self-reliant. If you are not self-reliant that is when people can dictate to you. If we were self-reliant nobody would come ask us to do this or do that and so one of the key economic policies we must pursue is self-reliance.” How Mr. Mahama ever hopes to turn Ghana into a self-reliant country within three years of winning the 2024 election before becoming a lame duck President in the fourth year is anybody’s guess if his purpose was not only to imitate the deceptive empty unfulfilled promises of Nana Akufo-Addo during the 2016 and 2020 elections.

Before the passage of the bill and the ensuing hullabaloo, on 1 June 2023 one Dr. Amanda Odoi commenced an action in the Supreme Court against the Speaker of Parliament and the Attorney-General allegedly pursuant to Article 2 of the 1992 Constitution for declarations of unconstitutionality as the Bill which was not introduced in Parliament by the President sinned against the legislative powers of Parliament by virtue of Article 108 of the Constitution. On 15 June 2023 Dr. Odoi filed her Statement of the Plaintiff’s Case. On 7 July 2023 Dr. Odoi applied to the Supreme Court for the committal of the Speaker of Parliament for contempt of court for proceeding with the parliamentary processes for the passage of the Bill despite her main action pending in the Supreme Court. An attempt to injunct Parliament at the Supreme Court failed for the applicant’s inability to have met the threshold for the grant of interlocutory injunctions. The Plaintiff on 8 March 2024 applied again to the Court for interim injunction against the Speaker of Parliament and the Attorney-General.

After the passage of the Bill but before it could be transmitted by Parliament to the President for his assent, one Richard Sky also purported to bring an action in the Supreme Court under Article 2 of the 1992 Constitution on 5 March 2024 for eight reliefs including declarations of unconstitutionality against the Bill passed by Parliament.

I do not intend to comment on the merits and demerits of the two substantive actions pending in the Supreme Court against the passage by Parliament of the LGBTQ+ Bill together with their respective applications for interim injunction as these are pending before the Supreme Court which is the constitutional arm of government to resolve those controversies by its final decision. Suffice it to say in passing that the Supreme Court of Ghana is yet to resolve the contentions by two schools of thought whether an application for interim injunction which has been properly served on an adversary constrains the adversary from taking any further

step in the subject matter of the application until the court decides the application for injunction. In the circumstances the issue is open for debate until the pending applications for interim injunctions have been decided.

In the 31 December Holiday case in which I represented the Republic as the then NDC Deputy Attorney-General, Mr. Justice N. Y. B. Adade who presided at the hearing of the interim injunction application by the NPP against the Attorney-General decided that the ends of justice will better be served if the substantive action was listed as a matter of urgency and disposed off by a decision of the Court. The Justice Adade panel, therefore, referred the matter to the Chief Justice to empanel a bench as a matter of urgency to deal with the substantive writ. The controversy was consequently swiftly heard and disposed off before 31 December 1993. This was in a different era and one cannot impose the same obligations on the Supreme Court of today, even though that case is a precedent that would have curtailed the politics of the anti-LGBTQ+ Bill for a settled judicial adjudication of this divisive political power play issue.

Since the passage of the Human Sexual Values Bill, 2021 on 28 February 2024 foreign governments and international institutions have weighed in on the propriety of the passage of the Bill and its consequences in international and financial relations. It was the intervention of these very foreign governments and international institutions that generated the NDC's determination to introduce a more draconian LGBTQ+ Bill in 2021. This tacit bargaining by foreign countries and international institutions in the passage of the Bill has served to escalate the debate and the conflict reaction of the adversaries in the conflict.

Assurances given by the President to the diplomatic community on his determination not to go beyond the existing law on homosexuality contained in Section 104 of the Criminal Offences Act, 1960 (Act 29) sent a signal that he was not inclined to assent to the Bill. Consequently, when his Executive Secretary wrote to the Clerk to Parliament not to present the Bill to the Presidency until the pending cases before the Supreme Court were resolved, he escalated the conflict further. The question is not whether the President has the power to exercise his executive authority through the Executive Secretary who is subordinate to him under Article 58 (3) of the Constitution, which I think he has. The question is whether there was not available to the Parliament, (represented by the Speaker) and the executive authority, (represented by the President) a mechanism for engagement that would have diffused the constitutional tensions and acrimony brought about by the conflict surrounding the process of the passage of the Bill.

