



First Democratic Constitution of Ghana

March 2026, by
Fuseini Yakubu



First Democratic
Constitution of Ghana

Drafted by
Fuseini Yakubu

1st Draft (31st March 2026)

This Constitution is provided as a draft for the consideration of any country or state interested in implementing a true democracy.

It is based on studies from the book *The Tragedy Called Democracy in the 21st Century* (2023), which is recommended for a thorough background and understanding of terms used and provisions made in this Constitution.

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1. Declaration

- (1) We, the People of Ghana, in whom the sovereignty of the State of Ghana resides, in exercise of our inalienable right to self, and thus self-determination and self-governance, and with the blessing of God, enact and adopt this Constitution.
- (2) This Constitution, by the sovereign will of the People of Ghana, shall be the supreme law and framework for the State of Ghana.
- (3) All laws, and powers of governance, of and over the State of Ghana shall be derived from and subject to provisions of this Constitution, and any laws, actions or powers of governance of and over the State of Ghana found to be inconsistent with this Constitution shall, to the extent of the inconsistency, be void.
- (4) Any act done, or which seeks, to aid or directly, to compromise the integrity, safety or continuance of, this Constitution or the State of Ghana, unlawfully and against the will of the People of Ghana, shall constitute a crime of
 - (a) Treason, if the actors are of the State of Ghana; or
 - (b) War, if the actors are not of the State of GhanaAnd the act shall be defended against, and, upon conviction, those guilty of the crime shall be dealt with, by the State of Ghana.
- (5) This Constitution shall be brought into effect by a certificate of votes or signatories authenticating the assent of the People of Ghana, by an institution authorised to do so immediately before the coming into effect of this Constitution, on the date of issuance of such a certificate, and which certificate shall be appended to the end of this Constitution.
- (6) In whatever language, mode or medium this Constitution is stored, translated or relayed, to the extent that its meaning is consistent with the original Constitution assented to by the People of Ghana, or its lawful amendments thereof, it bears the same effect.

2. The State and its Identity

2.1 The State

- (1) The State of Ghana, hereinafter referred to as the State, or Ghana, refers to the People of Ghana and their governance, and by extension or where the context so implies everything which legitimately is, or comes to be, identified with, or owned or controlled by the State.

2.2 The People of Ghana

- (1) The People of Ghana, also referred to as Ghanaians, hereinafter referred to as the People, refers to every Person of Ghana, collectively, or any portion of it established in this Constitution as representing the People of Ghana.

- (2) A portion of the People of Ghana shall be construed to be the People of Ghana if
- (a) That portion comprises at least seventy percent (70%) of Ghanaians in each district and any other territories comprised in Ghana; or
 - (b) That portion, while acting or deciding on a matter publicly, is not, while it is practicable to be, opposed by another portion of the People comprising at least ten percent (10%) in comparison to the people so acting or deciding.

- (3) A Person of Ghana, also referred to as a Ghanaian, shall be:

- (a) A person whose lineage is traced to the original settlers or peoples of the regions presently comprised in Ghana, and who
 - (i) Is born of at least a parent and a grandparent who
 - 1. Are, or were if deceased, ordinarily resident in Ghana; or
 - 2. Before the coming into effect of this Constitution, were legally Ghanaians; and

This person, if they are ordinarily resident in Ghana, shall be known as an Ordinary Indigenous Ghanaian or an **Ordinary Indigene** or, otherwise, if they are presently resident in Ghana, shall be known as a Touching Indigenous Ghanaian or a **Touching Indigene**, or, otherwise, shall be known as an Absent Indigenous Ghanaian or an **Absent Indigene**.

- (ii) Is ordinarily resident in Ghana and who is born of at least a grandparent who is, or was if deceased, an Ordinary Indigene; and this person shall be known as an Ordinary Indigenous Ghanaian or an **Ordinary Indigene**.
- (iii) Is not born of a grandparent who is, or was if deceased, ordinarily resident in Ghana or, before the coming into effect of this Constitution, was legally Ghanaian; but who chooses, and is legally admitted, to be a Ghanaian; and this person shall be known as a Returned Indigenous Ghanaian or **Returned Indigene** if they are settled or ordinarily resident in Ghana or, otherwise, a Returning Indigenous Ghanaian or **Returning Indigene**.
- (b) A person who is ordinarily resident in Ghana and who is born of at least a parent and a grandparent, or both parents, who
 - (i) Are, or were if deceased, ordinarily resident in Ghana; or
 - (ii) Before the coming into effect of this Constitution, were legally Ghanaians; and

This person shall be known as a **Normalised Ghanaian** or, otherwise, if they are also a Returned Indigene, which is to say, they have Returned Indigene parents but are not yet an Ordinary Indigene, shall also be known as a **Normalised Indigene**.

- (c) A person who is born from at least a parent and a grandparent who are, or were if deceased, Normalised Ghanaians; and this person shall be known as an **Ordinary Native** Ghanaian if they are ordinarily resident in Ghana or, otherwise, an **Absent Native** Ghanaian.
- (d) A person who is, or was and having been, found in Ghana not more than thirteen (13) years of age, and whose biological parents are not known; and this person shall be known as a **Found Ghanaian**.
- (e) A person who, or through whose parent in the case of a minor, chooses and is legally admitted, to be a Ghanaian, on account of their being ordinarily resident in Ghana and
 - (i) **Born** in Ghana
 - (ii) **Adopted** by a Ghanaian
 - (iii) **Married** to a Ghanaian
 - (iv) Demonstrably **committed** to be a Ghanaian; or
 - (v) Before the coming into effect of this Constitution, was a Ghanaian **by law**; andThis person shall be known as an **Admitted Ghanaian**.
- (4) Pursuant to clause (3) of this sub-section, the progression of citizenship in the State, based on the strength of a person's relation or distance, contextually, to or from the State, shall be, in descending order
 - (a) In the case of a person with ancestral ties, an
 - (i) Ordinary Indigene; Normalised Indigene; Touching Indigene; Absent Indigene; Returned Indigene; and Returning Indigene; and
 - (b) In the case of a person without ancestral ties, an
 - (i) Ordinary Native; Pre-Native Ghanaian; Normalised Ghanaian; Touching Native; Absent Native; and Admitted Ghanaian.
- (5) The State may from time to time establish what constitutes under clause (3) of this sub-section
 - (a) A trace of lineage.
 - (b) Demonstrated commitment.
- (6) Following from clause (3) of this sub-section
 - (a) **Legal citizenship** shall be citizenship by admission and applies to Returned Indigenes, Returning Indigenes and Admitted Ghanaians.

- (b) **Automatic citizenship** shall apply to any citizenship other than legal citizenship, as long as they can be determined to be qualified as a Ghanaian under clause (3) of this sub-section, irrespective of a registration status, and irrespective of where they reside or whom they are adopted by, and remain in effect unless the citizenship is renounced or invalidated by other means consistent with this Constitution.
 - (c) A person ceases to be a Found Ghanaian if their parent comes to be known.
 - (d) A Found Ghanaian whose lineage is, or comes to be known to be, not Ghanaian, remains a Ghanaian until they are admitted to a foreign state.
- (7) The State may periodically, or as needed, review the citizenship status of Ghanaians.
- (8) Notwithstanding any other provision of this Constitution, whereas automatic citizenship is recognised by this Constitution, citizens without requisite identification particulars may by law be restricted from services, exercises or other activities which require validation of citizenship, where it is impracticable to properly validate citizenship at the point of access of such a service, exercise or activity.
- (9) A person residing in Ghana shall be known as:
- (a) An **Ordinary Resident** of, or ordinarily resident in, Ghana, if they are normally resident in the State for the past twenty (20) or more years, or for at least seventy percent (70%) of their life.
 - (b) A **Settled Resident** of, or settled in, Ghana, if they are normally resident in the State for the past five (5) to nineteen (19) years.
- (10) Normally resident, as used in clause (9) of this sub-section, means resident for a cumulative of nine (9) months for a given year or twelve-month (12-month) period.
- (11) A Ghanaian stationed or residing outside Ghana in the capacity of a Ghanaian, or international, public official shall be deemed to be residing in Ghana.
- (12) A Ghanaian who belongs to no other state but Ghana shall be known as a **Full Ghanaian**.
- (13) A person shall belong to the category of an or a
- (a) MINOR if they are at the stage of
 - (i) **An Infant Child**, which is to say, between 0 and 1 year of age.
 - (ii) **A Tiny Child**, which is to say, between 2 and 5 years of age.
 - (iii) **A Little Child**, which is to say, between 6 and 9 years of age.
 - (iv) **A Developing Child**, which is to say, between 10 and 13 years of age.
 - (b) JUVENILE if they are at the stage of
 - (i) **An Adolescent**, which is to say, between 14 and 17 years of age.
 - (c) CIVIC ADULT if they are at the stage of

- (i) *A Young Adult*, which is to say, between 18 and 21 years of age.
- (d) FUNCTIONAL ADULT if they are at the stage of
 - (i) *A Prospecting Adult*, which is to say, between 22 and 25 years of age.
 - (ii) *A Consolidating Adult*, which is to say, between 26 and 29 years of age.
- (e) CONSOLIDATED ADULT if they are at the stage of
 - (i) *An Advancing Adult*, which is to say, between 30 and 39 years of age.
 - (ii) *A Middle Adult*, which is to say, between 40 and 49 years of age.
 - (iii) *A Set Adult*, which is to say, between 50 and 59 years of age.
- (f) ELDER if they are at the stage of
 - (i) *A Rank Elder*, which is to say, between 60 and 69 years of age.
 - (ii) *An Aged Elder*, which is to say, between 70 and 79 years of age.
 - (iii) *A High Aged Elder*, which is to say, 80 years of age or above.
- (14) For the avoidance of doubt, “a child” shall not be misconstrued as strictly referring to a minor, as “a child” in its technical meaning, without prejudice to its common use, refers to the offspring, or adoptee, of a person, who may be of any age, as much as “a parent” refers to a person to whom another is born or by whom another is adopted, whatever their age may be.
- (15) A “citizen,” in this Constitution, is generally applied to a person who is not presently imprisoned and thus enjoys, in full, rights and freedoms of a person, guaranteed under this Constitution.
- (16) All persons in, or within the jurisdiction of, Ghana, whether they are Ghanaian or not and whether they are a citizen or not, unless they are an active hostile in war, shall be covered by the defence of Ghana.

2.3 Territories of Ghana

- (1) The territories of Ghana shall consist of those territories comprised in the regions which, immediately before the coming into effect of this Constitution, existed in Ghana, including the territorial sea and the air space.
- (2) The State may by law provide for the delimitation of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of Ghana.
- (3) The territories of the Ghana, internally, shall comprise
 - (a) *Sub-states*, which is to say, historically broadly distinct territories within the State; and the sub-states shall comprise

- (b) ***Districts***, either of which may be a metropolitan, municipal or simple district, and which shall serve as the core administrative units or subdivisions, of the State's territories; and districts shall comprise
 - (c) ***Towns***, which may be rural, peri-urban or urban; and populated towns shall comprise
 - (d) ***Neighbourhoods*** where people reside; whereas
 - (e) An "***area***" shall be a location, be it a neighbourhood or otherwise, within a specified town.
- (4) The State institution for lands shall, in consultation with other relevant institutions, and residents and custodians of lands, see to the clear delimitation of the internal boundaries of the State.
- (5) All lands within the territories of Ghana shall be under the protection of the State, held in trust for the indigenous people of Ghana, past, present and of the future, by their present custodians or owners.
- (6) For the purposes of this sub-section
- (a) ***Custodianship*** means a fiduciary duty to preserve, and control ownership of, land; and
 - (b) ***Ownership*** means the right to utilise or exploit a land, according to existing law and contracts on land and land tenure.
- (7) Lands in the State shall include
- (a) ***Public lands***, which shall include
 - (i) ***Indigenous or customary lands***, which shall be lands under the custodianship of a monarch of an identifiable or distinguishable group of indigenous peoples or ethnicities of the State for, or directly by, such peoples; or
 - (ii) ***State lands***, which shall be lands under the custodianship of, vested in, or acquired by the Government of Ghana or its institutions for purposes of the Government of Ghana, or lands in the State which for the time being have no legitimate or legitimised custodians or owners under this Constitution; or
 - (b) ***Private lands*** which shall be lands lawfully owned by individuals or entities; Immediately before, or which come to be so held after, the coming into effect of this Constitution.
- (8) The State institution for lands shall, in consultation with relevant stakeholders provide for and maintain law on custodianship and ownership of land and land tenure in the State.
- (9) Every mineral in its natural state in, under or upon any land or water body or course in Ghana or the exclusive economic zone, or any area covered by the territorial sea or

continental shelf, of Ghana, shall be the property of Ghana and shall be vested in the Government of Ghana on behalf of, and in trust for the People of Ghana.

- (10) The State institutions for lands and natural resources of the State shall, in consultation with relevant stakeholders provide for and maintain law on the extraction and exploitation of natural resources of the State for the People, and for relevant considerations for custodians of lands subject to such extraction or exploitation.

2.4 Identifiers and Other Elements of Ghana

- (1) The State shall be identified by a unique emblem hereinafter referred to as the emblem of Ghana.
- (2) The emblem of Ghana shall only be affixed to the properties of entities representing or authorised to represent the State.
- (3) An emblem identifying an institution directly under, and performing a function of, the Government of Ghana shall be a derivative of the emblem of Ghana, through a unique identifier common to all such emblems.
- (4) The State may procure other items of art for common use in promoting or strengthening the character or spirit of the State, and shall, for the purposes of clarity and consistency, maintain a repository of, in addition to the emblem of Ghana, such items, each with their names, in present use.
- (5) The State shall adopt and, for the purpose of clarity, maintain a list of official language or languages, writing and number systems, and other unitary systems, of the State in present use.
- (6) All cultures, and cultural items, and identifiers and practices of cultures, that are comprised in Ghana shall, while they remain under the custodianship of their respective peoples or communities of origin, be protected by the State against undue exploitation, appropriation or degradation, and per other protections afforded properties of the State under this Constitution.
- (7) Cultural items referred to in clause (6) of this sub-section include, without limiting to, cuisine, clothing, dressing, etiquette, languages, literature, visual arts, music, dances, rites, festivals, and other forms of traditions, arts and heritage.

3. Unifying Purpose of the State

- (1) The State exists to, as much as practicable, and in order of precedence
 - (a) Guarantee its citizens access to basic needs of nutrition, health, shelter and security;
 - (b) Guarantee and defend the rights and freedoms of its citizens;

- (c) Create and maintain an enabling and conducive environment for its citizens to engage in their lawful affairs and business;
- (d) Protect the State and its citizens from undue exploitation and abuse;
- (e) Pursue the continual intellectual, economic and social development and growth of the State;
- (f) Promote peaceful and harmonious coexistence between the State and its neighbours and its larger communities; and
- (g) Contribute to, and protect, sustainable living and development in the world at large, as a necessity for the State's own survival.

4. Overarching Policies of the State

- (1) It shall be the State's policy to, as much as practicable, and in order of precedence, in all its affairs
 - (a) Be just and fair;
 - (b) Be honest;
 - (c) Be guided by sound reason and intelligence;
 - (d) Be democratic;
 - (e) Respect and protect all peoples, life and the environment;
 - (f) Be equitable in distribution of opportunities and effort throughout the State;
 - (g) Strive for cohesion and continued improvement in relationships within the State;
 - (h) Strive for the utmost good, and highest standards possible, in what we produce and accommodate;
 - (i) Be original and natural in what we produce and accommodate;
 - (j) Protect, strengthen, develop and promote our identity, whereas in this clause
 - (i) Protect means to prevent from deterioration, degradation or desecration;
 - (ii) Strengthen means to reinforce, or increase its capacity for its own protection;
 - (iii) Develop means to improve and enhance; and
 - (iv) Promote means to grow in popularity;
 - (k) Limit influence of discretion in systems design in favour of formulaic outcomes;
 - (l) Consider the effectiveness, efficiency and, in order, the wider, long-term and spillover implications, of any decision, indecision, action or inaction of and for the State;

- (m) Avoid interventions which risk repercussions equal to or greater than a problem they seek to address; unless, in pursuit of dignity or justice, and in furtherance of this, to delay, if it is necessary to, but to return, when the risk is mitigated or reduced, to the pursuit of such dignity or justice;
- (n) To, according to priorities established in this Constitution with respect to purpose, rights, freedoms and policies
 - (i) Between matters of equal importance or threat, prioritise the interests of our communities in ascending strength of relation or proximity; or, otherwise
 - (ii) Regardless of strength of relation or proximity, support all innocent persons and entities in need, in order of those priorities established;
- (o) Prioritise or strengthen cooperation with communities in ascending strength of relation or proximity;
- (p) Be friendly, if initially, or, otherwise, reciprocal, in forming or continuing relations with others;

5. Rights and Freedoms of Citizens

5.1 Fundamental Rights of Citizens

- (1) Every person and entity in Ghana shall have, to the extent that these do not infringe on the rights and freedoms of others, and in order of precedence, the
 - (a) Right to their life and bodily integrity;
 - (b) Right to their self, which is to say, ownership of one's self and identity;
 - (c) Right to their property lawfully acquired, or shared or invested in;
 - (d) Right to their fair compensation, or exchange lawfully entered into;
 - (e) Right to their privacy, including personal information and environment; and
 - (f) Right to their dignity, including respect for their person, relations and associations.
- (2) The State shall, through the appropriate institutions, enact laws to extend the application of fundamental rights guaranteed by this Constitution, in the form of, without limiting to
 - (a) Parenting and child protection law;
 - (b) Marriage law;
 - (c) Caregiving and elder protection law;
 - (d) Social welfare law
 - (e) Environmental and life protection law
 - (f) Physical property law;

- (g) Intellectual property law
- (h) Labour law;
- (i) Trade and industry law;
- (j) Privacy law; and
- (k) Publishing and broadcasting law.

5.2 Freedoms for Citizens

- (1) Every person and entity in Ghana shall have, to the extent that these do not infringe on the rights and freedoms of others
 - (a) ***Freedom of speech***, including freedom to speak, publish or broadcast information through media or space lawfully owned or procured;
 - (b) ***Freedom of education and training***, including freedom to receive education and training from, and to educate and train, others, on what one sees fit, without prejudice to standards the State may set for its own interests;
 - (c) ***Freedom of religion***, including freedom to practise any religion;
 - (d) ***Freedom of culture***, including freedom to practise any culture;
 - (e) ***Freedom of entertainment***, including freedom to seek social and mental wellbeing as one sees fit;
 - (f) ***Freedom of occupation***, including freedom to engage one's time as one sees fit;
 - (g) ***Freedom of economy***, including freedom to seek or manage one's resources as one sees fit;
 - (h) ***Freedom of procreation***, including freedom to reproduce offspring as one sees fit, subject to conditions necessary, as may be imposed by the State or an authorised court, as not to unduly burden a spouse, the offspring or the State;
 - (i) ***Freedom of association***, including freedom to relate, or not relate, with any person or persons, or form, or join or not join, any associations, unions or other forms of community or organisations, for the pursuit, development, promotion or protection of one's interests;
 - (j) ***Freedom of assembly***, including freedom to take part in meetings, congregations, processions, rallies or other gatherings;
 - (k) ***Freedom of movement***, including the freedom to move, pause or reside, within and in and out of the State, subject to provisions necessary to monitor movements in and out of the State; and

- (1) *Freedom of exit* from the State, including the freedom to renounce and permanently leave the State, subject to provisions necessary for the State to commit such a decision.

5.3 Derived Rights of Citizens

5.3.1 Right to Shared Governance

- (1) Every Ghanaian, on the grounds of the shared rights to the body or, in essence, self, and property, of the State as an entity, with other Ghanaians, and thus pursuant to the State's policy on democracy which derives from a recognition of these shared rights, shall have the right to shared governance of the State, which is to say, the right to actively, in concert with other Ghanaians, control the decisions and actions of the State, in a manner consistent with provisions of this Constitution established to make the exercise of such rights fair, intelligent, practicable and manageable.

5.3.2 Right to Basic Education

- (1) Every Ghanaian citizen, by virtue of responsibilities placed on citizens by the State, shall have the right to basic education from the State, necessary to be able to
 - (a) Discover and understand basic laws by which they are naturally and legally governed;
 - (b) Have a fair understanding of their society and be able to interact properly and productively with it;
 - (c) Take basic care of themselves; and
 - (d) Have a foundation on which to explore opportunities to further develop themselves and contribute to society; and

Pursuant to which the State shall further define basic education, through standardisation and continued improvement in the structure and content of basic education in Ghana.

5.3.3 Right to Information

- (1) Every Ghanaian citizen and entity, on the grounds of democracy, shall have, to the extent that it does not compromise the security of the State, the right to information relating to the governance of the State.
- (2) Notwithstanding a denial of information on the grounds of security under the clause above this, the Supreme Court of Ghana may order any person, entity or institution of the Government of Ghana to release information to any parties it deems it necessary to, in the pursuit of justice or for the respect of law or democracy.

5.3.4 Protection from Discrimination

- (1) Every person and entity in Ghana, on the basis of fair exchange, as a contributor to the State, which grants any service the space to operate, and in line with State policy on respect for all, shall have the right to access services or offers, free from discrimination on the grounds of gender, race or complexion, physical condition, relationship, ethnic background, religion, politics, creed or other social factors, from
 - (a) State institutions, which is to say institutions owned by the State at any level;
 - (b) State funded institutions;
 - (c) Public companies;
 - (d) Institutions or establishments whose services, by virtue of being integrated with a public system, are advantaged or exposed to the public, with reasonable expectation of such service to be of a public character; and
 - (e) Institutions or establishments from which, on the basis of advertisement or placement, the public has reasonable expectation of service and standard practice, including, without limiting to, public job and sale offers, and hospitality, transportation, education, healthcare and banking services.
- (2) For the purposes of this item-section, to discriminate means to treat a person or certain persons differently from another, whether by restriction, frustration, disrespect or other means, on a similar interest or matter, within a shared period.
- (3) In respect of clause (2) of this item-section, an act shall not be construed to be discrimination in the case of
 - (a) Restrictions in favour of qualities proven to be inextricably tied to or required by an offer, such that persons without such qualities granted the offer would be unable to utilise it or fulfil its responsibilities;
 - (b) Restrictions placed by law under this Constitution on access to an offer; or
 - (c) Preferential treatment in granting access to offers, instituted to correct an imbalance caused by proven previous or historical discrimination, and provided such preference is publicly noted and implemented as, under, and in accordance with guidelines of, a program approved by the State.

5.4 Application of Rights and Freedoms

- (1) A right under this Constitution means entitlement to something without undue cost.
- (2) Violation of the right or freedom of any person or entity, as guaranteed under this Constitution, by any person or entity, including the State, constitutes a crime.

- (3) Inability to access something guaranteed as a right, due to a barrier of cost or other infrastructure, shall be construed as a denial, and thus a violation, of such a right.
- (4) An implication of clause (3) of this sub-section is that “ the right to something” is different from “the right to access something” in that “the right to something” implies entitlement to the thing whereas “the right to access something” implies entitlement to access, which further implies freedom to access by one’s means.
- (5) Minors, elders and the vulnerable shall have their rights exercised for them, or be enabled to exercise their own rights, by their parents, caregivers or relevant social institutions, in a manner consistent with the responsibilities of parents, caregivers and social institutions set forth by relevant laws under this Constitution.
- (6) It shall not be construed to be a violation of rights and freedoms in the case of a limitation or denial of rights and freedoms of
 - (a) A minor, by their parent, or by any person where the safety of the minor or other persons is concerned, where one acts in line with parental norms, responsibilities or regulations established by the State;
 - (b) A person who has lost the capacity for sound judgement, for the purposes of their care and treatment;
 - (c) A person or entity, by another person or entity and in particular by a law enforcement officer, in defending against the violation or reasonable suspicion of a threat of violation of the rights or freedoms of a person or entity by the person or property of the person or entity initially referred to in this sub-clause, and where one acts only to the extent necessary for the defence of such rights and freedoms, and where fair compensation is paid for any loss thereof, where applicable, as determined by mutual agreement of the parties involved or by a competent court;
 - (d) A person lawfully arrested or detained for, or charged or convicted of, a crime, or a person who is subject to a lawful sanction, to the extent prescribed by law for processing them for trial or for other legal proceedings or for their punishment under this Constitution; or
 - (e) A person or entity, by another person and in particular a soldier, acting responsibly, in violent conflict or war.
- (7) Protection of fundamental rights shall generally take precedence over protection of freedoms, which shall generally take precedence over protection of derived rights.
- (8) Notwithstanding clause (7) of this sub-section, protection of a right or freedom shall take precedence over the protection of a right or freedom superior to it, if the protection of the inferior right or freedom is warranted by the protection of a right or freedom superior to all rights and freedoms concerned.

- (9) Where the protection of rights and freedoms of equal importance are concerned, the compounding of a right or freedom by other rights and freedoms, even if inferior to the former, shall grant it precedence over the protection of its opposing right or freedom.
- (10) For the avoidance of risk, citizens are advised to, whenever possible and as much as practicable, entrust the protection of their rights and freedoms to law enforcement officers of the State.
- (11) Protection of rights and freedoms, referred to by clause (10) of this sub-section, shall not be construed as the pursuit of justice.
- (12) All persons and entities in Ghana shall, at all times when they do, pursue justice only through the judiciary institutions of the State.

6. Responsibilities of the People

6.1 Defence of the State and Constitution

- (1) Every Ghanaian shall have the duty at all times to do all within their power to
 - (a) Defend the State and this Constitution if either comes under threat, in particular, in relation to the acts referred to in clause (4) of section 1 of this Constitution; and
 - (b) Restore this Constitution after it has been suspended, overthrown or abrogated under clause (4) of section 1 of this Constitution.
- (2) Where a person is punished for any act done in pursuance of clause (1) of this sub-section, the punishment shall, on mitigation of the threat or restoration of this Constitution, be taken to be void from the time it was imposed and the person shall, from that time, be taken to be absolved from all liabilities arising out of the punishment.
- (3) The Supreme Court shall, on application by or on behalf of a person who has suffered any punishment or loss to which clause (2) of this sub-section relates, award that person adequate compensation from the State for the suffering or loss incurred.
- (4) A Ghanaian who fails to defend the State or this Constitution while either was under threat or attack, without adequate justification under this Constitution, shall be, on conviction, guilty of a crime of gravely failing the State.

6.2 Upholding the Law

- (1) Every person in Ghana, for the safety, integrity and welfare of the State, shall have the duty at all times to
 - (a) Abide by the laws of the State;
 - (b) Obey lawful orders of officers of the State given in exercise of their lawful duties;
 - (c) Cooperate with institutions of the State performing their lawful functions; and

- (d) Protect, and refrain from appropriating, misusing, abusing, causing deterioration to or destroying, offices or properties of the State and all public goods in the State.
- (2) Any act done, by any person, in contravention of this sub-section's
- (a) Clause (1)(a) constitutes a crime where and as declared by the law flouted.
 - (b) Clause (1)(b) constitutes a crime of criminal disobedience.
 - (c) Clause (1)(c) constitutes a civil offence of failing the State.
 - (d) Clause (1)(d) constitutes a civil offence of failing the State in the case misuse without damage to property, a crime of theft in the case of appropriation, a crime of destruction of property where damage to property is found and a crime of fraud, or abuse of property of or sabotaging the State or other in the case of abuse of an office of the State, depending on the nature of abuse.

6.3 Contribution to the State

- (1) Every Ghanaian, in exercise of democratic governance as desired by the People, shall have the duty at all times, and to the best of their capabilities, to ***contribute to governance of the State*** by ensuring to
- (a) Intellectually or by other means, make inputs or proposals for, or offer support to proposed or implemented, systems, structures, policies, laws, plans, programs or projects which stand to secure good governance for the State;
 - (b) If they find any systems, structures, policies, laws, plans, programs or projects in the State to be inconsistent with this Constitution or with the spirit or implicit or express intent of this Constitution
 - (i) Submit a case to a competent court for a declaration to that effect; and
 - (ii) Where an inconsistency is so determined, take other steps provided under this Constitution, where applicable, such as the advancement of a proposal through appropriate channels, to see to a rectification of the problem;
 - (c) Help protect the integrity of the State by reporting any abuses of office or crimes discovered, within or relevant to the State, to the appropriate authorities;
 - (d) Help, using means laid down in this Constitution, including votes, reporting, courts and other democratic powers granted citizens and their representatives, to remove unsuitable persons from offices of the State at any level; and
 - (e) Encourage other citizens, in a respectful manner, to fulfil the responsibilities of persons laid down in this Constitution.
- (2) Every person in Ghana, in the spirit of fair exchange and in light of responsibilities placed on the State, and for fulfilment of the State's purpose to secure better lives for all its

citizens, shall have the duty at all times to *contribute to the resources of the State* and the conservation of same by ensuring to

- (a) Declare their income honestly to lawful authorities for taxation and to duly fulfil their tax obligations;
 - (b) Engage in productive occupations which contribute to the growth of the State;
 - (c) Engage the facilities and the environment of the State to develop themselves as a responsible citizen able to contribute to the growth of the State;
 - (d) Refrain from needlessly endangering their health, life and properties, to inure to the benefit of, rather than burden, the State; and
 - (e) Protect the environment in and outside their vicinity, and all lands, forests, waterbodies, the climate, wildlife and biodiversity, the health of all of which the State depends on economically and otherwise, and which are held in trust for the present and future generations.
- (3) Every Ghanaian, on the grounds of a shared identity and fate, and agreements, established by this Constitution, which are affected by each other's actions, shall have the duty at all times to *cooperate towards aspirations of the State* by ensuring to
- (a) Adhere to overarching policies of the State;
 - (b) Promote a respectable, prestigious or good image of the State, at home and abroad
 - (i) By respecting the identity and identifying elements of the State; and
 - (ii) Through their interactions, endeavours, occupation or achievements; and
 - (c) Help foster social harmony and healthy community in their communities;
- (4) Any act done in contravention of any provision of this sub-section constitutes a civil offence of failing the State, except in the case of evasion of taxes which shall constitute a crime under tax law of the State, and endangering of the environment and its biodiversity which shall constitute a crime under environmental law of the State.

6.4 Responsibilities to Other Citizens

- (1) Every person in Ghana shall have the duty at all times, to the best of their capabilities, to
 - (a) Respect the rights, freedoms, interests and choices of other persons to the extent that they do not infringe on those of others;
 - (b) Help protect the lawful rights, freedoms, interests and choices of other persons under threat from other persons, in particular by reporting such violations to relevant security institutions in a timely manner;
 - (c) Take and attach extra responsibility to protecting and assisting children, elders and vulnerable members of society; and

- (d) Make decent effort towards friendly and supportive coexistence with other persons.
- (2) Any act done in contravention of any provision of this sub-section constitutes a civil offence of failing the State, except in the case of a violation of the lawful rights and freedoms of other citizens which shall constitute a crime under this Constitution.

7. The Government

7.1 Structure of the Government

7.1.1 Democratic Foundations of the Government

- (1) The People of Ghana, in exercise of democratic governance guaranteed by this Constitution, shall be sovereign over the State, which is to say, shall at all times retain supreme control over all lawful and legitimate affairs of the State, in the manner set forth in this Constitution.
- (2) The People, by their will, shall constitute a body to be the Government of Ghana, which is to say, to whom they delegate their authority to govern or, in other words, control the affairs of the State.
- (3) The Government of Ghana, hereinafter referred to as the Government, shall have the duty to take all practicable and prudent steps to realise the unifying purpose of the State laid down in this Constitution, and altogether pursue good governance for the State.
- (4) The Government shall comprise
 - (a) Representatives of the People, each being an elected representative of a district comprised in the State and who shall be known as a speaker for that district.
 - (b) An office of the Radiant who shall be an elected representative of all the People, and thus, in speaking for the People, act as the Chief Diplomat, and Chief Commander of all security institutions, of the State.
- (5) Decisions and actions of the Government, which is by this Constitution under the delegated authority and control of the People, shall at all times be presumed to be decisions sanctioned by the People and thus to be the indirect rule of the People.
- (6) The People shall, at any time, if their representative decides or acts in a manner that is against their will, take steps provided in this Constitution to assume direct authority over such a decision or action and over their representation.
- (7) A decision or action of the “State,” as used in this Constitution, implies a decision or action of the People or of the Government, which is to say, of the People indirectly through the Government in accordance with clause (5) of this item-section.

7.1.2 Institutions and Functions of the Government

- (1) The Government shall perform its functions in regular sittings which shall be known as the State Assembly, hereinafter also referred to as the Assembly, and in a facility which shall be known as the Standing of Ghana.
- (2) The State Assembly, for its proper functioning, shall comprise
 - (a) The speakers who shall represent the People;
 - (b) A President of the Assembly who shall chair the Assembly; and
 - (c) A secretariat which shall manage internal affairs and schedules of the Assembly.
- (3) The Radiant, who shall be, in effect, the chief speaker and speaker at large, whereas they may take a seat at the Assembly whenever they need to, shall primarily perform the functions of their office from the Office of the Radiant.
- (4) The State shall be governed, where necessary, with the counsel of a ***Council of State***, who may speak for the People in an advisory capacity, in particular, to advise the Radiant, the Government and the People.
- (5) The Government shall retain certain aspects of its functions, hereinafter referred to as the ***constitutional functions of government***, and delegate to subordinate institutions certain other major functions, hereinafter collectively referred to as extended functions of government, subject to its authority and thus to the authority of the State.
- (6) The extended functions of Government shall comprise, as categories or aspects, the
 - (a) ***Unitary functions of government***, which is to say, functions related to governing the fundamental units, and systems of communication, used in the State, including, without limiting to, the creation or adoption and control over monetary systems, writing systems, measurement systems, calendrics and others used in the State;
 - (b) ***Judiciary functions of government***, which is to say, functions related to interpreting the laws of the State and applying these laws to the pursuit of justice;
 - (c) ***Financial functions of government***, which is to say, functions related to the mobilisation and management of resources of and for the State, as required for the fulfilment of the State's purpose.
 - (d) ***Service functions of government***, which is to say, functions related to serving the growth and general welfare needs, of the People.
 - (e) ***Security functions of government***, which is to say, functions related to protecting and defending the physical health or integrity, and life, continuance or existence of the State itself as an entity.

- (f) **External functions of government**, which is to say, functions related to managing the State's relations and interfacing with, and interfaces between it and, bodies foreign to the State.
- (7) The extended functions of government shall be managed by, except as otherwise provided for in this Constitution, fully independent parent institutions which shall be known as **holding institutions**, each grouped according to the aspects of governance outlined in clause (6) of this item-section, and each headed by a **chief holding officer**.
- (8) As an independent institution, a holding institution shall be the apex manager of the function of government delegated to it, subject only to the collective and democratic authority of the State.
- (9) Except as provided for under this Constitution, such as in the cases of the Central Bank and the Supreme Court, a holding institution shall not directly carry out a substantive or specialised function delegated to it, except that it shall provide leadership, coordination and general management for implementing institutions under it, which shall be mandated to perform such functions.
- (10) An implementing institution under a holding institution may be, without limiting to
- (a) An **authority**, to inspect, regulate, supervise or enforce responsibilities in a sector, with an inspector-general as its head;
 - (b) A **board**, to oversee and control activities in a sector for quality, consistency and integrity, or to play an advisory and supportive role for actors or entities in a sector, with a director-general as its head;
 - (c) A **service**, to offer direct services to the People, with a director-general as its head;
 - (d) A **company**, to render services to the People, as a self-funded firm or business, with a general manager as its head;
 - (e) A **department**, to develop a sector, primarily through infrastructure, with a general manager as its head;
 - (f) An **agency**, to facilitate access to other services or needs, with a general manager as its head;
 - (g) A **commission**, to pursue a cause for the State, with a lead, or general lead if it has multiple leads, as its head;
 - (h) A **centre**, to produce work for the State, particularly with respect to research, with a lead, or general lead if it has multiple leads, as its head;
 - (i) An **office**, to perform or accommodate a task for the Government, with a principal as its head;

- (j) A **registry**, to perform functions primarily limited to registrations, with a registrar-general as its head; or
 - (k) A **bureau**, as a hybrid between an authority, commission, service or office, with a director-general as its head.
- (11) The Government shall establish directly under itself, implementing or functional institutions, hereinafter referred to as government assistive institutions, to assist in its cross-cutting supervisory or other functions over all institutions of the State, and these institutions shall comprise the
- (a) Charge of Appointments and Public Service;
 - (b) Charge of Procurement Regulation;
 - (c) Charge of Audit;
 - (d) Charge of Investigations; and
 - (e) Charge of Counsel.
- (12) A government assistive institution shall, in the performance of its functions, have the full authority of the State Assembly to make orders to any institution of the State and officers within any facility of such an institution, where reasonable cause is established, as may be necessary for the performance of its functions, in particular with respect to inspections, without a court warrant or prior notice to such an institution or officer.
- (13) There shall be a votes and elections organisation, which shall manage votes and elections to offices of the State, and which shall fall outside the linear structure of the Government but remain, to the extent provided for in this Constitution, under the authority of the State.
- (14) Any institution created by the State, shall be an institution of the State, and any institution created by an institution of the State or a person or persons acting in their capacity as employees of an institution of the State and in a manner consistent with the provisions of this Constitution, shall be an institution of the State.

7.1.3 Classes of Officers and Facilities of the State

- (1) Any person employed directly into an institution within or under the Government at any level shall be known as an officer the State, commonly referred to as a public officer.
- (2) An officer of the State shall be a
 - (a) Class 0 officer if they function in a capacity representing the entire State.
 - (b) Class 1 officer if they head a fundamental function within or under the Government and report directly to the State as a whole.
 - (c) Class 2 officer if they report directly to a class 1 or 0 officer.
 - (d) Class 3 officer if they report directly to a class 2 officer.

- (e) Class 4 officer if they report directly to a class 3 officer.
 - (f) Class 5 officer if they report directly to a class 4 or other class of officer not previously defined in this clause.
- (3) A facility of the State shall be
- (a) A class 0 facility if it is a spatial facility for an office which in its function represents the State; or
 - (b) Designated the same class as the class of officer serving as its head.
 - (c) Designated a sensitive facility if, regardless of its class, it accommodates a facility of the State, including without limiting to data, software or equipment, which
 - (i) Represents the State; or
 - (ii) Is critical to and employed for the functioning of the entire State.
- (4) A “facility” as used in this item-section refers to any asset that is provided to aid in the work or other function of a person or entity, whereas a “spatial facility” includes buildings, vehicles and other functional spaces which are facilities.
- (5) A person shall not be appointed or elected to a class 1 office of the State unless they
- (a) Are an Ordinary Indigene or Ordinary Native, and a full Ghanaian;
 - (b) Are at least an advancing adult and no more than the mandatory retirement age;
 - (c) Are of sound mind;
 - (d) Have no standing criminal record; and
 - (e) Are not a present or former
 - (i) Monarch; or
 - (ii) State-wide leader of a religion in the State.
- (6) A person shall not be appointed or elected to a class 2 office of the State unless they
- (a) Are at least a Normalised Indigene or Normalised Native, and a full Ghanaian;
 - (b) Are at least an advancing adult and no more than the mandatory retirement age;
 - (c) Are of sound mind;
 - (d) Have no standing criminal record; and
 - (e) Are not a present or former
 - (i) Monarch; or
 - (ii) State-wide leader of a religion in the State.

- (7) A person shall not be the head of a holding institution for more than twelve (12) years, cumulatively, and shall not be the head of an implementing institution, which is to say, a class 2 officer of an institution under a holding institution, for more than twelve (12) years, cumulatively,
- (8) A class 0, class 1 or class 2 officer, while they hold their office, shall not hold any other office, of the State or privately.
- (9) The State's Wages and Salaries Commission and the Arch of Finance, in consultation with relevant stakeholders, shall propose to the State Assembly for consideration, a fair compensation structure for all officers of the State, in the form of law, and continue to maintain the fairness of such a structure.
- (10) Continuous private security from the State shall be provided, by default, to
 - (a) Class 0 and class 1 officers of the State; and
 - (b) Class 0 and sensitive facilities of the State.
- (11) A lethal attack on, or sabotage or seizure of, a
 - (a) Class 0 officer or a class 0 or sensitive facility of the State constitutes a crime of high treason or war under clause (4) of section 1 of this Constitution.
 - (b) Class 1 officer of the State constitutes a crime of treason or war under clause (4) of section 1 of this Constitution.

7.2 The Assembly

7.2.1 Speakers

- (1) A speaker shall be a class 1 officer of the State.
- (2) To be eligible for election to the office of a speaker, a person shall
 - (a) Be an Ordinary Indigene and full Ghanaian;
 - (b) Be at least an advancing adult and no more than the mandatory retirement age;
 - (c) Be resident in, or hail from, the district for which they apply to be speaker;
 - (d) While they apply for candidacy for the office, not hold any class 0, class 1 or class 2 office of the State except the office being applied for in the case of a re-election bid, and not be an officer or contractor or employee of a contractor of the State's votes and elections institution;
 - (e) Be of sound mind;
 - (f) Have no standing criminal record;
 - (g) Either

- (i) Have served successfully as a class 2, class 3, or class 2 and class 3 officer, of the State for at least eight (8) consecutive years;
 - (ii) Have a renowned authorship or an invention, or been formally credited for the introduction of a system, structural reform, policy, law, plan, program or project, which has contributed to measurable improvement in a significant aspect of the State;
 - (iii) Have won an at least district level award in recognition of social impact or industry, which is to say, in the primary or secondary sector of the economy, based on a list of awards or award types pre-approved by the State; or
 - (iv) Have evidence to the effect that they meet the qualities which the awards used as a bases for qualification are intended to help ascertain, such as the desired level of social impact or leadership but, for immaterial reasons, have not been recognized or identified by or with such awards; and
- (h) Not be a present or former
 - (i) Chairperson or directorate head of the State's elections institution;
 - (ii) Monarch; or
 - (iii) State-wide leader of a religion in the State.
- (3) The duties of a speaker shall be about speaking to protect and promote as much
 - (a) The interests of the State, on behalf of their district as a member of the State; as
 - (b) The interests of the district and its residents.
 - (4) In protecting and promoting the interests of the State, a speaker shall have the duty to
 - (a) Listen, question, opine and vote conscientiously on matters brought before the State Assembly, for the good of the State, on behalf of their district;
 - (b) Take all necessary steps to welcome and judiciously investigate further, matters before the Assembly which is not understood by them, for the purpose of understanding the matter further, to effect sub-clause (a) of this clause.
 - (5) In protecting and promoting the interests of their district, a speaker shall have the duty to
 - (a) Monitor the concerns, needs and aspirations of citizens in their district;
 - (b) Monitor the performance of district offices of State institutions in their district; and
 - (c) Ensure State institutions for their district are meeting the needs of their district;
 - (6) In respect of clause (5)(c) of this item-section, neither a speaker nor a district shall have the authority to independently command, control or dictate to any State institution or officer of a State institution, whether in or for their district, which is not structurally under the office of the speaker for the district.

- (7) In furtherance of clause (5)(c) of this item-section, a speaker may
 - (a) Advise State institutions for their districts to meet the needs of citizens in their district; or
 - (b) Where an officer of a State institution for their district is failing in their duty, advise the failing officer or institution or their superior to remedy the problem and, if the problem is not amicably resolved within seven (7) days, shall take steps provided in this Constitution to seek the removal of the failing officer where necessary.
- (8) In the performance of their duties a speaker may, on behalf of their district, make
 - (a) Pronouncements;
 - (b) Advice;
 - (c) Requests; or
 - (d) Decisions.
- (9) In the performance of their duties a speaker shall take all reasonable steps to
 - (a) Make themselves accessible to citizens in their district for the purpose of enabling the citizens to channel their will through them to the Assembly or other institutions;
 - (b) If, in their view or per a report or call from their district, a matter before them in respect of their duties is not well understood by their district, see to the education of their district on the matter through fora, debate or other forms of outreach;
 - (c) If called by the People of their district or in the view of the speaker, a matter before them in respect of their duties is a delicate or likely divisive matter, before deciding on the matter, confer with and ascertain the position of the People of their district on the matter through, depending on the demands of the district or, otherwise, on the initiative of the speaker, a
 - (i) District Assembly, at which town representatives may vote on the matter, or be instructed to ascertain the position of the People in their towns; or
 - (ii) District vote or referendum in a manner approved or conducted by the State's votes and elections organisation; and
 - (d) Facilitate democracy at their district through the procurement and maintenance of
 - (i) A district hall at the district capital; and
 - (ii) Town centres at every populated town in their district.
- (10) A speaker shall not under any circumstance take a decision or act in any manner against the express wishes, will or instruction of the People of their district.
- (11) A speaker shall not leave the State without prior notification in writing, signed by themselves, to the State Assembly and to representatives of towns in their district.

- (12) For the avoidance of doubt, a speaker shall not engage in any projects or work which fall within the mandate of other State institutions, and shall focus only on their duties in facilitating democracy and good governance in the manner laid down in this constitution.
- (13) Any act of a speaker found to be in contravention of clause (12) of this item-section shall, on conviction, constitute a crime of state disobedience.
- (14) The office of the district speaker shall comprise
 - (a) The district speaker;
 - (b) A district secretary;
 - (c) An accounts office;
 - (d) A procurements office; and
 - (e) Any other office approved by the State for all speakers to facilitate their work.
- (15) The district secretary shall assist the district speaker by
 - (a) Helping to monitor the concerns and needs of citizens in their district;
 - (b) Helping to monitor the performance of State institutions for their district;
 - (c) Acting as president of their district assembly in the absence of the speaker; and
 - (d) Handling correspondence and other tasks directly related to the duties of the district speaker, assigned by the district speaker.
- (16) A candidate for the office of district secretary shall be designated by the candidate for the office of speaker before the election of the speaker.
- (17) A person shall not be eligible for appointment as a district secretary unless they
 - (a) Are an Ordinary Indigene and full Ghanaian;
 - (b) Are of sound mind;
 - (c) Have no standing criminal record; and
 - (d) Are qualified to be a director of a company under the laws of the State.
- (18) A candidate for the office of district secretary shall be deemed to be duly appointed as district secretary if the candidate for the office of a speaker who designated them as a candidate for that office of a district secretary has been duly elected as a speaker.
- (19) If a vacancy is created in the office of the district secretary for any reason, the speaker shall appoint a new district secretary in consultation with the People of the district.