The NDC and the NPP appear to be so invested in their opposing positions and the desire to use the dynamics of gay rights to win political power that they have not stopped to think about the consequences of their actions to the sustenance of constitutionalism, democracy, and the rule of law. The elders in the room who could have sought a compromise appear to have taken sides leading to both sides engaging in a dialogue of the deaf.

The Speaker's ruling given in Parliament on 20 March 2024 in response to the President's letter to the Clerk to Parliament, the support from the Minority caucus to the Speaker's ruling, and the riposte from the Majority caucus on even date mirrors how destructive

conflicts consume and damage systems of democracy, good governance, and cause the death of constitutions in Africa. Whether or not a President must assent to a private member's bill when there is an action for declaration of nullity under Article 2 of the Constitution and a served application for interim injunction pending before the court is the main issue at stake which only the Supreme Court can determine and not the Speaker of Parliament or the President.

Do the ordinary words of Article 106 of the Constitution on the mode of exercising legislative power override the oath of allegiance and presidential oath in the second schedule to the 1992 Constitution which requires the President to "...be faithful and true to the Republic of Ghana; that I will at all times preserve, protect and defend the Constitution of the Republic of Ghana..."? Is it not for the Supreme Court in such a situation of conflicting interpretation between the citizen, the legislature, and the executive the appropriate arm of government to be the final arbiter of such a controversy under the Constitution?

The unfortunate situation in this political conflict over LGBTQ+ rights in Ghana is that the Speaker who is supposed to be an umpire in the legislative process took sides right from the inception before even the proponents of the private members bill could table their bill in Parliament. The Speaker's pontifications on constitutional law and interim injunctions in relation to the President's conduct and assent to the LGBTQ+ Bill seems to come from a person with a vested interest in the ruling he read to the House on 20 March 2024 which offends against a fair and impartial exercise of the functions of a Speaker of Parliament. But this is a Speaker who has told the whole world that he is corrupt and transactional in his dealings.

I see the Speaker's conclusions in which he anchored his decision on the fact that: 'the House is unable to continue to consider the nominations of His Excellency the President in the 'spirit of upholding the rule of law "until after the determination of the application for interlocutory injunction by the Supreme Court"' as an exhibition of the transactional nature of the Speaker. The Speaker was outwardly partisan and economical with the truth when he purported to base his decision on an alleged receipt of "a process from the Courts titled Rockson-Nelson Etse K. Dafeamekpor vrs the Speaker of Parliament and the Attorney-General (Suit no. J1/12/2024) which process was served on the 19th of March 2024 and an injunction motion on notice seeking to restrain the Speaker from proceeding with the vetting and approval of the names of the persons submitted by His Excellency the President until the provisions of the constitution are satisfied." Mr. Dafeamekpor only filed a writ without an accompanying Statement of the Plaintiff's Case in the action referred to by the Speaker in his ruling of 20 March 2024.

Until Mr. Dafeamekpor has filed his Statement of the Plaintiff's Case, he was not in a position to file an application for interim injunction and serve same on the Speaker and the Attorney-General to operate as a stay if one took the view that service of such an injunction constitutes a stay. Interestingly, there was no relief endorsed on Mr. Dafeamekpor's writ seeking a declaration against the approval of ministers who had been vetted and their names submitted to the plenary of Parliament for approval. The Speaker who definitely read the writ

served on him knew this and knew that he was deceiving the public by claiming that he had been served with an application for interim injunction where none was possible or available to be served on him.

The Speaker quoted Dafeamekpor's Suit Number as J1/12/2024 without being able to quote the Motion Number of the application for interim injunction allegedly filed by Mr. Dafeamekpor which demonstrates that the Speaker had no application for interim injunction served on him as he alleged. Only the ignorant will fail to know that a suit number cannot be the same as the assigned number for a motion or an application brought as a result of the substantive suit in a court of law. Honour, integrity, and ethics of a seasoned lawyer indeed!

The timing and coincidence of Mr. Dafeamekpor's action in the Supreme Court on 18 March 2024 and Speaker Bagbin's ex-cathedral ruling in Parliament leaves me with the clear impression that there was a collusive purpose to achieve a pre-planned outcome in the Speaker's exposition of the Constitution and to conflate the approval of Ministers who were pending approval by the plenary with Ministers whose appointments had been revoked and immediately purportedly reassigned to new Ministries by the President. This appears to me to be a clear demonstration of the determination of the NDC to make the issue of LGBTQ+ the centre of its electoral campaign for political power in the 2024 elections.