7.2.2 President of the Assembly

- (1) Speakers in the State Assembly, in the absence of a President of the Assembly, hereinafter referred to as the President, and in the absence of an active process seeking

the selection of a President, shall, in the first meeting of not less than ninety percent (90%) of their total number, nominate, at most one (1) from each speaker, for the office of President of the Assembly a person who

- (a) Is an Ordinary Indigene and full Ghanaian;
 - (b) Is no more than the mandatory retirement age;
 - (c) Is of sound mind;
 - (d) Has no standing criminal record;
 - (e) Is a former speaker or former justice of the Supreme Court who has served successfully in that office for at least twelve (12) consecutive years; and
 - (f) Is not a present or former
 - (i) Monarch; or
 - (ii) State-wide leader of a religion in the State.
- (2) Where a number of people tie for the most nominated person after nominations under clause (1) of this item-section, a person shall be chosen by lot from amongst a list of persons who tied for the most nominated person.
- (3) The Secretariat of the Assembly shall invite to be the President, in order of precedence, the most nominated person under clause (1) of this item-section or the person chosen by lot under clause (2) of this item-section, and they shall be the President upon acceptance of the invitation so made.
- (4) If a person invited to be President is, for any reason, unable to take up the office, taking the next most nominated person, or persons in the case of a tie, under clause (1) of this item-section, to then be the most nominated person or persons, the process under clause (2) and (3) and this clause shall be repeated until a President is selected.
- (5) The President shall be a class 1 officer of the State.
- (6) The office of the President shall be rendered vacant upon the expiration of the term of speakers who selected them or if the President
- (a) Resigns;
 - (b) Becomes permanently incapacitated by illness or death; or
 - (c) Is removed from office by the State on the grounds of failing in their duty or on conviction of some other offence which warrants their removal under the law.
- (7) The President shall have the duty to
- (a) Convenes sittings and fixes schedules of sittings of the Assembly in consultation with the Secretariat of the Assembly;

- (b) Preside over all sittings of the State Assembly in a manner that is in strict compliance with all laws or rules and regulations of or under the Assembly;
- (c) Order, count and declare the results of votes of the Assembly; and
- (d) Pick an option, whenever the Assembly makes a selection by lot.

7.2.3 Secretariat of the Assembly

- (1) The Secretariat of the Assembly, hereinafter referred to as the Assembly Secretariat, may adopt a structure approved by the State, necessary for the performance of its duties.
- (2) The head of the Assembly Secretariat shall be the Assembly Secretary, shall be a class 2 officer of the State, and shall report to the President.
- (3) The Assembly Secretariat shall have the duty to
 - (a) Schedule sittings of the Assembly in a manner consistent with procedures for scheduling approved by the State, and in consultation with the President;
 - (b) File and maintain lists of persons, entities and schemes approved and used by the State Assembly for voting, sortition or selection of persons to other institutions of the State;
 - (c) File and maintain a structured repository or catalogue of all enactments made by the Assembly.
 - (d) Manage correspondences between the Assembly and other institutions of the State;
 - (e) Handle general administrative tasks for the Assembly;
 - (f) Procure, maintain and manage the facilities of the Assembly;
 - (g) Collaborate with speakers to superintend over the decentralisation of Assembly debates to sub-district structures whenever needed to manage scheduling and pruning of debate parties for the Assembly.

7.2.4 Sub-District Structures

- (1) There shall be a district hall in every district of the State.
- (2) A district hall shall serve as a facility for
 - (a) The office the district speaker, in the district;
 - (b) District assemblies;
 - (c) Any functions similar to the functions of the State Assembly, needed in the district;
 - (d) Encouraging and improving citizens' familiarity and capacity in governance; and
 - (e) Its application, by rent, to private use approved by the district, when idle, without undermining other functions which shall take precedence over this function.

- (3) A district assembly shall be a meeting of town representatives in the district, chaired by the district speaker, or district secretary in the absence of the speaker, for the purpose of deliberating, debating and voting on matters of governance in the district, including
 - (a) Forums for the education of citizens at the district on pertinent governance issues;
 - (b) Debates of the State Assembly decentralised to the district; and
 - (c) Passing of district by-laws consistent with this Constitution.
- (4) A district assembly may include such other participants as may be needed for its democratic functions in a manner that conforms to functions of the State Assembly.
- (5) There shall be a town centre in every populated town in the State.
- (6) A town centre shall serve as a facility for town mass and other functions similar to the functions of the district hall.
- (7) A town mass shall be a gathering of residents of a town for the purpose of Assembly deliberations and debates further decentralized to the town.
- (8) There shall be an elected representative of a town, referred to as a town representative in this Constitution, in every populated town in the State, subject to the interest of the town.
- (9) A town representative shall assist the office of the district speaker, strictly as a volunteer, to monitor concerns, needs and interests of citizens in their town and as a presiding officer for town masses.
- (10) District speakers and town representatives may work with, for further reporting or deliberations from the People of the towns in the district
 - (a) Area links, each of whom shall be an elected volunteer representative of a neighbourhood, subject to the interest of the neighbourhood; or
 - (b) The heads of homeowner associations in the neighbourhoods where applicable.
- (11) Sub-district elections for town representatives and area links shall be held by the district offices of the State's elections organisation for district, at the request of their district speakers according to their needs, no later than three (3) months after general elections, with shorter candidate-review and campaign periods and in a manner consistent with rules and regulations of general elections.
- (12) A person shall be eligible for election as a town representative or area link if they
 - (a) Are eligible to vote in elections of the State;
 - (b) Have no standing criminal record
 - (c) Are a resident of town or neighbourhood, respectively; and
 - (d) Canvass enough signatories to their bid where and as prescribed by the district's elections office to manage an otherwise unmanageable number of candidates.

7.3 The Radiant

7.3.1 Class, Eligibility and Terms

- (1) The Radiant shall be a class 0 officer of the State.
- (2) To be eligible for election to the office of the Radiant, a person shall
 - (a) Be an Ordinary Indigene and full Ghanaian;
 - (b) Be at least a middle adult and no more than the mandatory retirement age;
 - (c) While they apply for candidacy for the office, not hold any class 0, class 1 or class 2 office of the State except the office being applied for in the case of a re-election bid, and not be an officer or contractor or employee of a contractor of the State's votes and elections institution;
 - (d) Be of sound mind;
 - (e) Have no standing criminal record;
 - (f) Either
 - (i) Have served successfully as a class 1 officer of the State for at least twelve (12) consecutive years;
 - (ii) Have an at least State level award of the highest repute, in recognition of academic, literary, industry, which is to say, in the primary or secondary sector of the economy, social impact, public service or military achievement, based on a list of awards or award types pre-approved by the State; or
 - (iii) Have evidence to the effect that they meet the qualities which the awards used as a bases for eligibility for the office are intended to help ascertain, such as the desired level of social impact or leadership but, for immaterial reasons, have not been recognized or identified by or with such awards; and
 - (g) Not be a present or former
 - (i) Chairperson or directorate head of the State's elections institution;
 - (ii) Monarch; or
 - (iii) State-wide leader of a religion in the State; and
 - (h) Having applied for candidacy, and determined to satisfy other conditions required, be submitted by the State's elections institution for, and pass, with all necessary privacy accorded
 - (i) Background checks prescribed by the Hold of Defence and conducted by the highest intelligence office of the State; and

- (ii) Physical and mental health evaluations prescribed and conducted by the highest physical and mental health institutions of the State.
- (3) A full term of office for the office of the Radiant shall be four (4) years.
- (4) A person qualified to be elected to the office of the Radiant shall have the opportunity to be elected for only two (2) full terms, or for three (3) terms if for any reason a term in which they served as the Radiant was not served in full.

7.3.2 Responsibilities

- (1) The Radiant, as *chief speaker* of the State, shall have the duty to
 - (a) Monitor the needs and aspirations of the State through engagements with citizens of the State and observation of public discourse;
 - (b) Monitor current and historical, and local and global, governance and political conditions, and social and economic variables affecting or relevant to the State.
 - (c) Channel their understanding of, and citizens' own expressed, needs and aspirations of the State, to relevant State institutions, and secure from these institutions guarantees and developments necessary for the present and future welfare and safety of the State.
 - (d) Sign on behalf of the State Assembly decisions taken by the State Assembly.
- (2) In furtherance of clause (1)(c) of this item-section, the Radiant shall
 - (a) Chair all High Councils, and any Special Councils which may from time to time be needed, under the Council of State, for the purpose of understanding, and, with inputs referred to in clause (1)(c) *supra*, coordinating, harmonising and synergizing, the work of otherwise independent holding institutions of the State.
 - (b) Inspect at will, and without prior announcement, the performance of any institution of the State, and, in the interest of citizens, make recommendations to
 - (i) The head of the institutions for improvement in their functions or
 - (ii) The State for the removal of failing officers of the State.
- (3) The Radiant, as *chief commander* of all security institutions of the State, shall
 - (a) Have the authority and duty to make orders for the purpose of defending the State against any imminent attack or conspiracy to attack, or other similar emergency in particular in relation to threats referred to in clause (4) of section 1 of this Constitution, without approval by the State Assembly; and
 - (b) Perform other duties of the chief commander established in law in a manner not inconsistent with this Constitution.

- (4) The Radiant, as *chief diplomat* of the State, without prejudice to the work of the head of foreign relations, ambassadors and other relevant officers of the State, whenever it is expedient to, and with due notice in writing to the head of foreign relations of the State
 - (a) May
 - (i) Represent the State at international meetings or at the invitation of other states for official visits, subject to approval by the State Assembly; or
 - (ii) Invite other states to visit this State, and host and invite other states to, international functions within this State, subject to approval by the State Assembly; and
 - (b) Shall
 - (i) To the best of their capabilities, promote and defend the image, views, interests and work of the State at any foreign meetings they attend or grant, in a manner consistent with overarching policies of the State; and
 - (ii) Forward a report on the outcomes of any foreign meetings with the Office of the Radiant, to the State Assembly and head of foreign relations of the State.
- (5) The Radiant, as a *leader and representation or model of Ghanaian citizenship*, shall have the duty to lead, inspire, harmonize and encourage citizens to be their best, through
 - (a) Public engagements;
 - (b) Demonstration or emulation
 - (c) Outreach; and
 - (d) Recognition of outstanding effort or achievements within the State or of Ghanaians including, in particular, those of the underprivileged or the typically unseen.
- (6) In the performance of their duties, the Radiant may, on behalf of the People, make
 - (a) Pronouncements;
 - (b) Advice;
 - (c) Requests;
 - (d) Orders; or
 - (e) Decisions.
- (7) The Radiant shall not leave the State without prior notification in writing, signed by themselves, to the State Assembly.
- (8) All actions of the Radiant shall be, at all times, subject to review by the State Assembly, and the Radiant shall be advised not to act in a manner likely to be disapproved by the State or to be inconsistent with this Constitution and overarching policies of the State.

- (9) If a matter before the Radiant is, in their view, a delicate matter, they shall consult with the Council of State or present it to the State Assembly for advice before acting on it.
- (10) The Radiant shall not in any way act against the advice of the State Assembly.
- (11) If the Radiant joins the State Assembly, they shall not have a vote in the Assembly by virtue of the fact that both the Radiant on one hand, and the speakers on the other hand, represent the People as a whole, and the Radiant only acts in this capacity where a vote of the Assembly is not practicable or expedient.

7.3.3 Office Structure

- (1) The Radiant shall perform the functions of their office from the Office of the Radiant here on in this section referred to as the Office.
- (2) The Office of the Radiant shall comprise
 - (a) The immediate family and State residence of the Radiant; and
 - (b) The private office of the Radiant, which may include their
 - (i) The Radiant;
 - (ii) Secretary;
 - (iii) Spokesperson;
 - (iv) Research Assistant;
 - (v) Planning Assistant;
 - (vi) Accountant; and
 - (c) Any other officers approved by the State.
- (3) Notwithstanding any provision of this Constitution, the Radiant shall have the authority to appoint by themselves, officers to their private office.

7.3.4 Stately Institutions

- (1) The Office of the Radiant shall be supported by offices, hereinafter referred to as Stately Offices, which shall be directly subordinate to and in the service of the Office of the Radiant, but shall report formally to the Council of State, for the purpose of ensuring the smooth functioning and integrity of the Office of the Radiant.
- (2) A Stately Office shall be headed by a director, who shall be a class 2 officer of the State.
- (3) The Stately Offices shall comprise
 - (a) State Secretariat;
 - (b) State Protocol;
 - (c) State Keepers; and

- (d) State Security.
- (4) State Secretariat shall have the duty to manage for the Office of the Radiant
 - (a) Reception and processing of all visitors to the Office;
 - (b) All correspondences to and from the Office, including screening, inspection and record-keeping of correspondences received and dispatched;
 - (c) Release of public statements, and management of the Office's media presence; and
 - (d) Any other responsibilities State Secretariat may by law be mandated with.
- (5) State Protocol shall have the duty to assist the Office of the Radiant with
 - (a) Learning materials and briefings necessary to maintain high standards of engagement and public discourse by and from the Office;
 - (b) Without prejudice to the style choices of the Office, vetting of the wardrobe of the Radiant and their Office to ensure it conforms with State policy and standards of dressing for the Radiant or other relevant code of conduct;
 - (c) Travel planning and arrangements of the Office;
 - (d) Liaising with the State institution for event planning to manage events hosted by the Office; and
 - (e) Any other responsibilities State Protocol may by law be mandated with.
- (6) State Keepers shall have the duty to manage the facilities of the Office of the Radiant and Stately Offices, including cleaning, repairs and maintenance, exterior and interior works and safekeeping of all properties including buildings, vehicles and items within those.
- (7) State Security shall have the duty to guarantee the highest level of security for the Office of the Radiant and shall to this effect
 - (a) Maintain strict security protocols for all officers of the Office of the Radiant and Stately Offices;
 - (b) Operate the vehicles of the Office of the Radiant;
 - (c) Maintain a robust system for monitoring the environment of the Radiant and their Office at all times;
 - (d) Conduct regular training for officers of State Security for the purpose of keeping its skills at the highest possible standard for the security of the Office at all times.
- (8) A Stately Office may file a complaint with the Council of State if the Office of the Radiant, for the lack of cooperation from the Office, unduly exposes the Office to disrepute or security challenges.
- (9) The State may enact law to regulate the Stately Offices, with respect to qualification and recruitment to these offices, respect for rights and freedoms of officers under the Office

of the Radiant, including their right to privacy and freedom of movement, protocols to be observed between State Security and other security institutions of the State or of foreign states and other relevant matters.

7.3.5 Deputization and Absence

- (1) A spouse of the Radiant may, in acting as a deputy to the Radiant, perform the responsibilities of the Radiant outlined in clause (4) and clause (5) of section 7.3.2 of this Constitution.
- (2) The Radiant may by writing, signed by themselves, to the State Assembly, resign from their office as the Radiant and, in effect, render the Office of the Radiant vacant.
- (3) If a vacancy is created in the Office of the Radiant, under clause (17) of section 15.5 of this Constitution, and a snap election is not possible under clause (18) of the same section, the High Justice, Chancellor of Finance, Chief Planner, Chief of Defence or Hand of Foreign Relations, in descending order of succession, shall, in acting, perform the responsibilities of the Radiant.

7.3.6 Retirement

- (1) A Radiant, after they retire, resign or are removed from that office, shall not hold any other office of the State except under the Council of State if they are admitted, and shall otherwise be advised to proceed on retirement or engage in prescribed endeavours such as such as in education, art, philanthropy, tour or in global governance, by the Council of State.

7.4 Council of State

7.4.1 Membership and Structure

- (1) The Council of State hereinafter referred to as the Council shall comprise as members, with acceptance on invitation
 - (a) ***Three (3) representatives of academia***, one (1) each appointed by the three (3) best ranked universities in the State, according to a ranking scheme approved by the State, and appointed in a manner determined and executed by each of those universities;
 - (b) ***Three (3) members from civil society organisations***, based on a list of the ten (10) most impactful think tanks, research institutions and development or governance organisations or charities in the State, according to a system of ranking approved by the State, and chosen by lot at the State Assembly from a list of leading officers or fellows of these institutions;
 - (c) ***Three (3) representatives of the business community*** who are owners of medium- or large-scale businesses, according to the classifications of the State's revenue

authority, one (1) each chosen, and in a manner determined, by each of the three (3) largest trade or industry unions in the State;

- (d) **Three (3) former members of the Government** which shall comprise
 - (i) **Two (2) former speakers** or equivalents who have served successfully for at least twelve (12) consecutive years, chosen by lot at the State Assembly, from a list of such persons; and
 - (ii) **One (1) former Radiant** or equivalent who has served successfully for at least eight (8) consecutive years, chosen by lot at the State Assembly, from a list of such persons;
 - (e) **Three (3) monarchs** chosen by lot from a list of monarchs in the Federation of Monarchies of the State, by the Federation of Monarchies of the State;
 - (f) **Two (2) religion leaders** being a leading member each of the two (2) largest religions in the State, which, as the present goes, and by virtue of that alone subject to future change, shall be leading members of the Christian and Islamic communities, or their largest denominations or branches where applicable, appointed in a manner determined and executed by each of those communities or bodies;
 - (g) **Three (3) officers of the State** of the category of class 3 or class 4, chosen randomly and publicly from a database of such officers by an institution of the State with the best database for such purpose as approved by the State; and
 - (h) **Three (3) tax-paying citizens** chosen randomly and publicly by, and from the database of, the State's revenue authority, and who do not fit the description of either of the other required categories of members of the Council.
- (2) A person shall not be appointed to or selected for the Council of State if they
- (a) Are not an Ordinary Indigene;
 - (b) Have a standing criminal record; or
 - (c) Are to be replaced by the present round of appointment or selection to the Council.
- (3) The Council shall vote for, from amongst their midst, a chairperson of the Council, excluding from eligibility for this role, members of categories defined by sub-clauses (f), (g) and (h) of clause (1) of this item-section.
- (4) The chairperson of the Council shall be a class 1 officer of the State.
- (5) A new set of members under the categories of "officers of the State" and "tax-paying citizens" of the Council shall be selected each year, and all members of the Council shall be replaced within two (2) months after general elections have ended, according to a fixed schedule.

- (6) The chairperson shall be a class 1 officer of the State.
- (7) A vacancy shall be deemed to be created in the membership of the Council if a member
 - (a) Resigns;
 - (b) Becomes permanently incapacitated by illness or death; or
 - (c) Is removed from office by the State on the grounds of failing in their duty or on conviction of some other offence which warrants their removal under the law.
- (8) Only the State, on the advice of other members of the Council or the Supreme Court or on its own conviction, shall have the authority to remove a member of the Council on the grounds of failing in their duty.
- (9) Notwithstanding any other provision under this Constitution, if the mandatory retirement of a member of the Council happens after they have been admitted to the Council, their appointment shall be extended until the next scheduled replacement of relevant members of the Council.
- (10) Any vacancy created in the membership of the Council shall be filled in the manner established in this item-section for the admission of a member of the same category.
- (11) The Council may comprise in its structure, offices and facilities, approved by the State, necessary for the performance of its duties.

7.4.2 Responsibilities of the Council

- (1) The Council shall have the duty to
 - (a) Advise the Radiant on matters, for the purpose of protecting the integrity and image of the Office of the Radiant and to ensure the Radiant at all times acts in the best interest of the People and in a manner consistent with this Constitution.
 - (b) Assist the Radiant to, through sub-councils, coordinate the work of, or, directly, resolve challenges between, otherwise independent institutions of the State.
 - (c) Advise the State Assembly on matters, for the purpose of providing second opinion to on issues or problems involving other institutions of the State, and to help ensure that the actions of the Assembly are at all times in the best interest of the People.
 - (d) Assist the State Assembly and the Supreme Court, by responding to issues it is mandated to in this Constitution, which would otherwise burden the State Assembly or the Supreme Court.
 - (e) Advise the People on matters which, in its view, require further circumspection or consideration, or diversion from the present position of the People.

- (2) The Council may report to the State Assembly, any institution, including the Office of the Radiant, acting against its advice and in so doing compromising the integrity of the State, for a decision of the State to be taken thereof.

7.4.3 Sub-Councils and Functioning of the Council

- (1) The Council may set up councils under itself, either of which may be a
 - (a) Permanent council, herein after referred to as a **High Council**, expected to be of permanent use to the State, and of which type there shall be a
 - (i) High Council for State Coordination;
 - (ii) High Council for Security of the State;
 - (iii) High Council for Judiciary Consistency and Reliability; and
 - (iv) Any other council designated as a High Council by the Council; or
 - (b) Temporary or ad-hoc council, herein referred to as a **Special Council**, formed to address a present but temporary need which involves significant amount of operational coordination between two (2) or more independent class 0, class 1 or class 2 institutions of the State, such as to address a refugee or health crises.
- (2) The Council of State shall, itself, act as a *de facto* **Peace Council** and shall not form a sub-council for this purpose, howsoever named.
- (3) A High Council may be formed by the Council subject to approval by the Radiant, and shall be dissolved in a similar manner to its formation if a need be to dissolve it.
- (4) A Special Council may be formed either by the Council or by the Council acting at the request of a class 0, class 1 or class 2 institution of the State, and shall be dissolved in a similar manner to its formation if a need be to dissolve it.
- (5) Councils under the Council shall primarily function through meetings.
- (6) A member of a council under the Council of State shall not be compensated for meetings or work done under the Council, and they shall attend to such meetings or work in the capacity of their present offices which requires them in the council.
- (7) Office facilities of the Council of State, or office facilities of key members of a council under the Council, may be used for the purpose of convening meetings of the Council.
- (8) All High Council meetings shall be chaired by the Radiant, and whomever at the meeting they appoint to be the secretary for the meeting shall comply as the secretary.
- (9) A Special Council shall be chaired by whomever the Chairperson of the Council of State appoints to chair it, depending on the purpose of the Special Council, and the chair of the Special Council so appointed shall appoint anyone at a meeting of the Special Council to be a secretary for the meeting, and that person shall comply.

- (10) A Special Council may or may not include the Radiant.
- (11) All members and attendees of meetings of the Council and councils under the Council shall be treated as equal, and no member shall in any way intimidate or undermine the inputs of any other member or attendee of the Council or its councils or meetings.
- (12) A meeting of the Council or a council under the Council shall not proceed unless all of its members have been duly notified of the details of that meeting at least three (3) days in advance, and shall not proceed with less than one-half ($\frac{1}{2}$) of the membership of the Council or that council.
- (13) A resolution of the Council or a council under the Council shall be in the form of opinions and advice written, or concurred to, by any person in attendance of the meeting of the Council or council who wishes to do so, and a resolution so made shall be directed to relevant institutions responsible for its execution and forwarded to the State Assembly.
- (14) A Special Council which does not include the Radiant, shall submit a copy of its resolutions to the Radiant.

7.4.4 Coordination Council

- (1) The High Council for State Coordination, hereinafter referred to as the Coordination Council, shall comprise the Radiant and the heads of all holding institutions of the State.
- (2) The purpose of the Coordination Council shall be to coordinate, harmonize and synergize work on the extended functions of government, to secure a prosperous, comfortable and safe present and future, and altogether ensure good governance, for the State.
- (3) General meetings of the Coordination Council shall include all its members.
- (4) The Radiant may convene a purpose meeting of the Coordination Council, giving at least seven (7) days' prior notice on the details to members of the Coordination Council, and the purpose meeting shall comprise
 - (a) The Radiant;
 - (b) The Chairperson of the Council of State;
 - (c) The Chancellor of Finance;
 - (d) The Chief Planner; and
 - (e) Any other class 1 officers whom the Radiant may call on to attend depending on the purpose of the meeting.
- (5) Each member of the Coordination Council may bring along up to two (2) other officers in or under their office whom they believe to be necessary for the meeting.

7.4.5 Security Council

- (1) The High Council for Security of the State, hereinafter referred to as the Security Council, shall comprise
 - (a) As mandatory members
 - (i) The Radiant;
 - (ii) The Chairperson of the Council of State;
 - (iii) The Chief of Defence;
 - (iv) The Chief of the Internal Security;
 - (v) The Hand of Entries;
 - (vi) The High Justice; and
 - (vii) The head of highest intelligence office of the State; and
 - (b) As permissive members
 - (i) The Hand of Foreign Relations;
 - (ii) The Chancellor of Finance; and
- (2) Meetings of the Security Council may be attended by any other officers whom the Chief of Defence may advise to be invited to attend, with the approval of the Radiant.
- (3) The purpose of the Security Council shall be to monitor all affairs, local and global, relevant to the security of the State and to coordinate relevant state institutions in taking actions necessary to guarantee the immediate and future security of the State.
- (4) Security Council meetings may be convened by the Radiant acting on their own or on the advice of any member of the Security Council, with or without prior notice in the case of an emergency, and officers invited to attend shall do all within their power to comply.
- (5) The Security Council may classify a meeting or resolution of the Security Council as a State Secret, in the interest of the security of the State, and every person who was present at the meeting or who comes to gain information or observation from a resolution of the meeting shall treat any such information or observations with the strictest confidentiality.
- (6) Revealing to an unauthorised audience any matter classified as a State Secret, constitutes, on conviction, a crime of unlawful disclosure of state secrets.
- (7) A Ghanaian who is of the view that a matter classified as a State Secret is so classified in contravention of this Constitution may file a lawsuit at the Supreme Court and the Supreme Court shall take steps or make orders necessary in its view to protect the privacy and safety of such a person, and of the case or State, and shall hear the case and issue a determination or order on the matter, and that order shall be final and binding.

- (8) For the avoidance of doubt, “unauthorised audience” referred to in clause (6) of this item-section does not include any person relevant to the execution or bringing into effect of a resolution or matter, or officers of the Supreme Court involved in the determination of the merit or otherwise of a matter, classified as a State Secret.

7.4.6 Judiciary Council

- (1) The High Council for Judiciary Consistency and Reliability, hereinafter referred to as the Judiciary Council, shall comprise
 - (a) The Radiant;
 - (b) The Chairperson of the Council of State;
 - (c) The High Justice;
 - (d) The most senior justice of the Court of Appeal;
 - (e) The State Attorney;
 - (f) The Chief of the Internal Security;
 - (g) The head of the Police of the State; and
 - (h) A monarch appointed by the Federation of Monarchies of the State.
- (2) Meetings of the Judiciary Council may be attended by any other officers whom the High Justice, State Attorney and head of Police may advise to be invited to attend, with the approval of the Radiant.
- (3) Whereas the duty to formulate and reform laws of the State, under this Constitution, falls on every Ghanaian, including officers of the judiciary institutions, who may at any time freely exercise this duty, but whereas officers of the judiciary and security institutions and attorneys in or of the State function as the foremost officers in the application and enforcement of the laws of the State, the judiciary council comprised of the heads of these institutions and others, shall have an elevated duty to continually
 - (a) Recommend to the State Assembly, reforms necessary to improve fairness of the law of, and the administration and delivery of justice in, the State; and
 - (b) Encourage law and judicial service professionals, and the People in general, to submit recommendations to the Judicial Council for deliberations and onward submission to the State or other appropriate bodies on improving
 - (i) Fairness and consistency of the law; and
 - (ii) Professionalism in judiciary institutions and the delivery of justice.

7.5 Constitutional Functions of Government

7.5.1 General Rules of the Assembly

- (1) Speakers shall not conduct any business in the State Assembly in the absence of the President except work related to the selection of the President.
- (2) Speakers shall sit as regularly as practicable and shall not stall work in, or unduly absent themselves from, the State Assembly, and any such act by a speaker shall, on conviction, constitute a crime of sabotaging the State.
- (3) A quorum of the Assembly, apart from the President, shall be ninety percent (90%) of all speakers under the Assembly.
- (4) The President, if available, or otherwise, the first speaker according to an alphabetical order of the surnames of speakers, shall have the duty to do the picking, if a choice is to be made by lot at the State Assembly.
- (5) The seats of speakers in the Assembly shall bear the names of the districts represented in the Assembly, and speakers in the Assembly shall be addressed by the names of the districts they represent.

7.5.2 Constitutional Duties

- (1) The State Assembly shall have the sole authority and duty to approve for the State, decisions, actions or instruments hereinafter referred to as constitutional items, including
 - (a) **Policy**, which is, a decision and statement on how the State wishes to approach its purpose or functions, thus defining its character preference; and
 - (i) Which shall not, in effect, be confused with the purpose or functions of the State, body or institution, nor goals, objectives, strategies or tactics formulated in relation to plans developed thereof; and
 - (ii) Which shall guide the actions of people and institutions in the State; and
 - (iii) Which may be embedded in law;
 - (b) **Law**, which is, a set of conditions generally, fundamentally and immutably applicable or enforceable, in relation to a matter, whereas conditions include
 - (i) Prohibitions, obligations and permissions; and
 - (ii) Established or requisite effects of actions;
 - (c) **Institutional Effectuation** or **Reform**, which is, the bringing into effect of an institution or changes in an institution, of the State, already declared or defined in the structure of a system or law, by an instrument outlining the internal structure, roles, procedures and other details and provisions relevant for the effective functioning of that institution, and whereas

- (i) The instrument used for this purpose shall be known as an institutional manifest;
 - (ii) An institutional manifest shall only be required for each institution or type of institution declared or defined and not for each branch of the same institution;
 - (iii) An institutional manifest may provide for a different structure for the head office and district and sub-district offices of the same institution where applicable; and
 - (iv) The State shall design and approve an Institutional Manifest Template for this purpose;
- (d) **Restructuring**, which is, the alteration of the set of, and relationships between, institutions within a system, for better efficiency or effectiveness, without changing the fundamental purpose or functioning of that system, and which may be effected by an amendment to existing law;
- (e) **System**, which is, a set of elements and the defined relationships between them, working individually yet interdependently to serve a common function or purpose, whereas elements include
- (i) Institutions, offices, facilities and people; and
 - (ii) Which may be embedded in law; and
- (f) **Territorial delimitation** of the State, sub-states and districts which may be effected by the development of or amendment to maps of Territories of the State, whereas the internal boundaries of or delimitations within districts shall be determined at the district level by the people of the district in consultation with the appropriate custodian of lands, State institution for lands and, where necessary, courts.

7.5.3 Sovereign Oversight Duties

- (1) The State Assembly shall have oversight of major decisions of State institutions, hereinafter referred to as “other matters of the State,” including the sole authority to review and approve
- (a) **Budgets** or plans of all class 1 institutions of the State which shall be presented to the Assembly by the institutions;
 - (b) **Credit** facilities of any kind required by the State or State institutions, which may be proposed by the Chancellor of Finance;
 - (c) **Natural resource extraction or exploitation** plans which may be proposed by the Steward of Natural Resources and the Environment;

- (d) *Ambassadors* assigned to and from the State, who may be recommended to the Assembly by the Hand of Foreign Relations, and on approval signed by the Radiant on behalf of the Assembly;
- (e) *Treaties, conventions and agreements* with the State, which may be proposed to the Assembly by the Radiant or Hand of Foreign Relations and, on approval, signed by the Radiant on behalf of the Assembly; and
- (f) *Declaration of or response to war or State emergencies*, including, without limiting to
 - (i) Plans for offensive, defensive and rescue operations; and
 - (ii) Decisions on the extension of terms of officers of the State necessitated by a war or State emergency

which may be recommended to the Assembly by the Security Council, or Radiant or Chief of Defence of the State and, on approval, signed by the Radiant on behalf of the Assembly, granted that, in accordance with other provisions of this Constitution, the Radiant and Chief of Defence of the State may act or issue orders without authorisation by the Assembly, only for the purpose of defending the State against incoming attacks or threats or emergency.

- (2) The Assembly may at any time it chooses, summon any officer of the State to the Assembly to present an update or account on the performance of their office, and a failure by an officer to comply with such a summons within three (3) days without justifiable cause shall on conviction, constitute a crime of state disobedience.
- (3) The Assembly shall ensure that all class 1 officers of the State, at least once a year each, are summoned to the State assembly to present an update or account on the performance of their office and sector.
- (4) The Assembly shall receive any other matters presented to it in accordance with provisions of this Constitution.
- (5) Any other matters of critical importance to the State, which does not fall under the mandate of any other State institution under this Constitution, shall fall under the purview and responsibility of the Assembly or any institution the Assembly assigns it to.

7.5.4 Proposals

- (1) Proposals may be made to the State Assembly through
 - (a) The Secretariat of the Assembly, which shall be the channel for proposing constitutional items and shall attract no material cost to the proposing party;

- (b) State institutions with a mandate on the matter of the proposal, which may be used for proposing matters other than constitutional items and shall attract no material cost to the proposing party; or
 - (c) An independent initiative to petition the Assembly, which may be used to propose to the Assembly any matter under its purview.
- (2) Every Ghanaian citizen or entity, in accordance with clauses (1)(a) and (1)(b) of section 6.3 of this Constitution, shall have the shared duty to propose constitutional items for consideration by the State Assembly through the Secretariat of the Assembly.
 - (3) The Assembly shall adopt and maintain a system which allows for any Ghanaian citizen or entity with a valid proposal for a constitutional item to submit their proposal, or to counter a proposal with an alternative proposal, to the Assembly, and for the effective scheduling of such proposals for debate by the parties proposing, at the State Assembly.
 - (4) Proposals of constitutional items through the Secretariat of the Assembly to the Assembly shall be anonymised in submission and scheduling for debate.
 - (5) No person or entity shall have the authority, under any circumstance, to introduce or effect a constitutional item in the State, without making a proposal to the State in the manner prescribed for every other Ghanaian citizen or entity.
 - (6) An officer of the State who proposes a constitutional item to the State shall do so in their own private capacity.
 - (7) Notwithstanding any other provision in this Constitution, a proposal submitted by a class 1 or class 2 officer of the State to the State Assembly, for a law or institutional effectuation or reform relevant to the functions of their institution, shall not be subject to anonymisation or pruning, but shall be duly scheduled for counter proposals and debate from any Ghanaian citizen or entity.
 - (8) A Ghanaian citizen or entity who or which wishes to propose other matters of the State to the Assembly for its consideration, except on the appointment or reception of Ambassadors, may first channel their recommendations to the speaker for their district, who shall, if it bears any merit, channel it to the appropriate institutions of the State in accordance with the duties of a speaker.
 - (9) A Ghanaian citizen or entity who or which, on a matter of
 - (a) Treaties, conventions and agreements; or
 - (b) Declaration of or response to war

Under clause (1) of section 7.5.3 of this Constitution, has valid basis to believe an institution of the State is not deciding or acting in the best interest of the State or is deciding or acting in contravention of this Constitution, and whose attempts to make recommendations to the appropriate institutions or officers on the matter in accordance

with provisions of this Constitution have been ignored or rejected, may petition the Council of State and, if unsuccessful, further file a lawsuit at a Central Court, and may appeal through to the Supreme Court, for their matter to be scheduled for debate at the Assembly.

- (10) A court of competent jurisdiction which finds, under clause (9) of this item-section, that a person or entity must be heard by the Assembly, shall make an order to the Assembly to that effect, and the Assembly shall comply.
- (11) A Ghanaian citizen or entity shall be entitled to be scheduled for debate on a matter at the Assembly if they obtain a Certificate of Cause on the matter from the State's votes and elections institution, which they shall be entitled to if they canvass, in a manner recommended by the State's votes and elections institution and approved by the State, signatories to a petition on that matter, comprising at least ten percent (10%) of the population of at least ten percent (10%) of the districts comprised in the State including of the capital city or district of the State.
- (12) A party, which is to say, a person or entity, making a proposal to the Assembly shall after the proposal is accepted for debate at the Assembly, append to the proposal an Attributions section detailing whom it is proposed by, sponsored by and any other relevant details required by the Assembly for transparency, accountability and due credit before and after implementation of such a proposal.

7.5.5 Debates

- (1) The State Assembly shall adopt a debate format, procedure and rules in the form of law which ensure, in the conduct of debates or engagements at the Assembly
 - (a) Decorum;
 - (b) Strict honesty;
 - (c) Education and the exchange of information rather than unwarranted confrontation;
 - (d) Fairness to all persons or entities without discrimination in any way on the bases of age, status, background, interests or any other sources of differences; and
 - (e) Structured interrogation of matters towards discovery of truth, fair and logical conclusion and value for the State.
- (2) Lying to the Assembly shall, on conviction, constitute a crime of defrauding the State.
- (3) Where the President of the Assembly fails to properly apply rules of the Assembly, a person affected by such failure may file a lawsuit at a Central Court against the President of the Assembly and, subject to appeals through to the Supreme Court, an order of the court on the matter shall be complied with.

- (4) A speaker called to debate at the Assembly shall temporarily vacate their seat for the purpose of debate, and shall debate in their own name and capacity.
- (5) In the State Assembly, a speaker shall only speak for their district while they are seated in their district's seat in the Assembly.
- (6) A summary of facts established by a debate, shall be outlined at the Assembly at the end of the debate, and parties to the debate shall resume their proper seats, be it in the audience or at the seat of their district in the case of a speaker, in the Assembly.

7.5.6 Voting

- (1) A speaker, regardless of having participated or not in a relevant debate at the Assembly, shall cast the vote of and for their district, and not their personal vote.
- (2) Only districts comprised in the State, represented by their speaker, may vote at the Assembly.
- (3) A matter that is reasonably of concert to only certain districts, such as in case of a merger or splitting of sub-states, shall be decided by members of only those districts, be it by vote at the Assembly or by referendum.
- (4) A count of votes equal to or more than seventy percent (70%) of representation in the Assembly, on a matter, in favour of a proposal or a choice the matter before the Assembly shall constitute a choice of the People duly made for that proposal or on that matter.
- (5) Whereas each district shall have one (1) vote in the Assembly, the State may, if the People so wish, provide, through a law under, or by revision or amendment to, this Constitution, for votes of districts represented in the Assembly to be weighted based on population and land size, and thus create proportional representation in the Assembly, or shall otherwise count each vote equally.

7.5.7 Adoption

- (1) A proposal which has approved by vote at the Assembly or in a referendum in accordance with provisions of this Constitution shall, from the point of declaration of the results of the vote, or per a pre-stipulated schedule, have the effect of law or otherwise be put into effect by any person or entity as mandated to do so by the proposal or under this Constitution, subject to conditions under this item-section.
- (2) The Assembly through the Assembly Secretariat in the case of constitutional items, or mandated State institutions in the case of other matters of the State, shall engage available institutions and facilities and take all reasonable steps to ensure timely publicization or wide circulation of notice of when a newly approved proposal or decision made at the State Assembly will be put into effect before it is put into effect, or otherwise if that was not possible under this Constitution, to do so immediately after it is put into effect.

- (3) A district which strongly dissents to or disagrees with a proposal which has been approved by vote at the Assembly or in a referendum, may make an application addressed to the President of the Assembly through the Secretariat of the Assembly, to be exempt from the adoption or implementation of the proposal in question, if it is possible, in the view of the district, for the district to be isolated from the impact of or otherwise from the adoption or implementation of the proposal, and their application
 - (a) Shall be granted in writing by the President if they are convinced of their case, and the isolation order thus made shall be signed by the Radiant, and shall be respected by all implementing or effecting institutions or officers; or otherwise
 - (b) May be submitted to the Supreme Court for a determination on the matter, and the decision of the Supreme Court shall be final.
- (4) A district which has been approved for isolation from the adoption or implementation of a proposal under clause (3) of this item-section may apply to the Assembly to negotiate, by debate, for a compensatory budgetary allocation to account for any loss in financial resources or opportunities which would otherwise have accrued to the district, as with other districts, from an adoption or implementation of the proposal, and their application
 - (a) May be approved by a vote of the Assembly; or, otherwise
 - (b) May be submitted to the Supreme Court for a determination on the matter, and the decision of the Supreme Court shall be final.
- (5) A district which has been approved for a compensatory budgetary allocation under clause (4) of this item-section shall submit a proposal to an appropriate institution or institutions of the State detailing an alternative use for the financial resources thus allocated, and the institution or institutions shall direct the resources to such purpose for the district.

8. Unitary Functions of the Government

8.1 Unitary Institutions

- (1) The unitary institutions of the State shall comprise the central bank of the State which shall be known as the *Bank of Ghana*, and under which shall be
 - (a) The Securities and Exchanges Authority.
- (2) The chief holding officer of the central bank shall be the *Governor* of the central bank.

8.2 General Functioning of the Central Bank

- (1) The central bank of the State shall have the duty to
 - (a) Design and produce, or oversee the adoption of, money as legal tender for use in and by the State;

- (b) Promote and maintain stability of the currency of the State;
 - (c) Regulate currency in the State to protect the economic interests of the State;
 - (d) Design or promote the adoption and sustenance of an effective, efficient and convenient financial system for the State; and
 - (e) Securely store resources of the State held as funds for or of the State or State institutions, and manage them per the requirements of the fund managers.
- (2) The Governor of the central bank shall propose to the State Assembly for consideration, law and inherent systems necessary for the effective performance of its functions.

9. Judiciary Functions of Government

9.1 Judiciary Institutions

- (1) The judiciary institutions of the State shall comprise
- (a) The courts of justice, hereinafter referred to as courts, which shall interpret and apply the laws of the State to the pursuit of justice for and in the State; and
 - (b) The *Administration for Justice*, which shall see to the administrative and infrastructure needs of the judiciary institutions of the State, including the development, management and maintenance of court facilities, and staffing and other relevant matters.
- (2) The courts shall comprise
- (a) The *Supreme Court* which shall be the apex court of the State and shall handle
 - (i) Interpretation of this Constitution, as per cases submitted to the court for the purpose and, where the actions of any person or entity in, of or against the State is found to be inconsistent with this Constitution, make such orders or directives necessary to resolve the failure of, or ensure, conformity with this Constitution and laws under it;
 - (ii) Review of rulings of other courts, submitted to it for clarity;
 - (iii) Matters assigned to it by this Constitution; and
 - (iv) Crimes against the State; andunder which shall be
 - (b) The *Court of Appeal* which shall handle appeals from subordinate courts; and
 - (c) The *Central Courts* which shall handle disputes on matters or against subjects who or which are of interest to multiple districts or to the State as a whole; and under which shall be

- (d) The **District Courts** which shall handle disputes on matters which do not in effect cross district boundaries, and which shall comprise
 - (i) **Domestic Courts** which shall handle disputes between relatives and between families on matters of family relationships, including inheritance, divorce, marriage disputes, domestic violence, spousal abuse, child abuse and others;
 - (ii) **General Courts** which shall handle disputes against persons or entities in general and on matters not covered by the other district courts.
 - (iii) **Business Courts** which shall handle disputes between businesses or persons acting in their capacity as officers or representatives of businesses; and
 - (iv) **Civic Courts** which shall handle disputes against the State or State institutions or persons acting in their capacity as officers of the State.
- (3) The Central Courts, Court of Appeal and Supreme Court shall be courts of record.
- (4) A court shall have every authority and jurisdiction of a court subordinate to it.
- (5) A case from a District Court may be appealed, as of right, at a Central Court, and a case from a Central Court, including cases originating from a District Court, may be appealed, as of right, at the Court of Appeal.
- (6) The Court of Appeal shall be the final court for appeals except on matters which this Constitution expressly allows to be appealed at the Supreme Court.
- (7) Notwithstanding a hierarchy apparent in the appellate relationship between the Court of Appeal and the Central Courts, the Court of Appeal shall on all other matters structural be at par with the Central Courts.
- (8) The bench of a court shall comprise
 - (a) In the Supreme Court, nine (9) justices, who may be referred to as elder justices, and shall be duly constituted for its work by not less than five (5) of these justices;
 - (b) In the Court of Appeal, seven (7) justices, who may be referred to as appeal justices, and shall be duly constituted for its work by not less than five (5) of these justices;
 - (c) In a Central Court, seven (7) justices, who may be referred to as prime justices, and shall be duly constituted for its work by not less than five (5) of these justices
 - (d) In a District Court
 - (i) One (1) judge, who shall hold forty percent (40%) of votes in the court; and
 - (ii) A ten-member (10-member) jury, which shall hold sixty percent (60%) of votes in the court, and which shall comprise for each case
 - 1. At least five (5) judges-in-training posted by the Administration for Justice; and may include

2. One (1) retired judge or justice; and
3. A cross-section of the People relevant to the jurisdiction of the court, such as business owners for business courts and parents for the domestic courts, being people of good repute and integrity with no personal or private interest in the case, and posted with assistance from the office of the district speaker; and

Shall be duly constituted for its work by not less than a judge and a jury of ten (10).

- (9) Justices of Supreme Court shall be class 1 officers of the State, and justices of the Court of Appeal and of the Central Courts shall be class 2 officers of the State and Judges of the District Courts shall be class 3 officers of the State.
- (10) Justices of the Supreme Court shall elect from amongst their midst one (1) justice to be the **High Justice**, in a manner established by the court.
- (11) The High Justice shall be the chief holding officer for the courts of justice and thus the head of the primary judiciary functions of government.
- (12) At sittings of the Supreme Court, the High Justice or, in their absence, the most senior of the justices of the Supreme Court, as constituted, shall preside.
- (13) The Administration for Justice shall be headed by a **High Administrator for Justice**, who shall be the chief holding officer for the institution, and a class 1 officer of the State.
- (14) The Supreme Court, in consultation with the Administration for Justice, shall present to the State for review and approval, institutional manifests for the different types of courts established under this Constitution, and for the Administration for Justice, necessary for the effective functioning of these institutions.