My intelligence is that Speaker Bagbin who was in the United States and was not expected back before the House adjourned on Wednesday, 20 March 2024 after completing the business of the day, unexpectedly returned in the evening of Tuesday 19 March 2024, delivered his ruling on 20 March 2024 at a time of his choosing, and adjourned the House sine die without consultation with the leadership of the House. Speaker Bagbin then left the same evening by Emirates Airlines through Dubai the same night 2024 enroute to a destination abroad all at public expense. This supports my contention that the NDC and Speaker Bagbin worked in tandem on a planned agenda against the sanctity of the 1992 Constitution. President Rawlings did not birth the Fourth Republican Constitution to endanger it as the NDC of the Ahwois and their cohorts are doing today for the sake of mere political power.

CONCLUSIONS

The politics of this country has within the past thirteen years under the 1992 Constitution turned into a profane struggle for power by the NPP and the NDC for whose turn it is to eat from the public purse at the expense of the mass of the people whom they have continually deceived into voting them alternately into power. The well-being and welfare of the ordinary citizen is just of a tangential interest to these political parties in absolute violation of the provisions of the 1992 Constitution which guarantees fundamental rights and freedoms and entrust sovereignty to the people. In the name of traditional, religious, and cultural values and morality, the citizen is entreated by political parties to entrust his future to a Sugarcandy Mountain after death, just as the animals found salvation there in George Orwell's Animal Farm.

Our British colonial master hoisted upon the Gold Coast colony and Ashanti, and later the Northern Protectorate of the Gold Coast colony the culture, morality, and value system of criminalizing homosexuality in the nature of unnatural carnal knowledge which has been continued into force since 1892 to date in Section 104 of the Criminal Offences Act, 1960 (Act 29). Ghana has since independence in 1957 at the sufferance of the British Crown gone through four Republican Constitutions and a number of military regimes each of which has maintained Section 104 of Act 29 which has served this country well.

In my humble view, in such circumstances, the most reasonable and demonstrable way of showing that Ghanaians have decided as a collective to depart from the paraphrased words of the late President Mills when the Daily Graphic reported that: “President Mills, however, said Ghana did not discriminate against gays, and lesbians, since there was no witch-hunting, and stressed that nobody had gone hunting for them, while nobody had been denied a job in Ghana because he was gay”, is to submit a question to the electorate at a referendum properly organized for the purpose to determine whether the majority of electors support the “witch-hunting” and “discrimination against gays and lesbians” as the NDC has sought to do in a private members bill with the support of so called religious bodies to upend the existing law on unnatural carnal knowledge under Section 104 of Act 29 for purely political electioneering purposes.

The danger of entrusting the lives of citizens to private member’s bills in a developing country such as ours where political parties usurp the constitutional guarantees to, and the sovereignty vested in, the citizen has clearly been brought out by the disagreement engendered by the Human Sexual Rights and Ghanaian Family Values Bill 2021 and the manner it passed through Parliament under the umpireship of a partisan Speaker and self-confessed corrupt public official.

The only rational way by which the electioneering manoeuvres captured in the Human Sexual Rights and Ghanaian Family Values Bill, 2021 in the name of tradition and religion can be amicably resolved in the national interest is for the Supreme Court to have an opportunity to make a final pronouncement on the constitutionality of the pending actions on this matter before it, particularly on whether the conduct and actions of the Speaker before the private members’ bill was tabled in Parliament and his pronouncements outside Parliament are not in contravention of Articles 106 and 108 of the 1992 Constitution. Should those actions fail, it will be in the interest of the fundamental human rights and freedoms guaranteed in Chapter Five of the 1992 Constitution that when the Bill is eventually assented to and comes into force its constitutionality be tested in the Supreme Court.

The Supreme Court has a duty and responsibility to restrain the NDC and the NPP from killing the Fourth Republican Constitution which has survived for three decades and upwards by their reckless ambitions for power grabbing for its own sake at the expense of the welfare of the sovereign people of Ghana. The 1992 Constitution is for We the People and not political parties as incorporated entities usurping the sovereign power of the people.

Martin A. B. K. Amidu
24 March 2024