9.2 Appointment of Judges and Justices

- (1) The Supreme Court, in consultation with the Administration for Justice and the largest professional body or bodies for regulation of the legal and judicial professions in the State, shall formulate and present to the Assembly for review and approval, laws and procedures for the appointment and replacement of justices, judges and jury of the courts in a manner consistent with overarching policies of the State and with the values and limitations apparent in this Constitution.
- (2) For the purpose of appointments of, and determining seniority between, judges and justices of the courts, pursuant to clause (1) of this sub-section, the Administration for Justice may institute a ranking system for all judges and justices of the State, based on a weighted average of

- (a) A perception of justice score polled on each judge or justice after each case, factoring the perception of justice delivered, perception of professional manners and perception of competent control of the court, by the judge or justice, and as of
 - (i) The plaintiff;
 - (ii) The defendant; and
 - (iii) The public, seated in court or generally, depending on the case; and
- (b) A post-publication peer-review grade of each judge or justice, based on anonymised peer-reviews of each and all of their rulings over time.

9.3 General Functioning of the Judiciary Institutions

- (1) The courts shall perform their duties at no material fee to any Ghanaian accessing them.
- (2) The Supreme Court, directly or by precedence, shall have exclusive jurisdiction to determine whether or not a resource or item should be disclosed to a party or to the public in respect of its implications for privacy, or security of the State, versus other values of this Constitution, and a hearing to that effect shall be held *in camera*.
- (3) In the exercise of the judicial authority conferred on judiciary institutions under this Constitution, the courts may, in relation to any matter within their jurisdiction, issue such orders and directions as may be necessary to ensure the enforcement of any judgment of those courts.
- (4) An order, direction or judgement of a court shall be deemed to be that of the State, by virtue of such authority being exercised as delegated and entrusted to it by the State to act on its behalf, according to rules laid down by the State, and a sentencing by the court shall thereby be read as a sentencing by the State and not of the court nor justices, judges or jury in their own capacity.
- (5) Except per the orders of a higher court for the avoidance of a conflict of interest, no person sitting on the bench of a court for the determination of any case or matter shall, having heard the arguments of the parties to that case or matter and before judgment is delivered, withdraw as a member of the bench of the court, nor shall that person become *functus officio* in respect of that case or matter, until judgement is delivered.
- (6) A decision in a court shall require votes of at least seventy percent (70%) of the bench on the case in favour of that decision to constitute a decision of the court.
- (7) A court which fails to reach a decision after a trial shall extend the trial to take steps or make orders as may be necessary to resolve the differences in its opinions until a decision or other settlement is reached by the court or parties or both.
- (8) All judgements of a court shall be based on written opinions, or agreements with written opinions, by members of the bench on the case in question, explaining their application

of the law and the reasoning or bases of their judgement, and a reference to “votes” in this sub-section is in reference to such opinions duly counted in favour of a judgement.

- (9) A court shall be bound by
 - (a) Precedents set by itself or a court of similar authority as itself; and
 - (b) Precedents set by a higher court, which shall take precedence over a precedent set by itself or a court at the same level of authority as itself.
- (10) A court which is of the opinion that a precedent set by a court is erroneous, shall submit recommendations on the matter to the Supreme Court, and shall stay its proceedings until a determination on the matter is made by the Supreme Court and, then, shall dispose of the case in accordance with the decision of the Supreme Court on the matter.
- (11) The Supreme Court, shall, on receipt of a request for clarity on a ruling by a subordinate court, review and respond to the court, with a correction or affirmation of the ruling in question, or other appropriate directive; and subordinate courts shall thenceforth be bound by the decision of the Supreme Court.
- (12) The Supreme Court may review its own precedents and, to that effect, shall summon a full bench on the matter.
- (13) A new interpretation of the law derived from the review of a precedent, shall not be used to retroactively compound penalties on a previous sentencing.
- (14) Where the Supreme Court has reviewed its decision on a case previously, and where the Supreme Court finds a need to review its decision on the case for a second or more time
 - (a) The Supreme Court shall submit a recommendation to the State Assembly for a review of the relevant law or instrument as may be necessary to remove any ambiguity or subjectivity in its interpretation or to effect any other recommendation thereof; while
 - (b) The Supreme Court continues its functions on the matter; and whose outcome
 - (c) Pending a resolution of problem by the State Assembly, shall be subject to the resolution of the State Assembly.

10. Financial Functions of Government

10.1 Financial Institutions

- (1) The financial institutions of the State shall comprise
 - (a) The *Arch of Finance*, under which shall be the State’s
 - (i) Budget Office; Revenue Authority; Credit Office; and Accounts Office; and

- (b) The *Arch of State Funds*, under which shall be all funds established to manage financial resources of the State or State institutions, including, as may be approved or otherwise by the State
 - (i) A principal fund for all levies collected for general expenditure of the State;
 - (ii) An education fund and a health fund to manage respective special levies collected for respective services or facilities of the State;
 - (iii) Funds for the State's resource extraction activities;
 - (iv) A credits fund and a grants fund to manage respective resources in a manner prudent for the terms, purposes and targets for such funding;
 - (v) A contingency fund for unplanned critical or emergency expenditure of the State; and
 - (vi) Any other funds to manage any other financial resources for any other purposes of the State.
- (2) The chief holding officers of the financial institutions of the State shall be *Chancellors* of their respective institutions and mandates.

10.2 General Functioning of the Financial Institutions

- (1) Levies, including taxes, special levies and duties, may be instituted in the State through the formulation of law approved by the State.
- (2) A levy shall not be instituted or approved in the State without sound bases in what
 - (a) Warrants the levy, which is to say, explains the need for the tax; and
 - (b) Justifies the levy, which is to say, explains the incidence of the levy and what makes it fair.
- (3) No person or entity in the State, other than the State's revenue authority shall have the authority to collect levies in the State, except that a levy shall not be confounded with
 - (a) Fees or bills which may be charged by institutions of the State for services which are provided as needed and are not rights guaranteed by the State;
 - (b) Dues which may be charged by an organisation or community for services or benefits of that organisation or community as an optional commitment; or
 - (c) Confiscation or repossession of a property as may be ordered by a competent court or authority in the pursuit of justice.
- (4) Whereas taxes shall be generally warranted for funding the functions entrusted by the People to the Government and its institutions, there may be further justified for the incidence of such taxes, by virtue of the State's investments accrued to a citizen or entity in Ghana, presently or from birth, or historically at birth

- (a) Taxes on the income of gainfully employed persons, businesses or factors of production in the State, for the market of the State which enables the income generation; whereas income includes
 - (i) Salary or wages of labour
 - (ii) Profit of enterprise
 - (iii) Royalty from property extraction
 - (iv) Rent from fixed property lending
 - (v) Interest from consumable property lending
 - (b) Taxes on ownership of private landed property in the State, for the sovereignty of the State which enables the building and protection of such property; and
 - (c) Taxes per consumption in the State, for all other functions of the Government which enable navigation and livelihood in the State.
- (5) Whereas duties, referred to in this sub-section in an economics sense, shall be warranted on the same bases as taxes, there may be further justified for the incidence of
- (a) Custom duties or tariffs, on imports, for the market of the State which allows for income generation by foreign producers; and
 - (b) Excise duties on items produced which place extra socio-economic burdens on the State, for accommodation of, or cost incurred by, the State for every such item.
- (6) A special levy shall not be instituted for funding physical infrastructure of any kind.
- (7) Whereas a special levy may be warranted for funding targeted services of or in the State, which otherwise are unable to be accommodated by existing tax streams, where such a levy is widely imposed on consumption, as of a tax, no person or entity subject to such a levy shall be, on any condition, able to be outrightly restricted from accessing the target service, in particular, at the time of need.
- (8) Levies shall not be varied or subject to discrimination, in payment, under any conditions except according to pre-established conditions approved by the State.
- (9) The Chancellor of State Funds shall, in consultation with the Coordination Council, propose to the State Assembly for consideration, funds necessary to manage the financial resources of the State in a manner that ensures financial security and stability, and overall growth and sustainability of such resources.
- (10) The Chancellor of Finance shall, in consultation with the Coordination Council, propose to the State Assembly for consideration, law to guide the mobilisation and management of, planning or budgeting around, and disbursements of, financial resources of the State and institutions of the State, including levies, credit facilities, grants, and royalties, fees and other revenues from extractive activities and services of institutions of the State.

- (11) The Chancellor of Finance may, where the financial situation of, or plans or composite budget for, the State demands it, and where they find it prudent, propose to the State Assembly for consideration, credit facilities, including loan agreements or other forms of debt, for the State to sign on to.
- (12) The Arch of Finance shall perform other functions relevant to budgeting as outlined in section 11.3.4 of this Constitution.

11. Service Functions of Government

11.1 Service Institutions

- (1) The service institutions of the State shall take both a regional or locational, and a sectoral approach to planning for, and developing, and serving the needs of, the State.
- (2) The service institutions of the State, for a regional approach to planning, shall comprise
 - (a) The ***Helm of Planning***, under which shall be the
 - (i) ***Planning Office***, which shall have a branch in each district of the State; and
 - (ii) ***Plan Coordination Office***.
- (3) The service institutions of the State, for basic or essential sectors, shall comprise the
 - (a) ***Sectorate of Education***, under which may be the
 - (i) Basic Education Service; Intermediate Education Service; Advanced Education Department; Education Authority; Examinations Board; Skills Training Service; Adult Education Service; Civic Education Commission; Library Service; and Museum Service;
 - (b) ***Sectorate of Health***, under which may be the
 - (i) Pharmacy Authority; Health Service; Psychiatric Health Service; Advanced Healthcare Department; Ambulance Service; Health Authority; Mental Health Commission; Community Health and Hygiene Commission; Disease Control Commission; and Veterinary Service;
 - (c) ***Sectorate of Food and Agriculture***, under which may be the
 - (i) Crop Farming Board; Animal Husbandry Board; Fisheries and Aquaculture Board; Extension Service; Food Security Commission; and Food Safety Authority;
 - (d) ***Sectorate of Energy***, under which may be the
 - (i) Electricity Company; Electricity Grid Company; energy generation company or companies; Energy Authority; Energy Commission; energy resource

extraction or refinery company or companies; and energy resource distribution company or companies;

- (e) ***Sectorate of Housing and Construction***, under which may be the
 - (i) Rent and Hospitality Authority; Housing Company; Building Authority; State Facilities Department; and Outdoors and Landscaping Department;
 - (f) ***Sectorate of Public Works***, under which may be the
 - (i) Water Company; Water Systems Department; Water Resources Commission; Drainage Department; Public Convenience Department; Sanitation Service; and Waste Management Department;
 - (g) ***Sectorate of Transportation***, under which may be the
 - (i) Roads Department; Bridges Department; Railways Department; Harbours Department; Aviation Department; Transport Service Authority; Drivers and Land Vehicles Authority; Captains and Aquatic Vehicles Authority; and Pilots and Aerial Vehicles Authority; and
 - (h) ***Sectorate of Communications and Information Technology***, under which may be the
 - (i) Communications and Information Technology Department; Domain Registry; Information Technology and Data Security Authority; Communications Technology Department; Communications Authority; Postal Service; and Postal Authority.
- (4) The service institutions of the State, for administratively helpful tasks, shall comprise the
- (a) ***Sectorate of Information***, under which may be the
 - (i) Brand Board; Information Service; Publishing Company; Broadcasting Company; Publishing and Broadcasting Authority; and Advertisement Board; and
 - (b) ***Sectorate of Data and Records***, under which may be the
 - (i) Statistics Bureau; Identification Bureau; Society Registry; Business Registry; and Property Registry.
- (5) The service institutions of the State, for facilitative or helpful sectors, shall comprise the
- (a) ***Sectorate of Natural Resources and the Environment***, under which may be the
 - (i) Lands Office; non-energy resource extraction company or companies; Forestry Authority; Minerals Authority; energy resource extraction authority or authorities; Water Resources Authority; Coastal Protection Department; Environmental Protection Authority; Climate Protection Commission; and Species Protection Commission;

- (b) **Sectorate of Social Welfare**, under which may be the
 - (i) Justice Commission; Children’s Commission; Women’s Commission; Men’s Commission; Elders’ Commission; Accessibility Commission; Rehabilitation Commission; Public Crises and Emergency Relief Service; Animal Service; and Wildlife Commission;
 - (c) **Sectorate of Employment**, under which may be the
 - (i) Employment Agency; Work Safety Authority; Employment Authority; Wages and Salaries Commission; and Pensions Authority;
 - (d) **Sectorate of Business and Industry**, under which may be the
 - (i) Consumer Protection Authority; Standards Authority; Investment Protection Authority; Entrepreneurship Commission; Trade Department; Industry Commission; Export Agency; Investor Relations Agency; and State Enterprises Department;
 - (e) **Sectorate of Sports and Games**, under which may be the
 - (i) Principal sport department or departments and a general Sports Department; principal sport commission or commissions and a general Sports Commission; Sports Authority; Games Board; and Gambling Authority;
 - (f) **Sectorate of Arts and Culture**, under which may be the
 - (i) Art Board; Music Board; Film and Storytelling Board; Events Company; Festivals and Public Performances Board; Venues and Grounds Department; Tourism and Monuments Department; Tourism Commission; Culture Board; and Religion Board; and
 - (g) **Sectorate of Science and Research**, under which may be the
 - (i) Research Agency; Botany and Herbal Research Centre; Genetics and Biomedical Research Centre; Industrial Research and Testing Facility; Geological and Hydrological Research Centre; Meteorological Research Centre; Space Exploration and Research Centre; and Physics Labs.
- (6) The head of the Helm of Planning shall be the **Chief Planner** of the State.
- (7) The chief holding officers of the service institutions of the State, except for the Helm of Planning, shall be **Stewards** of their respective institutions and sectors.

11.2 General Functioning of the Service Institutions

- (1) The service institutions shall have the duty to take all practicable steps to

- (a) Proactively guarantee the security, stability, development and growth of the economy of the State, and to altogether realise unifying purpose of the State which fall under their mandate; and
 - (b) Progressively and expeditiously increase access to services and facilities of the State for all its People with respect to equitability, proximity, convenience and the elimination of physical, financial and other barriers of any kind.
- (2) Chief holding officers of the service institutions of the State shall submit to the State Assembly for consideration institutional manifests and, where applicable, law proposals, for the effective performance of their institution's functions and mandates.

11.3 General Approach to Planning

11.3.1 Regional Stream

- (1) Within a district, problems, demands and relevant conversations on development of that district may, at least once a month, be channelled by
- (a) Citizens in the district, to town representatives or the office of the district speaker;
 - (b) Town representatives, to the office of the district speaker; and
 - (c) The district speaker, to district's Planning Office and to other relevant institutions outside the service functions of Government.
- (2) A district's Planning Office's
- (a) Research Officer shall have the duty to
 - (i) Conduct monthly surveys on the needs of their district;
 - (ii) Conduct monthly observations on the needs of their district; and
 - (iii) Undertake general and on-going research, including on socio-economic, historical, political, geological, environmental and other conditions, and resource assessments, of their districts, directly or through secondary data, as may be required by other officers of the district's Planning Office; and its
 - (b) Development Planning Officer shall have the duty to
 - (i) Compile monthly district planning reports containing, by sector
 - 1. Citizens' demands and pointers, from the office of the district speaker;
 - 2. Professional planning recommendations and findings based on their offices' research on their district; and
 - 3. Monitoring and evaluation reports from their offices;
 - (ii) Compile annual district planning reports, from monthly district planning reports, containing, by sector, a harmonisation of their

1. Citizens' demands and pointers;
 2. Planning recommendations and findings; and
 3. Monitoring and evaluation reports;
- (iii) Draft, as proposals, sector-based annual district plans, and medium-term district plans where required by the Helm of Planning, for their district, based on the annual district planning reports of their district; and
- (iv) Submit all relevant reports and plan-proposals to their sub-state Planning Assistant of the Planning Office's head office, according to established schedules; and its
- (c) Spatial Planning Officer shall have the duty to
- (i) Review and develop spatial planning dimensions of all district plan-proposals for their district;
 - (ii) Review and permit or reject land-use plans or proposals by persons or entities, including State institutions, for the district to ensure conformity with relevant land-use regulations; and
 - (iii) Conduct monthly inspection of land-use in their district and take steps to resolve any land-use violations or inconsistencies in the district; and its
- (d) Monitoring and Evaluation Officer shall have the duty to
- (i) Receive annual monitoring and evaluation schedules for new programs and projects in their district, from the Helm of Planning;
 - (ii) Conduct monthly timestamped inspections of every program, project or facility being implemented or under operation in their district, based on the district's outstanding monitoring and evaluation schedules; and
 - (iii) Compile monthly monitoring and evaluation reports from their inspections.
- (3) A sub-state Planning Assistant of the Planning Office shall have the duty to
- (a) Compile monthly sector-based sub-state planning reports, from monthly district planning reports received from the district Planning Offices, by
 - (i) Aggregating and harmonising, for each sector in the reports
 1. Citizens' demands and pointers for that sector, across their sub-state;
 2. Planning recommendations and findings for that sector, across their sub-state; and
 3. Monitoring and evaluation reports for that sector, across their sub-state; and

- (ii) Adding their recommendations and findings for planning for that sector of their sub-state; and
 - (iii) Aggregating and harmonising each of these four (4) components in general for their sub-state;
 - (b) Compile annual sector-based sub-state planning reports, from their monthly sub-state planning reports, by
 - (i) Aggregating and harmonising reports on
 1. Citizens' demands and pointers for that sector, that year;
 2. Planning recommendations and findings for that sector, that year;
 3. Monitoring and evaluation reports for that sector, that year;
 4. Their recommendations and findings for planning for that sector that year; and
 - (ii) Aggregating and harmonising each of these components in general for their sub-state;
 - (c) Draft, as proposals, sector-based annual sub-state plans, and medium-term sub-state plans where required by the Helm of Planning, for their sub-state, based on annual district plan-proposals received from districts in their sub-state; and
 - (d) Submit all relevant reports and plan-proposals to the Principal Planner of the Planning Office, according to established schedules.
- (4) The Principal Planner of the Planning Office shall have the duty to
 - (a) Compile monthly sector-based State planning reports, from monthly sub-state planning reports received from sub-state planning assistants, by
 - (i) Aggregating and harmonising, for each sector in the reports
 1. Citizens' demands and pointers for that sector, across the State;
 2. Planning recommendations and findings for that sector, across the State; and
 3. Monitoring and evaluation reports for that sector, across the State; and
 - (ii) Adding their recommendations and findings for planning for that sector of the State; and
 - (iii) Aggregating and harmonising each of these components in general for the State;
 - (b) Compile annual sector-based State planning reports, from their monthly State planning reports, by

- (i) Aggregating and harmonising reports on
 - 1. Citizens' demands and suggestions for that sector, that year;
 - 2. Planning recommendations and findings for that sector, that year;
 - 3. Monitoring and evaluation reports for that sector, that year;
 - 4. Their recommendations and findings for planning for that sector that year; and
 - (ii) Aggregating and harmonising each of these components in general for the State;
 - (c) Draft, as proposals, sector-based annual State plans, and medium-term State plans where required by the Helm of Planning, based on annual sub-state plan-proposals received from sub-state planning assistants; and
 - (d) Submits all relevant reports and plan-proposals to the Chief Planner according to established schedules.
- (5) The Chief Planner
- (a) May establish baseline conditions for, and order strategic adjustments by way of inclusions or modifications to, annual and medium-term State plans, based on
 - (i) Review of planning reports received from the Planning Office; and
 - (ii) State planning goals defined by the Helm of Planning, as informed by its own expertise, studies and engagements.
 - (b) Shall forward State plans and conditions to the Plan Coordination Office, according to established schedules.
- (6) The Plan Coordination Office shall extract and submit sector components of State plans to respective sectorates, according to established schedules.

11.3.2 Sectoral Stream

- (1) Any officer of the State, may make recommendations regarding the functions and operations of their institution and its sector, up their hierarchy of officers of the State.
- (2) The head offices of implementing institutions shall submit annual plan- or budget-proposals to their holding institutions, according to an established schedule, based on
 - (a) Recommendations from the ranks of their institution; and
 - (b) Sector-relevant expertise and experience.
- (3) A sectorate, through its planning office, shall have the duty to draft annual plan- or budget- proposals based on a consideration of
 - (a) Sector plan-proposals received from the Plan Coordination Office;

- (b) Plan- or budget- proposals from the head offices of implementing institutions; and
- (c) Sector goals defined by the Sectorate, as informed by its own sector-relevant expertise, research and engagements.

11.3.3 Coordination

- (1) The Plan Coordination Office shall have the duty to work with the Planning Office under the Helm of Planning, and the planning offices of the sectorates to
 - (a) Harmonise, into settled plans
 - (i) Sector components of State plans from the Helm of Planning; with
 - (ii) Sector plan- or budget-proposals of the sectorates;
 - (b) Extract sector-based budgets from settled plans; and
 - (c) Propose sector-based budgets to the Budget Office under the Arch of Finance.
- (2) The Plan Coordination Office shall generally have the duty to
 - (a) Help resolve any issues with plan coordination at any level of the State; and
 - (b) In consultation with the Chief Planning, create and maintain guidelines for planning and drafting of reports and plans, based on feedback or lessons from engagements with all planning offices of State institutions, and funding trends.

11.3.4 Budgeting

- (1) The provisions of this section shall apply, where the context implies, similarly to other class 0 and class 1 institutions of the State, who are not subject to the coordinating authority of the Helm of Planning, including the State Assembly, Office of the Radiant, Council of State, elections organisation of the State, Government Assistive Institutions, Central Bank, Administration for Justice, and holding institutions for the financial, security and external functions of the Government, and who, through their relevant accounting or finance officers, shall submit their budgets directly to the Budget Office under the Arch of Finance, according to schedules and guidelines established by the Budget Office.
- (2) Budgets proposed to the Budget Office shall comprise new or mutable State-funded expenditure, to append to a budget pre-allocated by the Budget Office for generally fixed expenditure such as compensations for officers of the State and other fixed commitments of the State.
- (3) The Coordination Council of the Council of State may establish broad development and planning goals and policy, including budget quotas for fixed and mutable expenditure, sector allocations, contingency or buffer budget allocations and others, to guide planning in institutions of the State.

- (4) Budget quotas of the State shall, in addition to other considerations, be further guided by financial and economic circumstances of the State, sound financial planning by the Arch of Finance and prudent economic strategy from the Coordination Council.
- (5) Internally- or self-funded expenditure of companies or institutions owned by the State shall not include such expenditure in budget proposals submitted to the Budget Office but shall submit proposals of such expenditure to the Steward of their sector or to their board of directors if it includes the Steward of their sector, who shall review it and ensure conformity of such expenditure with the goals and strategies of their sector.
- (6) The Budget Office shall work with the Plan Coordination Office and other relevant offices to compile a full budget, and shall submit details and a summary of the final budget to the Arch of Finance for presentation to the State Assembly for consideration.
- (7) The State Assembly, upon hearing a summary of a budget presented to it, may invite any officer to expand on or explain any portions of the budget relevant to that officer.
- (8) Where the State Assembly rejects or orders any revisions to a budget presented to it, the Budget Office shall work with the Plan Coordination Office or other relevant offices to resolve the matter with the relevant offices.

11.3.5 Post Budget-Approval

- (1) Where a budget is approved by the State Assembly, the Plan Coordination Office shall take all practicable steps to see to the distribution of relevant components of the approved budget to all relevant institutions within its purview, including, without limiting to, the distribution of each district's overall component of the approved budget to each district's Planning Office, along with monitoring and evaluation schedules for relevant programs or projects in the budget.
- (2) All relevant implementing institutions or offices may subsequently apply to the Office of the Accountant-General under the Arch of Finance, for funding for expenditure within their approved budgets, according to guidelines and regulations established by the Arch of Finance.

12. Security Functions of Government

12.1 Security Institutions

- (1) The security institutions of the State shall comprise
 - (a) The *Hold of Internal Security*, under which shall be the State's
 - (i) Police; Rescues; and Prisons; and
 - (b) The *Hold of Defence*, under which shall be the State's
 - (i) Army; Navy; and Air Force.

- (2) The chief holding officers of the security institutions of the State shall be Chiefs of their respective institutions.
- (3) The Chiefs of the security institutions of the State shall propose to the State Assembly for consideration law necessary for the effective performance of their functions.

12.2 Appointment of Heads of Security Institutions

- (1) The institutional manifest of a security institution shall provide for a fair and objective or formulaic ranking system for officers in the institution, and for the continued improvement of such a ranking system.
- (2) The ranking system for officers of a security institution shall establish which rank or ranks of officers are generally eligible for appointment to class 1 and class 2 offices of the State, and the rank or ranks shall be wide enough, as approved by the Council of State, to create enough options for leadership.
- (3) The appointment process for class 1 and class 2 officers of security institutions of the State, shall be managed by the Directorate of Voting of the State's elections organisation.
- (4) For the appointment of a class 1 or class 2 officer of a security institution of the State, members of a rank immediately below the rank or ranks eligible for that office in the institution shall nominate officers for that office and such officers may accept their nominations to be candidates for that office.
- (5) Where the number of candidates nominated for appointment to a class 1 or class 2 office of a security institution are more than ten (10) in number, the list of nominations shall be pruned to the ten (10) most popularly nominated officers and where there is a tie within such a list, the bottommost tie shall be decided by lot to retain at most ten (10) candidates for the office, and the list of candidates thus arrived at shall be passed for *tri-vetting*.
- (6) A candidate for a class 1 office of a security institution of the State or for the head of Police or an institution under the Hold of Defence, having been passed for *tri-vetting* and before proceeding to same, shall be subject to background checks prescribed by the Hold of Defence and conducted by the highest intelligence office of the State, and, if they pass such checks, shall be retained for *tri-vetting*.
- (7) Candidates passed for *tri-vetting* for an office in a security institution of the State shall be vetted independently *in camera* each by three (3) different Appointing Juries of the Charge of Appointments and Public Service and the most popular candidate from each of these vetting shall be deemed to be duly appointed to that office.
- (8) Security institutions of the State shall be subject to the same *head review* process established under the Charge of Appointments and Public Service in this Constitution, except as may be necessary to bring the process into conformity with the provisions laid out in this sub-section for appointments to offices of the security institutions of the State.

12.3 General Functioning of the Security Institutions

- (1) The security institutions of the State shall have the duty to guarantee the present and future security of the state.
- (2) The security institutions of the State shall have the duty and sole authority to enforce compliance with law and lawful orders in the State, except as provided for under this Constitution for other security-related institutions of the State, including State Security, the Charge of Investigations and institutions under the Control of Entries.
- (3) The security institutions and other security-related institutions of the State referred to in clause (2) of this sub-section shall be the only institutions of the State which may procure and issue to their officers weapons and equipment for purposes of security and enforcement of law and lawful orders of or in the State.
- (4) Whereas other institutions of the State, including the courts, authorities and other institutions granted the authority to regulate functions or activities in the State, may lawfully conduct inspections and issue orders in the performance of their functions, such institutions shall not have the authority to enforce compliance with their orders; but may
 - (a) Engage the Police or other security institutions with jurisdiction to enforce compliance with their orders; or
 - (b) Cite a non-compliant person or entity for non-compliance, with evidence where possible, which, on conviction, shall constitute a crime under this Constitution.
- (5) A security institution of the State with jurisdiction shall assist or respond to calls from other institutions of the State, to enforce lawful orders issued in the performance of their lawful functions.
- (6) A pre-judicial order on a matter that requires determination or conviction by a court of competent jurisdiction shall not constitute a lawful order.
- (7) The orders of an officer of a security institution with jurisdiction shall take precedence over the orders of any other officer of any other security institution.
- (8) An officer of a security institution shall not make orders to any person or entity outside their jurisdiction
- (9) Jurisdiction shall default to the
 - (a) Police on matters of enforcement of law and order within the State;
 - (b) Rescues where there is, and on matters relating to, an active operation to protect life and property;
 - (c) Prisons within, and around the security perimeter of, any prison facility of the State;

- (d) Charge of Investigations where there is, and on matters relating to, an active investigation within its mandate, while it acts lawfully;
 - (e) State Security, at all times, within close quarters of the Radiant or the Office of the Radiant, while it acts lawfully;
 - (f) Immigration Authority, Voyages and Shipping Authority, and Air Travel and Cargo Authority, respectively, within any of their facilities and on matters relating to their mandates;
 - (g) Army, within, and around the security perimeter of, any of its facilities, and on terrain, where there is an active and lawful operation to defend the State;
 - (h) Navy, within, and around the security perimeter of, any of its facilities, and on territorial waters, where there is an active and lawful operation to defend the State; and
 - (i) Air Force, within, and around the security perimeter of, any of its facilities, and in the airspace, where there is an active and lawful operation to defend the State;
- (10) Security institutions of the State shall incorporate in their training of officers, as much
- (a) The character of honour in duty, and an appreciation for their being a part of and a refuge for their communities whose safety shall be their priority, at all times; as
 - (b) A practical understanding of this Constitution or its relevant parts; and
 - (c) The effectiveness of strength and skill, both physical and mental, to guarantee their own safety and capacity to deal with any situation in an evolving security landscape.

12.4 Defence of the State and Constitution

- (1) No officer of the State shall have the authority to initiate an offensive operation of any kind without the approval of the State Assembly.
- (2) Security, and in particular defence, institutions of the State, shall take steps to ensure, without compromising readiness for defence in emergencies, access to and control of
 - (a) Highly destructive weapons of the State are distributed in a manner to prevent accidental activation or usurpation under any circumstance whatsoever;
 - (b) Critical weapons and security infrastructure of the State are distributed in a manner to prevent any person from having, under any circumstance, immediate and singular access to the full arsenal of the State, and such that the full arsenal of the State can only be released or activated in tiers, stages or pockets as needed.
- (3) Where the Chief of Defence or an officer under such authority of the Chief of Defence is convinced of an imminent and incoming threat against the State, they shall

- (a) Request an order from the Radiant; or, in the case of a time-critical situation
- (b) Take initiative;

To defend the State against such a threat and shall immediately notify the Radiant of the outcome of such an action, for the Radiant to notify the State Assembly and the Council of State, and convene a Security Council meeting, which shall take steps for the continued and effective defence of the State until the State Assembly determines further response.

- (4) The handling of State Secrets, as provided, for the Security Council, in section 7.4.5 of this Constitution, may be applied to programs, projects or other actions of security institutions and other security-related institutions of the State referred to in clause (2) section 12.3 of this Constitution.
- (5) All actions officers of the security institutions of the State are subject to review by the State Assembly, or by the Supreme Court and any action found to have been taken without justifiable cause shall, on conviction, constitute a crime.
- (6) An officer shall not obey what appears to them to be an unconstitutional order.
- (7) An officer who believes an officer superior to them is breaking the law, issuing an unconstitutional order or in any other way compromising the security of the State, shall report the matter to the superior of the defaulting officer or officers, in succession, or where there is no longer a security officer superior to the defaulting officer or officers, report the matter to a speaker or the Office of the Radiant, or any other officer within the hierarchy of succession or deputization to the Office of the Radiant provided for in section 7.3.5 of this Constitution.
- (8) An officer of a security institution who foils or prevents an unlawful act by other officers of a security institution shall be considered for a promotion by the head of their institution or by the Security Council, depending on the nature of their effort.
- (9) Where a security institution of the State is pressed, which is to say, is in its opinion left with no other option but, to extraordinarily or unusually expand its strength to deal with a situation threatening the life or security of the State by conscripting other citizens to join its officers or workforce, the institution shall first submit a proposal on the matter to the State Assembly for consideration, and the proposal shall be subject to all other rules of debate of the Assembly except in the speed of its handling, which shall be, as fast as practicable.

13. External Functions of Government

13.1 External Institutions

- (1) The external institutions of the State shall comprise
 - (a) The *Control of Entries*, under which shall be the State's

- (i) Border Migration and Cargo Authority; Harbour Migration and Cargo Authority; and Airport Migration and Cargo Authority; and
 - (b) The ***Control of Foreign Relations***, under which shall be the State's
 - (i) Various embassies; Host Office; Refugee Agency
- (2) The chief holding officers of the external institutions of the State shall be the ***Hands*** of their respective institutions.
- (3) The Hands of the external institutions of the State shall propose to the State Assembly for consideration law necessary for the effective performance of their institution's functions.
- (4) Notwithstanding any other provision of this Constitution, an ambassador of the State shall be, on the question of citizenship, at least a Ghanaian, regardless of any other characteristic of their citizenship.

13.2 General Functioning of the External Institutions

- (1) Institutions under the Control of Entries shall have the duty to
 - (a) Collaborate with relevant transportation institutions to develop infrastructure necessary for the effective monitoring of every entry and entrant into the State;
 - (b) Record every entry and entrant into and out of the State in a securely and reliably;
 - (c) Conduct surveillance and patrols in collaboration with relevant defence institutions of the State to prevent illegal entries into and out of the State;
 - (d) Assist other institutions of the State to perform functions relevant to the borders and entry or exit points, including institutions responsible for the collection of customs duties, food and drug safety and border health surveillance, and inspection of standards of imports and exports.
- (2) Institutions under the Control of Foreign Relations shall have the duty to
 - (a) Take all practicable and prudent steps to ensure the harmonious coexistence between the State and other states, in line with the unifying purpose of the State and overarching policies of the State on community relations, and any other relevant policies which come to be enacted for the State;
 - (b) Undertake periodic review of relations between the State and other states and make recommendations to the State Assembly to ensure continued faithfulness of the State to its policies;
 - (c) Assist, defend and protect the interests of Ghanaians in foreign States and ensure, as much as practicable, which is to say, within every facility expendable by a

relevant embassy of the State, that their rights guaranteed under this Constitution continue to be respected.

- (d) Coordinate and facilitate engagements between foreign governments and the State on matters of cooperation, promotion of relations or resolution of differences, and between citizens or officers of the State outside the State and institutions within the State on cross-border programs, projects, operations, exercises or undertakings.
- (3) Envoys or ambassadors of foreign governments or states shall be received on the recommendations of Hand of Foreign Relations, by State Assembly.

14. Government Assistive Institutions

14.1 Charge of Appointments and Public Service

14.1.1 The Institution

- (1) The Charge of Appointments and Public Service, hereinafter referred to as CAPS, shall comprise
 - (a) A Board of Directors, in this sub-section referred to as the Board;
 - (b) An Appointments Office;
 - (c) A Quality of Service Inspectorate;
 - (d) A Grievance and Dispute Resolution Office; and
 - (e) An Administration
- (2) The Board of CAPS shall propose to the State Assembly for consideration, an institutional manifest for the effective performance of its functions, and may, pursuant to this provide for decentralisation of its offices to the districts of the State.
- (3) The heads of the Appointments Office, Quality of Service Inspectorate and Grievance and Dispute Resolution Office shall be class 1 officers of the State, and the head of the Administration of CAPS shall be a class 2 officer of the State.

14.1.2 Composition of the Board

- (1) The Board of CAPS shall comprise, with acceptance on invitation, two (2)
 - (a) **Lawyers** chosen by lot from a list of high-ranking or high-profile lawyers in the State as determined in a formulaic manner by the largest body for the regulation of the legal profession in the State or, otherwise, by the Judiciary Council;
 - (b) **Human resource management professionals** chosen by lot from a list of high-ranking or high-profile human resource professionals in the State, as determined in a formulaic manner by the largest body or association of human resource professionals in the State or, otherwise, by the Coordination Council;

- (c) **Representatives of academia**, one (1) each appointed by the two (2) best ranked universities in the State, according to a ranking scheme approved by the State, and appointed, and in a manner determined, by each of those universities;
 - (d) **Representatives of trade and industry unions**, one (1) each from the largest trade and industry unions in the State, chosen, and in a manner determined, by each union;
 - (e) **Former heads of offices under the Board** or equivalents, chosen by lot from a list of such persons submitted, one (1) each at most, by speakers, at the State Assembly;
 - (f) **Former speakers** or equivalents, chosen by lot from a list of former speakers submitted, one (1) each at most, by speakers, at the State Assembly;
- (2) A person shall not be appointed to or selected for the Board if they
 - (a) Are not an Ordinary Indigene;
 - (b) Have a standing criminal record; or
 - (c) Are to be replaced by a present round of appointments or selection to the Board;
 - (3) The Board shall vote for, from amongst their midst, a chairperson of CAPS, in this subsection referred to as the chairperson.
 - (4) The chairperson shall be a class 1 officer of the State.
 - (5) Members of the Board, except the chairperson, may be rotated, which is to say, replaced with another member, on initiative of the body or community from which they were chosen, annually at the most frequently, through the process by which they were chosen, for no other reason than to create an opportunity for new members.
 - (6) Bodies or communities from which members of the Board are chosen, shall be advised to adopt a consistent schedule of rotation when they do, to avoid the risk of discrimination, which shall constitute a crime under this Constitution by any person found to be exerting undue influence on such decisions.
 - (7) Only the State, on the advice of other members of the Board or the Supreme Court or on its own conviction, shall have the authority to remove a member of the Board on the grounds of failing in their duty.
 - (8) A person shall not be a member of the Board for more than twelve (12) years, cumulatively.
 - (9) A vacancy shall be deemed to be created in the membership of the Board if a member
 - (a) Resigns;
 - (b) Retires;
 - (c) Is permanently incapacitated by illness or death; or

- (d) Is removed from office by the State on the grounds of failing in their duty.
- (10) Any vacancy created in the membership of the Board shall be filled expeditiously in the manner established in this section for the admission of a member of the same category.

14.1.3 Broad Functions of the Board

- (1) The Board shall have the duty to
 - (a) Propose to the State Assembly for consideration, law, and its continual amendments as and whenever necessary, to regulate hiring practices in institutions of the State, to achieve utmost fairness, objectiveness and transparency in, and the best quality outcomes from, appointments to offices of the State.
 - (b) Inspect and supervise the work of CAPS to ensure integrity in its officers and operations; and
 - (c) Inspect and audit systems or facilities employed by CAPS for its operations to ensure integrity, efficiency and effectiveness of such systems or facilities.

14.1.4 Appointments Office

- (1) The Appointments Office of CAPS shall be headed by the Principal of Appointments.
- (2) The Appointments Office shall have the duty to
 - (a) Manage the appointment of all class 1 and class 2 officers of the State;
 - (b) Manage a roster of prospective appointing jurors who shall effect appointments managed by the Appointments Office;
 - (c) Manage head reviews for offices subject to appointments under CAPS; and
 - (d) Inspect and audit hiring or appointments done in all institutions of the State, at least once a year, and take steps to remedy any violations of hiring regulations or law.
- (3) All class 1 and class 2 officers of the State who are heads of their institutions, except offices otherwise provided for in this Constitution, shall be appointed by an Appointing Jury of the Appointments Office.
- (4) The roster of prospective jurors of the Appointing Jury shall comprise, on invitation from the Appointments Office
 - (a) *Academic experts*, being professors or senior lecturers, at least six (6) for each key sector or sub-sector of the economy, relevant to class 1 and class 2 offices, of the State, submitted, and in a manner determined, by the three (3) best ranked universities in the State, according to a ranking scheme approved by the State;
 - (b) *Practicing experts*, being respected professionals, at least six (6) for each key sector or sub-sector of the economy, relevant to class 1 and class 2 offices, of the

- State, submitted, and in a manner determined, by the largest professional bodies or associations in the State for such professions;
- (c) ***Civil society experts***, at least twenty (20) in number, including leading officers or fellows of think tanks and research institutions, nominated by district speakers;
 - (d) ***Human resource management professionals***, at least twenty (20) in number, submitted by the largest body or association of human resource management professionals in the State;
 - (e) ***Officers of the State***, of the category of class 3 or class 4, at least twenty (20) in number, chosen randomly and publicly from a database of such officers, by an institution of the State with the best database for such purpose as approved by the State;
 - (f) ***Owners of medium- or large-scale businesses***, according to the classifications of the State's revenue authority, at least twenty (20) in number, chosen randomly and publicly, and where possible after clustering into sectors, by, and from the database of, the State's revenue authority;
 - (g) ***Tax-paying citizens***, at least twenty (20) in number, chosen randomly and publicly by, and from the database of, the State's revenue authority, and who do not fit the description of either of the other categories of jurors of the Appointing Jury.
- (5) A person on the roster of prospective jurors for an Appointing Jury, or the body or community responsible for submitting such a person, may request for their person to be removed from the roster, and the Appointments Office shall comply with the request.
 - (6) The Board of CAPS may request the removal of a person from the roster of prospective jurors for an Appointing Jury on the grounds of poor performance on that person's part, and the Appointments Office shall comply with the request.
 - (7) Where a vacancy is created in an office which is subject to appointment by an Appointing Jury, or as may be necessitated by a head review, the Appointments Office shall advertise the vacancy and invite anonymised applications for the office, according to qualifications determined by the Appointments Office in consultation with the Board and the institution of the vacant office.
 - (8) Scheduling of the appointment process of CAPS shall, as much as practicable, conform to, or be close to, provisions of relevant hiring and labour law.
 - (9) Where the number of applications received for appointment to an office by CAPS are, for the purposes of vetting, not manageable, the Appointments Office shall prune the list of applications to a manageable number, according to criteria pre-approved and published by the Board, and shall compile a report of the details and outcome of the pruning.

- (10) The number of applications deemed to be unmanageable for the purposes of vetting by CAPS shall be a number pre-approved and established by the Board.
- (11) Upon receipt of a manageable number of applications for appointment to an office by CAPS, the Appointments Office shall invite jurors, and thus assemble an Appointing Jury, for the purpose of vetting applicants to the office, by first picking randomly from the roster of prospective jurors and, where applicable, from clusters or sub-categories most relevant to the office in question
 - (a) Two (2) academic experts;
 - (b) Two (2) practicing experts;
 - (c) One (1) civil society expert;
 - (d) One (1) human resource management professional;
 - (e) Two (2) officers of the State;
 - (f) One (1) owner of a medium- or large-scale business; and
 - (g) One (1) tax-paying citizen.
- (12) Where an invited juror of any category for an Appointing Jury rejects or fails to accept their invitation, the Appointments Office shall repeat the process for invitation for that category until a full Appointing Jury is assembled.
- (13) Jurors on an Appointing Jury shall be entitled to sitting allowances.
- (14) Multiple Appointing Juries may be engaged by CAPS for the purpose of vetting and appointments to an office where necessary in the view of the Board.
- (15) Vetting of applicants to an office, by CAPS, shall be done publicly.
- (16) The Board may take extra steps to anonymize applicants during a vetting, if it deems it prudent and practicable to further improve the fairness and integrity of its processes.
- (17) CAPS may, through technology, allow the general public to pose questions to applicants being vetted for an office, and put forward the most popular questions thus received.
- (18) An Appointing Jury shall rank applicants it vets, and shall, after vetting candidates to an office, clearly state in writing, its opinion on each applicant vetted, and its reasoning and criteria for ranking such applicants.
- (19) The best ranked applicant from an appointment process by CAPS for an office shall be deemed to be duly appointed to that office.
- (20) Where multiple applicants from an appointment process by CAPS for an office tie for the position of best ranked applicant, the Board shall vote on the tied applicants until a popular applicant emerges, and that applicant shall be deemed to be duly appointed to that office.

- (21) The Appointments Office shall, once every two (2) or four (4) years, and within two (2) months after State-wide elections on election years, as may be approved by the Board, initiate a head review process for offices of the State subject to appointments under CAPS.
- (22) For the purpose of a head review by CAPS, the Appointments Office shall request a vote from the State Assembly on if the State should retain the head of each institution of the State subject to appointments under CAPS, and shall open applications for any office that fails to secure seventy percent (70%) or more of votes in favour of their retention.
- (23) An officer whose office is reopen for applications by CAPS shall, subject to other application requirements, be eligible to reapply for that office.

14.1.5 Quality of Service Inspectorate

- (1) The Quality of Service Inspectorate shall be headed by the Service Inspector-General.
- (2) The Quality of Service Inspectorate shall have the duty to
 - (a) Conduct random and impromptu and, where prudent, secret, inspections, testing and monitoring of the quality of service-delivery in all institutions of the State and take steps toward the correction or removal of officers failing to perform their duties in a responsive, responsible, effective, timely and respectful manner;
 - (b) Manage reporting channels including mailboxes, messaging channels or suggestion boxes accessible only to it at the facilities of institutions of the State, through which the People may report failures in, or make suggestions for the improvement of, service delivery by institutions of the State, and take steps to resolve them; and
 - (c) Compile a report on the quality of service-delivery at all major institutions of the State, by sector, and to submit same to the Board, for reporting to the State Assembly, at least once a year, according to an established schedule.

14.1.6 Grievance and Dispute Resolution Office

- (1) The Grievance and Dispute Resolution Office shall be head by the Principal Resolution Officer.
- (2) The Grievance and Dispute Resolution Office shall have the duty to take all practicable, reasonable and product steps to help
 - (a) Resolve disputes, brought to it for the purpose of out-of-court settlements, between citizens or entities in Ghana and institutions of the State with respect to the quality of service-delivery or performance of institutions of the State; and
 - (b) Resolve systemic, structural or other factors responsible for grievances or disputes brought to it, to curb the recurrence of such grievances or disputes, through proposals, recommendations to relevant institutions;

- (c) Compile a report on its findings and activities, by sector, through the year, and to submit same to the Board, for reporting to the State Assembly, at least once a year, according to an established schedule.

14.1.7 Administration

- (1) The Administration of CAPS shall be headed by the Administrator of CAPS.
- (2) The Administration of CAPS shall accommodate the human resource, procurements, accounting, planning or budgeting, facility management and other supportive functions necessary for the effective functioning of CAPS.

14.2 Charge of Procurement Regulation

- (1) The head of the Charge of Procurement Regulation shall be the State Procurements Regulator.
- (2) The Charge of Procurements Regulation shall have the duty to
 - (a) Propose to the State Assembly for consideration, law, hereinafter referred to as a public procurement law, and its continual amendments as and whenever necessary, to regulate procurements in institutions of the State, to achieve utmost fairness, objectiveness and transparency in, and the best quality outcomes from, award of contracts of institutions of the State;
 - (b) Propose, monitor and audit systems or facilities able to secure for the State fair, competitive, transparent and convenient procurement practices in the State, and able to ultimately contribute to economic growth and cost effective, robust, durable and sustainable infrastructure for the State, and to work towards the continued improvement in such systems or facilities;
 - (c) Inspect and audit procurements done in all institutions of the State, at least once a year, and take steps to remedy any violations of procurement regulations or law;
 - (d) Monitor the work of contractors in the State, and take steps to prevent rehiring of contractors with notably bad records of performance or outcomes, in the State; and
 - (e) Help resolve procurement disputes which may be brought to it for out-of-court settlements.
- (3) Pursuant to clause (2)(a) of this sub-section
 - (a) Procurements by institutions of the State shall be strictly by competitive bids or applications;
 - (b) Notwithstanding sub-clause (a) of this clause, the public procurement law of the State may provide for restricted procurement processes, subject to permits by the

- Supreme Court, for contracts that require secrecy or are of a sensitive character with respect to security of the State, in a manner that retains fairness and integrity;
- (c) Where a person or entity proposes a valuable solution to the State or an institution of the State, the adoption of which would mean sole-sourcing the solution from them, the institution in question shall publicise the problem the proposal seeks to solve, and subsequently advertise a contract for solutions, to which the promoter of the initial solution may apply;
 - (d) Institutions of the State shall keep verifiable records of all contracts advertised or publicised by them;
 - (e) Vetting of applications for a contract shall be public or at least accessible to all contractors who bid or tendered in applications for the contract in question, except for applicants duly pruned from the process according to pre-established and published criteria; and
 - (f) There shall be clearly state in writing, by vetting committee or team, after the vetting of applicants for any contract, the opinions made on each applicant vetted, and the reasoning and criteria for ranking such applicants and subsequently awarding the contract.
- (4) Notwithstanding clause (3)(a) of this sub-section, and as opposed to defaulting to the largest bidder across the State or globally always, the State's public procurements shall provide for the protection of, and encouragement of competition amongst, small businesses and enterprises local to the district of a project, where within a given threshold, the size of a business would have no significant impact on the quality of output and cost of a contract.

14.3 Charge of Audit

- (1) The head of the Charge of Audit shall be the State Auditor.
- (2) The Charge of Audit shall propose to the State Assembly for consideration law for the effective performance of its functions.
- (3) The accounts of all class 0, class 1 and class 2 institutions of the State shall be audited and reported on by the Charge of Audit, and all other institutions of the State and institutions funded by the State shall be audited in a manner prescribed in law.
- (4) The accounts of all institutions subject to audit by the Charge of Audit shall be kept in a form and format prescribed in law by the Charge of Audit.
- (5) The State Auditor shall, at least once a year, submit a report on all audits required of their office, to the State Assembly, and shall, in such a report, draw attention to any irregularities in the accounts audited, and any other matter which, in their opinion, ought

to be brought to the notice of the Assembly, and the Assembly shall direct the matter to appropriate institutions for remedies.

- (6) The accounts of the Charge of Audit shall be audited, at least once a year, by an auditor voted from nominations submitted, one (1) each at most, by speakers, in the State Assembly.

14.4 Charge of Investigations

- (1) The head of the Charge of Investigations shall be the State Investigator.
- (2) The Charge of Investigations shall have the duty to
 - (a) Proactively monitor and investigate operations or actions of interest within and outside the State which may have implications for integrity, rights, safety or security the People, the State or resources of the State;
 - (b) Proactively monitor and investigate the work of officers of the State, and in particular class 0, class 1 and class 2 officers of the State, who may be of interest, to prevent, resolve suspicions of, or curb unlawful acts or gross misconduct in the performance of the functions of their office; and
 - (c) Proactively take steps to secure the integrity and security of the State and its economy, by bringing findings of its investigations to the attention of institutions mandated to deal with problems of interest to the State.
 - (d) Assist the State Attorney with investigations required for the effective performance of its functions;

14.5 Charge of Counsel

- (1) The head of the Charge of Counsel shall be the State Attorney.
- (2) The State Attorney shall
 - (a) Have the duty to initiate and conduct prosecutions of crimes on behalf of the State;
 - (b) Be the principal legal adviser to the Government;
 - (c) Directly or through their office, offer legal counsel to class 1 and class 2 officers of the State who are heads of institutions of the State, on matters relevant to their office or institution, which they may bring to the Charge of Counsel for advice; and
 - (d) Discharge such other duties of a legal nature as may be referred or assigned to them by the Radiant or the State Assembly and by other provisions under this Constitution.
- (3) All offences prosecuted in the name of Ghana shall be at the suit of the State-Attorney or any other person authorised by the State Attorney in accordance with law.

- (4) All cases instituted or filed against the State shall be instituted or filed against the State Attorney as the defendant.
- (5) The State Attorney shall have audience in all courts in the State.

15. Voting and Elections

15.1 Votes and Elections Institution

15.1.1 The Institution

- (1) There shall be an Organisation for Votes and Elections, in this section referred to as the Organisation, which shall be the apex institution for organising votes on issues and managing elections for the state.
- (2) The Organisation shall comprise
 - (a) A Board of Directors, in this section referred to as the Board, with members, although being directors, in this section referred to as members, or singularly as a member, of the Board.; and
 - (b) Three (3) directorates, each headed by a director, in this section referred to as a director or collectively as directors, and each of whom shall be a class 1 officer of the State.
 - (c) An administration, headed by an administrator, who shall be a class 2 officer of the State, and under which may be departments or offices for accounting, procurements and other offices needed for the proper functioning of the Organisation.
- (3) The Board shall propose to the State Assembly for consideration, an institutional manifest for the effective performance of its functions, and may, pursuant to this provide for decentralisation of its offices to the districts of the State.
- (4) A district office of the Organisation may comprise either of the three (3) directorates of the Organisation needed at that office in addition to an administrator and relevant offices under the administrator.
- (5) The head of a district directorate of the Organisation shall be a supervisor of that directorate and shall, as shall the administrator, be a class 3 officer of the State.
- (6) Whereas the Organisation shall be funded by the State, it shall not be prohibited from receiving any donations or grants to aid in its operations, to the extent that it conforms to relevant laws of the State and that the integrity of its operations remains intact.

15.1.2 Composition of the Board

- (1) The Board shall comprise, with acceptance on invitation, two (2)

- (a) **Justices** chosen by lot publicly from a list of all justices of a rank in the State determined by the High Justice, by the High Justice;
 - (b) **Police officers** chosen by lot publicly from a list of all police officers of a rank determined by the head of the State's police, by the head of the State's police;
 - (c) **Representatives of trade and industry unions**, one (1) each from the largest trade and industry unions in the State, chosen, and in a manner determined, by each union;
 - (d) **Members from civil society organisations**, including think tanks and research institutions, one (1) of whom must be an expert in information and communication technology and one (1) of whom must be an expert in either communications, law, administration or governance, chosen by lot from a list of such persons submitted, one (1) each at most, by speakers, at the State Assembly;
 - (e) **Former chairs or directors** of the Organisation or its equivalent, chosen by lot from a list of such persons submitted, one (1) each at most, by speakers, at the State Assembly;
 - (f) **Former speakers** or equivalents chosen by lot from a list of former speakers submitted, one (1) each at most, by speakers, at the State Assembly;
 - (g) **Monarchs** chosen by lot from a list of monarchs in the Federation of Monarchies of the State, by the Federation of Monarchies of the State;
 - (h) **Religion leaders** being a leading member each of the two (2) largest religions in the State, which, as the present goes, and by virtue of that alone subject to future changes, shall be leading members of the Christian and Islamic communities, or their largest denominations or branches where applicable, appointed in a manner determined and executed by each of those communities or bodies;
 - (i) **Citizens as observers** chosen randomly and publicly from the database of the State's identification authority by the identification authority, and who are qualified to be a director of a company under the laws of the State; and
 - (j) **Representatives of foreign organisations as observers** on the recommendations of the Hand of Foreign Relations and chosen by lot or confirmation of the recommendations thus given, by speakers at the State Assembly.
- (2) With the exception of representatives of foreign organisations or observers on the Board, a person shall not be appointed to or selected for the Board if they
- (a) Are not an Ordinary Indigene;
 - (b) Have a standing criminal record; or
 - (c) Are to be replaced by a present round of appointment or selection to the Board;

- (3) The Board shall vote for, from amongst their midst, a chairperson of the Organisation, in this section referred to as the chairperson, excluding from eligibility for this role, observers, religion leaders or representatives, and former chairpersons.
- (4) The chairperson shall be a class 1 officer of the State.
- (5) Members of the Board, except the chairperson, may be rotated, which is to say, replaced with another member, on initiative of the body or community from which they were chosen, annually at the most frequently, through the process by which they were chosen, for no other reason than to create an opportunity for new members.
- (6) Bodies or communities from which members of the Board are chosen, shall be advised to adopt a consistent schedule of rotation when they do, to avoid the risk of discrimination, which shall constitute a crime under this Constitution by any person found to be exerting undue influence on such decisions.
- (7) Only the State, on the advice of other members of the Board or the Supreme Court or on its own conviction, shall have the authority to remove a member of the Board on the grounds of failing in their duty.
- (8) A person shall not be a member of the Board for more than twelve (12) years, cumulatively.
- (9) A vacancy shall be deemed to be created in the membership of the Board if a member
 - (a) Resigns;
 - (b) Retires;
 - (c) Is permanently incapacitated by illness or death; or
 - (d) Is removed from office by the State on the grounds of failing in their duty.
- (10) Notwithstanding any other provision under this Constitution, if the retirement or expiration of tenure of a chairperson of the Organisation is within two (2) years to a major election or vote of the State, their appointment shall be effectively extended until after the conclusion of the election or vote.
- (11) Any vacancy created in the membership of the Board shall be filled expeditiously in the manner established in this section for the admission of a member of the same category.

15.1.3 Broad Functions of the Board

- (1) The Board shall be responsible for reviewing and, if it is satisfied, approving the operations of the directors of the Organisation.
- (2) The Board shall, on a regular basis, inspect the operations of the Organisation, or commission an audit of its systems at any level, whenever it requires, without obstruction.

- (3) The Board shall be responsible for maintaining a list of award schemes approved by the State as a basis for qualifying candidates for elections.
- (4) In pursuance of clause (3) of this item-section, and for the avoidance of doubt, social impact, as used as a basis for qualifying candidates for elections, shall not include impact achieved primarily through the application of wealth but by otherwise selfless or inventive endeavour.
- (5) The Board shall be responsible for reviewing anonymised applications of prospective candidates for elections of the State.

15.1.4 Broad Functions of the Directorates

- (1) The three (3) directorates of the Organisation shall be the
 - (a) Directorate of Voting Systems which shall design, develop or procure the voting systems for the State, and work towards the consistent improvement in these systems towards faster, fairer and more secure voting and elections;
 - (b) Directorate of Campaigns which shall manage campaigns for parties to a vote or election the Organisation is mandated to manage, and procure and consistently improve the systems used for campaigns managed by the Organisation; and the
 - (c) Directorate of Votes which shall manage the process of voting and vote counting in a vote or election the Organisation is mandated to manage, and work towards the continued improvement in the process of voting in collaboration with other directorates of the Organisation.

15.2 Voting Systems

- (1) The Director of Voting Systems shall identify or design, and propose to the Board, a voting system they deem to be able to guarantee a fast, convenient, data-private or anonymised yet transparent and secure, which is to say, incorruptible and unseizable, voting process for the State.
- (2) “Voting system” as used in this Constitution refers to the measures, supplies, equipment and other facilities, and the processes for applying these to verification of voters, and casting, counting and collation votes and other associated processes to allow for timely and active inspection of the entire process by the Board, parties to an election or vote and other authorised observers, and transparency for the public.
- (3) A person or entity in the State which wishes to propose a voting system to the State shall first submit a proposal to the Organisation, which it may receive on a rolling basis or through scheduled invitations or calls for proposals.
- (4) Voting systems proposed to and by the Organisation shall rely on data from the Identification Authority of the State for identification and verification of eligible voters,

and the Identification Authority shall take all necessary steps to protect the security and privacy of citizens' data.

- (5) The Board, upon inspection of a voting system proposed to it, if it is satisfied with its capacity to meet the qualities required in a voting system as outlined in this section, shall forward the proposal, which shall be in the format of a bill proposal, to the State for review and possible approval.
- (6) If the State approves a voting system presented to it by the Organisation, the document so presented shall constitute a law on voting procedure for elections or votes of the State, and replace any preexisting laws to that effect.
- (7) The Organisation shall see to the continued pursuit of improved voting systems, which is to say, improvement in the qualities required in a voting system as outlined in this section, by testing and comprehensively auditing new proposals whenever possible and advisable, and putting it through the process for introduction of a voting system laid down in this sub-section.

15.3 Voting in General

- (1) Every person shall have the right to vote in Ghanaian elections or votes if they are
 - (a) A Ghanaian;
 - (b) Not an Absent Indigene, Absent Native or Returning Indigene;
 - (c) At least a Civic Adult;
 - (d) Of sound mind;
 - (e) Not presently imprisoned for a crime; and
 - (f) Eligible to vote in the case of elections restricted to residents or constituents of the region for which the election is being held, or votes restricted on the bases sound judgement.
- (2) The Organisation shall apply the existing law on voting procedure to conduct all votes and elections for the State and any subdivisions of the State according to schedules for such votes or elections established in law under this Constitution.
- (3) The Organisation may make itself available to conduct any elections it may be called on to facilitate, for institutions of the State or public and private institutions, at a fee if a call so made is not a budgeted expense, in accordance with established law.
- (4) The Organisation shall collaborate with the police of the State to ensure the smooth and safe conduct of votes or elections it is mandated or called on to conduct.
- (5) The Organisation shall take reasonable steps to effectively communicate its schedules to the State.

- (6) Applying or standing as a candidate for two (2) or more elected offices or roles, or voting twice or more in the same or similar elections for a period shall, on conviction, constitute a crim of sabotaging the State.

15.4 Campaigns

- (1) Campaigns for elections shall be organised and managed only by the Organisation for all candidates for that election, in a fair and equal manner, with funding from the State and any relevant internal funding, and without any charge whatsoever to any qualified candidate for that election.
- (2) The campaign period shall begin five (5) months to a *main election* referred to in clause (9) of sub-section 5 of this section, and during a general election may be referred to as the campaign season.
- (3) The Directorate of Campaigns of the Organisation shall visit each district of the state, and as many locations within the district as may be feasible per the campaign budget, and on the same platform or through the same media, provide equal opportunity to, where applicable, each candidate for election to an office of that district and subsequently each candidate for election to an office at the State or other level beyond the district, to present themselves to the electorate in that district by whatever means is in effect.
- (4) The Directorate of Campaigns shall adopt all the means practicable for effective campaign, desired by candidates and the electorate, including, without limiting to, well-structured debates, presentations of various kinds, interviews and public fora.
- (5) The Directorate of Campaigns shall ensure that all broadcasts of the campaigns provide equal exposure for all candidates vying for the office in question.
- (6) The Directorate of Campaigns shall prohibit from the dressing and campaign materials of all candidates, any symbols, colours or elements that may harken to or be identified with any mass parties or large political groups in or beyond the State.
- (7) Any person or entity who or which alleges the Directorate of Campaigns is not employing the best means for campaigns or not discharging its duties effectively, may petition the Board of the Organisation or the Council of State, or file a suit at the Supreme Court for a determination on the matter, and the directorate shall comply with the instructions of either of these bodies in order of precedence as they are listed in this clause.
- (8) A candidate for an election shall be immediately and permanently disqualified from all elections of the State if they are found to be and convicted of
 - (a) Holding, sponsoring or being responsible, directly or indirectly, for any rallies;
 - (b) Engaging in, or being responsible for, directly or indirectly, any private campaigns through door-to-door, outdoor, broadcast or other forms of advertising for their candidacy or against another candidate;

- (c) Any acts found to be an act of campaign outside campaigns managed by the Organisation, including public acts of donation during an election process, or public acts of donation to the Organisation at any time; or
 - (d) Any fraudulent acts meant to indict another candidate on the bases of flouting campaign or general election rules.
- (9) Any person or entity, whether or not they are a candidate for election, found to be, directly or indirectly, flouting election campaign rules laid down in this Constitution shall be, on conviction, guilty of a crime of sabotaging the State.
- (10) The Organisation shall take steps to take down any illegal campaigns immediately they are identified.

15.5 Elections

- (1) Application to be a candidate for elections shall be free for all eligible citizens.
- (2) The Organisation shall conduct major elections of the State together, as general elections, so as not to burden citizens and the State with overly frequent election duties.
- (3) Applications for candidacy for general elections shall be open, eighteen (18) months at the earliest or one (1) year at the latest, to *main elections* referred to in clause (9) of this sub-section, for one (1) week and closed for review of applications, unless no applications have been received by then and on these grounds shall be open until the first application is received and kept open for an additional week before closing for review of applications.
- (4) Review and screening of a candidate for elections shall take at most three (3) months, and all applicants shall be reviewed concurrently or on a rolling basis, as soon as possible.
- (5) Qualified candidates for elections shall be notified privately as soon as they are passed, and publicly at least one (1) month to the start of the campaign season for all qualified candidates, including whether or not any qualified candidates are available.
- (6) An applicant disqualified for an election on the basis of failing either of the eligibility criteria may appeal to the Council of State for a review of their application, and if they are unsatisfied with the decision of the Council may file a suit at the Supreme Court for a determination on the matter and the decision of the Supreme Court shall be final.
- (7) If a candidate for an election becomes the subject of a lawful criminal investigation or prosecution, they shall be immediately disqualified from the elections until such time that they are exonerated.
- (8) If, for any reason, the number of qualified candidates remaining for election to an office immediately before the start of or during the campaign season is
 - (a) Zero, the election process shall be reset to the search for applications for that office.

(b) One, the qualified candidate shall be declared as duly elected for that office.

And the election process shall continue as outlined in this sub-section for offices not affected by a lack of alternative candidates.

- (9) If the number of candidates for an office are more than twenty (20), the Organisation shall hold a series of elections, which is to say, campaigns and votes, in batches of no more than twenty (20) each, to select the most popular candidate from each batch for a main election, and this series of elections shall be known as pruning elections.
- (10) If after pruning elections, the number of candidates for an office are still more than twenty (20), another cycle of pruning elections shall be conducted, until the final list of candidates is no more than twenty (20).
- (11) Pruning elections may be conducted at a lower cost than main elections, by employing more convenient means, including polls for votes, capable of establishing at least *prima facie* evidence of the popularity of candidates.
- (12) Pruning elections, if any are needed, shall begin with the campaign season.
- (13) The main elections shall be conducted one (1) month to the expiration of the term of office for the election.
- (14) A candidate for an office in an election who obtains more than fifty percent (50%) of valid votes cast, regardless of voter turnout, shall be deemed to be and duly declared by the Organisation as the choice of the People for that office in that election.
- (15) After an election where no candidate for an office received more than fifty percent (50%) of valid votes cast, another election, herein referred to as a run-off election, between candidates for that office who obtained the two (2) highest numbers of votes in that election, will be conducted within seven (7) days after that election, for that office, and a run-off election will be so conducted, subject to any withdrawals by candidates for that office, until a candidate obtains fifty percent (50%) or more of valid votes cast or one (1) candidate for the office remains, and this candidate shall be deemed to be the choice of the People for that office in that election.
- (16) The holder of an elected office shall be allowed to complete their term in office, notwithstanding an attainment of mandatory retirement age while they are in office.
- (17) A vacancy shall be deemed to be created if the holder of an elected office
 - (a) Resigns;
 - (b) Is permanently incapacitated by illness or death; or
 - (c) Is duly removed from office on the grounds of failing in their duty.
- (18) If a vacancy is created in an elected office, there shall be a snap election for that office conducted according to the process laid down in this sub-section for election to that

office, unless it is an office for which elections are conducted during general elections and in doing so the main election for that office would fall within one (1) year to the next general election process, in which case that office shall be held in acting until the completion of term of that office, by, unless otherwise provided for in this Constitution

- (a) An immediate subordinate, if any; or otherwise
 - (b) An officer adjacent to, and on the right of, that office, wherever that office is generally seated, within its organisational structure.
- (19) A term of office occupied in acting for an office shall not count as a term of office in that office, for the purposes of elections.
- (20) A term of office created by a snap election shall last only until the end of the previous general election cycle, which is to say, the scheduled end of the term which originally created a vacancy for a snap election.
- (21) A term of office shall be deemed to be expired for an officer whose absence results in a snap election.

15.6 Referenda

15.6.1 Types of Referenda

- (1) By virtue of the fact that a choice implies the conscious selection of something, there shall be two (2) types of referenda admissible in the State, which shall comprise
- (a) ***Informed referenda*** which require steps to ensure votes are consciously cast; and
 - (b) ***Cosmetic referenda*** which do not require steps to ensure votes are consciously cast.
- (2) The Directorate of Voting Systems of the Organisation shall ensure that it employs, for informed referenda, voting systems which ensure that, before a voter makes a choice in the referendum, it tests the voter ascertain, without limiting to, if they know
- (a) What the vote is about;
 - (b) What the aims of the vote are;
 - (c) What competing parties' positions or issues are on the vote;
 - (d) What a particular party said about a particular matter; and
 - (e) Why they are voting or why the vote is necessary.
- (3) The tests that grant access to the substantive question or questions in an informed referendum may be
- (a) A set of ten (10) questions randomly assigned to the voter out of a pool of one thousand (1,000) questions, including significantly reworded variations of some questions;

- (b) Having sourced the one thousand (1,000) questions referred to in sub-clause (a) of this clause from
 - (i) Parties to the debate resulting in the referendum; and
 - (ii) Civil society and academic institutions invited to offer questions based on the debate after monitoring it; and
 - (iii) Which questions have all been reviewed and approved by the parties to the debate; and
- (c) Where the questions are kept simple yet capable of ascertaining if a conscious vote will be cast or not by the voter; and
- (d) Where voters are prohibited from having on them, while casting their votes, devices that may be used for cheating; or
- (e) Any other more rigorous system the Organisation may adopt from time to time to achieve the same purpose of ensuring conscious voting in informed referenda.

15.6.2 Calls for Referenda

- (1) A referendum shall only be called for after a State debate on the matter has concluded.
- (2) Any person or entity may call for a referendum, indicating the type of referendum required, if, after a debate and vote by speakers at the State Assembly on the subject of the desired referendum, the person or entity believes and has *prima facie* evidence to the effect that, a referendum would yield a different outcome from what the votes of the speakers on the matter did.
- (3) A person or entity who or which wishes to call for a referendum pursuant to clause (2) of this item-section shall, with the facts of the matter
 - (a) Request the referendum from the speakers in sitting, who may allow it; or otherwise
 - (b) Petition the Council of State for a referendum, which may allow it; or otherwise
 - (c) Petition the Supreme Court for a referendum and the decision of the Supreme Court shall be final.
- (4) If a call for a referendum is approved in accordance with clause (3) of this item-section, the Organisation shall conduct the referendum requested.

15.6.3 Conduct of Referenda

- (1) If the number of referenda approved are found to be too many, depending on the cost implications, as determined by the Organisation, the Organisation shall have the sole authority to schedule the referenda in such a way that multiple issues are dealt with by a single referendum.

- (2) A State debate as concluded and resulting in a call for a referendum, or a fair translation of the debate thereof conveyed to the People, shall serve as the only form of campaign for issues to be determined in the referendum.
- (3) Any act done in contravention of clause (2) of this item-section in a manner similar to a contravention of election campaign rules established in this Constitution shall constitute, on conviction, a crime of sabotaging the State and shall result in a State-wide forfeiture of the choice in the referendum associated with the crime.
- (4) A choice in a referendum which receives eighty percent (80%) or more of valid votes cast, regardless of voter turnout, shall be deemed to be the choice of the People in that referendum.

15.7 Declaration of Results and Subsequent Matters

- (1) The Director of Votes shall present to the Chairperson of the Board of the Organisation, expeditiously after the conduct of any elections or votes of the State, the results and any other summary particulars of the elections or votes conducted.
- (2) The Chairperson of the Board of the Organisation shall, having inspected results and particulars presented to them after the conduct of elections or votes of the State
 - (a) If they satisfied with conduct of the elections or votes, declare the results of the elections or votes to the State.
 - (b) If they are not satisfied with the conduct of the elections or votes, withhold any declarations and pronouncements and expeditiously forward their recommendations to the Council of State and the State Assembly for a decision.
- (3) The validity of an election or vote may be challenged only by a Ghanaian, and such a person may file a lawsuit on the matter, in a case relating to a class 0 office or a State-wide vote, at the Supreme Court or, in any other case, at a Central Court, within twenty-one (21) days after the declaration of the result of the election or vote.
- (4) A declaration by the Supreme Court that the result of an election or vote is not valid shall be without prejudice to anything done by or from the elected person or vote before the declaration by the Supreme Court.

16. Provisions for all Institutions

16.1 Rules for Officers of, and Dealing with, the State

- (1) All actions, plans and policies of institutions and officers of the State shall conform to overarching policies of the State.
- (2) Except as otherwise prescribed under this Constitution, the heads of class 0, class 1 and class 2 institutions of the State, shall have the duty to submit to the State Assembly for

consideration, or support the submission of, where such are being submitted, institutional manifests for institutions under them, where such do not exist, necessary for the most effective and efficient performance of the functions or mandate of such institutions, in a manner consistent with this Constitution, within six (6) months after the requisition of that institution by law or, otherwise, within six (6) months of their assuming office.

- (3) Conditions for eligibility to an office of the State also imply conditions for retaining that office while holding that office.
- (4) A Ghanaian who alleges an appointment or election of a class 1 or class 2 office of the State is, for any reason, unfair, may file a lawsuit at a Central Court for a determination on the matter, within twenty-one (21) days after the appointment or election.
- (5) Every institution and officer of the State shall perform duties apparent to, or mandated of, it or them under this Constitution, as of right, in a timely manner, to and for the People.
- (6) Where a committee is set up within an institution of the State, members of the committee who are officers of the State shall perform their functions in the committee in the capacity of their office which necessitates them to be on that committee, and they shall not be compensated separately for their work in that committee.
- (7) An officer of the State who
 - (a) Demands payment in any form, or by virtue of not receiving a form of payment fails, to diligently and fairly perform a duty they are otherwise mandated and generally employed by the State to; or
 - (b) Demands payment in any form, with a threat to, or by virtue of not receiving a form of payment does, in any way intimidate a citizen or entity implicitly or explicitly, by exploiting the authority or opportunity of their office;

Commits, on conviction, a crime of extortion.

- (8) A person or entity, subject, privy or witness to extortion by any officer of the State, including by an officer of an institution mandated to curb such a crime, shall, directly or anonymously where necessary, report the officer to CAPS, the Police, the Charge of Investigations, their district speaker or other relevant institution, depending on the nature of the crime and its perpetrator, or shall directly file a lawsuit against that officer at a civic court, for appropriate remedies, a failure to do either of which shall constitute a civil offence of failing the State, by such a person or entity.
- (9) An officer of the State shall not take advantage of the facilities, authority or privileges of their office for personal interest or gain, except
 - (a) Facility provided specifically for personal application, such as State-provided accommodation or private security, used within the limits of intended use; or

- (b) In use cases reasonably incidental to or which directly aids in the performance of the functions of that officer; and

Shall, otherwise, on conviction of such an act, be guilty of a crime of abuse of property.

- (10) An officer of the State shall not use a personal or private facility to perform their official duties, where such a use poses a risk to proper record-keeping or accounting or other risks to their office, institution or themselves, except as permitted by their institution in peculiar cases such as for covert operations of a security institution or authority.
- (11) An officer of the State shall not put themselves in a position where their personal interest conflicts or is likely to conflict with the performance of the functions of their office.
- (12) Personation, or representation or presentation of false documents or credentials to an institution or officer of the State, for the purpose of applying for a contract or office, or voting under false pretence, or any other dealings with the State or a State institution, shall, on conviction, constitute a crime of defrauding the State.

16.2 Suing the Government and its Officers

- (1) Where the Government is bound by a statutory duty which is binding also upon persons other than the Government and its officers, the Government shall, in respect of a failure to comply with that duty, be subject to all liabilities in tort to which it would be so subject if the Government were a private person of full age and capacity.
- (2) Where functions are conferred or imposed on an officer of the State by a rule of the common law or by statute, and that officer commits tort while performing or purporting to perform those functions, the liabilities of the Government in respect of the tort shall be what they would have been if the functions had been conferred or imposed solely by virtue of instructions lawfully given by the Government, subject to other provisions of this sub-section.
- (3) The Government shall be subject to all those liabilities in tort to which, if it were a private person of full age and capacity, it would be subject
 - (a) In respect of torts committed by its officers or agents who acted
 - (i) In a proper manner, which is to say, as sanctioned, or in conformity with the mandate or duties defined for them, by their institution; or
 - (ii) By accident or unavoidably, while acting in a proper manner as specified above under this sub-clause.
 - (b) In respect of a breach of duties which a person owes to their employees or agents at common law or under any other law by reason of being their employer; and
 - (c) In respect of a breach of the duties at common law or under any other law attached to the ownership, occupation, possession or control of property.

- (4) A claim against the Government may be enforced as of right by proceedings taken against the Government for that purpose in a Central Court.
- (5) An officer of the State shall be personally liable for crimes committed while acting in their capacity as an officer of the State, if they acted in excess of the mandate or duties of their office and where the crime was reasonably avoidable under their circumstances.
- (6) An officer of the State subject to a trial in court in which they are personally liable or charged, except officers explicitly covered by the Charge of Counsel or as otherwise provided for in this Constitution, shall be subject to the same terms of trial as any person.

16.3 Retirement and Removal of Officers

- (1) The head of an institution accommodating an office which has become vacant, shall notify the appropriate authority for filling that vacancy within seven (7) days after their becoming aware of that vacancy.
- (2) Every officer of the State shall retire from their office of the State, except an office or role on a board of directors or jury or as otherwise provided for in this Constitution, on attaining sixty (60) years of age.
- (3) Every person in the State shall retire from all forms of employment on attaining seventy (70) years of age, and shall be entitled to, if they are not receiving, pensions or care or both from their insurer, family or the State, under elder protection law of the State.
- (4) An officer of the State shall be removed from office by the head of their institution, or by the head of their parent institution if they are the head of their institution, if that officer becomes permanently incapacitated or unable to perform the functions of their office, by illness or death, within seven (7) days of the head becoming aware of such a situation.
- (5) Any Ghanaian may at any time seek the removal of any officer of the State from their office on allegation of the officer
 - (a) Failing in their duty;
 - (b) Abusing their office; or
 - (c) Committing a crime which warrants such a removal.
- (6) A person seeking the removal of an officer of the State, except a class 0, class 1, or class 2 officer who is the head of their institution, pursuant to clause (5) of this sub-section may
 - (a) Advise, and seek a remedy to the problem from, the head of the institution of the officer accused; and if the issue is not resolved amicably within seven (7) days
 - (b) Appeal, with a copy of any and all other appeals made and correspondences on the matter up to that point, to

- (i) The head of an institution directly superior to the head last reported to;
 - (ii) CAPS; or
 - (iii) Their district speaker; or
 - (c) File a lawsuit at a civic court against the accused officer and an order of the court shall be complied with.
- (7) A head of an institution, and superior to an officer, if they are convinced that the officer should be removed following from clause (6) of this sub-section, may request permission from CAPS to remove such an officer from office and, if they are permitted by CAPS, may proceed with the removal or, otherwise, if they are not permitted by CAPS, may file a lawsuit on the matter at a civic court, and an order of the court shall be complied with.
- (8) CAPS may, on its own initiative, if it is convinced of valid grounds for such, order the head of any institution of the State, to remove from office any officer, referred to under clause (6) of this sub-section, of that institution, and
- (a) The head shall, if they are convinced of the merit of the order, comply; and
 - (b) CAPS may, where the head does not comply with their order, file a lawsuit on the matter at a civic court, and an order of the court shall be complied with.
- (9) A person seeking the removal of a speaker, pursuant to clause (5) of this sub-section, may order an election in their district from the elections institution of the State, for the purpose removing or, otherwise, affirming the legitimacy of the speaker, which they shall be entitled to if they
- (a) Are eligible to vote in that speaker's district; and
 - (b) Canvass, in a manner recommended by the State's elections institution and approved by the State, signatories to a petition on the matter, comprising at least ten percent (10%) of the population of at least ten percent (10%) of the towns in the district in question, including of the capital town of the district.
- (10) A person seeking the removal of an officer of the State who is a class 0, class 1 other than a speaker, or class 2 officer who is the head of their institution, pursuant to clause (5) of this sub-section may
- (a) First, in the case of a class 0 or class 1 officer, file a lawsuit at the Supreme Court or, in the case of a class 2 officer, file a lawsuit at a Central Court, for a
 - (i) Conviction in the case of an allegation of abuse of office or a crime; or
 - (ii) A determination of a *prima facie* case, in the case of an allegation of the officer failing in their duty;
- Granted either of which the plaintiff may further petition the same court for a Certificate of Cause for the removal of that officer at the State Assembly, which

the court shall grant if the State Assembly has not already heard a petition of like nature and weight against that officer within the past year; or

- (b) Obtain a Certificate of Cause from the State's elections institution in the manner described under clause (11) of section 7.5.4 of this Constitution, for the removal of that officer by the State Assembly; and

With a Certificate of Cause, propose to the State Assembly the removal of that officer, and the State Assembly on receipt of such a proposal shall schedule a debate for the retention or otherwise of the accused officer, and that officer shall be removed from their office if they fail to obtain seventy percent (70%) or more of votes in the Assembly in favour of their retention on the case in question.

- (11) The terms of removal of an officer of the State shall conform to generally applicable labour law of the State.
- (12) An officer of the State removed from office, if they do not agree with an action so taken, may appeal their case at a civic court if their case had not yet been heard by a court or, otherwise, at a court above the court that ordered or affirmed their removal.

17. Laws, Crime, Trials and Imprisonment

17.1 Laws of the State

- (1) The laws of Ghana shall comprise
 - (a) This Constitution;
 - (b) Enactments made and designated as law by the State;
 - (c) Enactments made and designated as law by a governing body, permitted under or recognised by this Constitution, for its jurisdiction;
 - (d) The existing law, which is to say, laws of Ghana, as they existed or which were to come into effect, immediately before the coming into effect of this Constitution; and
 - (e) The common law, which is to say
 - (i) Laws generally known as common law; and
 - (ii) Customary law, which is to say, laws which by custom are applicable to particular communities in Ghana.
- (2) There shall be, in effect, attached to this Constitution
 - (a) A map of Territories of the State;
 - (b) A repository of Identifiers and Ceremonial Elements of the State;
 - (c) A list of unitary systems of the State;

- (d) A Debate Scheduling and Procedure Law of the State;
 - (e) Treaties with the Federation of Monarchies of the State; and
 - (f) A Sentencing Code of the State.
- (3) There shall be a transition law which shall provide the conditions and modalities for the effective adoption of this Constitution and changeover from the pre-existing system of governance to the system of governance inherent to this Constitution.
 - (4) Class 0, class 1 and class 2 institutions under the Government may propose laws to the State for the regulation of affairs relevant to their sector or functions.
 - (5) The phrase “under this Constitution” implies according to provisions of this Constitution and laws subordinate to and consistent with this Constitution.

17.2 Crimes under the Constitution

- (1) Any action in contravention of a provision under this Constitution constitutes an offence.
- (2) An offence which requires correction by the State constitutes a crime.
- (3) The state of a crime shall be
 - (a) **Committed** if the crime is complete in its essence; or otherwise
 - (b) **Attempted** if steps were deliberately taken which would directly culminate in the act that is a crime, but for the fact that such an act was foiled;
 - (c) **Conspiracy** if steps were taken to plan the execution of steps which would directly culminate in an act which is a crime, with the capacity to so act, or with the intention and capacity to convey such plans to others with the capacity to so act;
 - (d) **Validly Threatened** if a promise is made to commit an act which is a crime, by a person or entity capable and in the position to so act; or
 - (e) **Involuntary** if it is a crime in any other state under this clause, executed without the express or implicit intent of executing it, and without having done nothing to prevent it while it was obvious to the actor that the act was in effect.
- (4) A crime shall be deemed to be a **crime against the State** if the crime, by its nature, directly threatens or harms the People or the State as a whole, such as in the case of treason or lying to the State Assembly, and which shall not be confounded with crimes against officers or properties of the State in general where harm or threat is contained to a, and shall thus be treated as a crime against any other, citizen or entity.
- (5) The State shall maintain a list of crimes under the State, each with their prescribed sentences on conviction, with due consideration for the state of a crime on sentencing, and such a list may be compiled into a Sentencing Code.

- (6) A person suspected or charged of a crime shall be treated as innocent until they are convicted or proven guilty.

17.3 Crimes of Conflict

- (1) A violent conflict, including a war, shall be a situation in which crimes have spiralled out of hand, which is to say, where a series of actions or events have reached a point where crime, response to or defence against crime, collateral damage and accidental casualties have become difficult or impossible to separate or untangle from each other.
- (2) All persons, and in particular soldiers, shall have a duty at all times, even in violent conflict, to act responsibly, ensuring not to harm or violate the rights of civilians visibly unarmed and of no reasonable threat whatsoever.
- (3) A person responsible for starting a conflict shall be, on conviction, liable for all losses suffered, and crimes and absolved crimes committed, due to such conflict by parties to the conflict, unless another party exceeded reasonable expectation of a response in defending against, or protecting their lawful interest in, the conflict, in which case all such parties, on conviction of their excesses, shall be liable for their excesses in addition to the sentence of the party convicted of starting the conflict.
- (4) Clause (3) of this sub-section shall be subject to peaceful settlements which parties to a violent conflict may reach as certified by a court of competent jurisdiction, and such a settlement shall be final and binding for parties to the settlement.

17.4 Inspections in General

- (1) An officer shall not invade the private property or person, of a person or entity, unless
 - (a) By invitation of the person or occupant of the property; or
 - (b) Having ordered a submission by the person or access to the property, and allowed for due response, and whether or not submission is made or access is granted
 - (i) By authority of a warrant or order issued by a court; or
 - (ii) In the conduct of a lawful arrest; or
 - (c) In accordance with the application of rights and freedoms established in this Constitution; or
 - (d) Such an invasion is part of standard and known procedure by an institution in the performance of its lawful duties.
- (2) A person or property subject to inspection shall be handled with utmost care and only invaded or exposed to an extent strictly necessary for the proper and thorough conduct of the inspection.

- (3) An officer responsible for undue and preventable damage to a property or person subject to inspection shall, on conviction, be liable for such damages.
- (4) Damage to a property or person subject to lawful inspection, which is proven to have been accidental or unavoidable, shall be borne by the State, if the person or owner of the property is absolved or acquitted of the suspicion or allegation which necessitated the inspection.
- (5) An inspecting institution or officer shall perform its or their functions or duties in a manner consistent with other laws under this Constitution, and may be subject to investigation, lawsuit or prosecution by any person or entity who or which finds it to be in violation of any law under this Constitution.

17.5 Arrests and Detention

- (1) A person shall not be arrested and detained unless, upon reasonable suspicion of their having committed or about to commit a crime, they pose a reasonable
 - (a) Risk of evasion from law enforcement or justice;
 - (b) Risk of otherwise continuing with a crime; or
 - (c) Threat to the security of other persons or property.
- (2) A person who is arrested, restricted or detained shall be informed immediately, in a language they understand, of the reasons for their arrest, restriction or detention and of their right to a lawyer of their choice.
- (3) A person who is arrested, restricted or detained
 - (a) For the purpose of bringing them before a court, in execution of a court order; or
 - (b) Upon reasonable suspicion of their having committed or being about to commit a criminal offence under the laws of Ghana, and who is not releasedShall be brought before a court within forty-eight (48) hours after the arrest, restriction or detention.
- (4) Where a person arrested, restricted or detained under the clause above this is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against them, they shall be released either unconditionally or upon reasonable conditions, including in particular, conditions reasonably necessary to ensure that they appear at a later date for trial or for proceedings preliminary to trial.
- (5) A person arrested, restricted or detained, shall be given reasonable opportunity or facility to contact their family or lawyer, or to apply to a competent court or office of the State for a review of the terms of their arrest, restriction or detention, at least once at the instance or within the first three (3) hours of their arrest, restriction or detention as they

may choose, and at least once every forty-eight (48) hours during the period of their arrest, restriction or detention.

- (6) Facilities used for the purposes of detention without conviction shall have
 - (a) Maximum security required for the class of suspects detained there; and
 - (b) A fair standard of living fit for an average officer of the state.

17.6 Trials

- (1) A person charged with a criminal offence shall be given a fair hearing within a reasonable time by a court.
- (2) A person charged with a criminal offence shall be
 - (a) Informed immediately in a language that they understand, and in detail, of the nature of the offence charged; and
 - (b) Given adequate time and facilities for the preparation of their defence.
- (3) A person subject to a trial shall
 - (a) Have the right to prosecute, or be defended, by
 - (i) Themselves, or a person of their choice submitted as their representative for the purpose, if both are of sound mind and at least Functional Adults; or
 - (ii) A lawyer of their choice;
 - (b) Be provided a lawyer by the State if they are unable to try by themselves or access a lawyer, subject to regulations which the Administration for Justice may by law institute for fairness and practicability of such legal aid service.
 - (c) Be afforded facilities to examine, by themselves or their representative or lawyer, the witnesses called by either opposing party, and to obtain the attendance and carry out the examination of witnesses, on the same conditions as those applicable to witnesses called by either opposing party; and
 - (d) Have the right to an interpreter where they cannot understand the language used at the trial;
- (4) The trial of a person charged with a criminal offence shall take place in their presence unless they
 - (a) Refuse to appear before the court for the trial to be conducted in their presence after they have been duly notified of the trial; or
 - (b) Conduct themselves in such a manner as to render the continuation of the proceedings in their presence impracticable and the court orders them to be removed for the trial to proceed in their absence.

- (5) Whenever a person is tried for a criminal offence the accused person or a person authorised by them shall, if they so require, be given, within a reasonable time not exceeding six (6) months after the judgement, a copy of any record of the proceedings made by or on behalf of the court for the use of the accused person.
- (6) A person shall not be charged with or held to be guilty of a criminal offence which is founded on an act or omission that did not at the time it took place constitute an offence.
- (7) No person shall be convicted of a criminal offence unless the offence is defined and the penalty for it is prescribed in a written law.
- (8) No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.
- (9) No person who shows that they have been tried by a competent court for a criminal offence and either convicted or acquitted, shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for the offence, except on the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.
- (10) Notwithstanding clause (9) of this sub-section, an acquittal of a person on a trial for high treason or treason shall not be a bar to the institution of proceedings for any other offence against that person.
- (11) The burden of proof in a trial shall be on an accuser and in an affirmation, which is to say, a person shall not be compelled to prove they did not do or are not something, but a person shall be required to prove that a person did or is something.
- (12) A court shall not rely on witness account as primary evidence in a case.
- (13) The proceedings of a court shall be held in public, except as otherwise provided for in this Constitution or as may be ordered by a court in the interest of
 - (a) The right to privacy of a party to a case; or
 - (b) Public safety and order, or security of the State.
- (14) Notwithstanding any other provision of this sub-section, a court may try an officer of a disciplined force for a criminal offence despite a trial and conviction or acquittal of that officer under the disciplinary law of the force, except that any court which tries that officer and convicts them shall, in sentencing them to any punishment, take into account any punishment imposed on them under that disciplinary law.
- (15) Notwithstanding any other provision of this sub-section, but subject to clause (16) and clause (17) of this sub-section, the State may establish military courts for the trial of offences against military law committed by persons subject to military law.

- (16) Military law and courts shall be subject to general laws and courts of the State, and a Central Court of the State may assume jurisdiction over a case involving military officers where it deems it, per the circumstances of a case, necessary in the public interest, for the avoidance of conflict of interest and for the strengthening of justice.
- (17) Where a person subject to military law, who is not in active service, commits an offence which is within the jurisdiction of a Central Court, they shall not be tried by a court-martial for the offence, unless the offence is within the jurisdiction of a court-martial under law, for the enforcement of military discipline.

17.7 Interstate Crime-Handling

- (1) Where a person charged with a crime against or committed within the State is outside the State, the State, through the State Attorney and the Hand of Foreign Relations, shall take all practicable steps to ensure the
 - (a) Expeditious extradition of such a person to face the laws of the State; or, otherwise
 - (b) Prosecution of such a person outside the State in a manner consistent, in every aspect and to every degree, with the laws and conditions they would otherwise be subject to, if they were in the State; or, otherwise
 - (c) State Assembly is notified to take further action in line with policies of the State.
- (2) A foreign state or entity which alleges a crime against a foreign state, entity or person by a person or entity in the State, may submit their case to the Office of the Radiant or Hand of Foreign Relations.
- (3) The Radiant, or the Control of Foreign Relations may, on their own initiative, or shall, having received an allegation of a crime against a foreign state, entity or person by a person or entity in the State, submit the case to the State Attorney.
- (4) The State Attorney, having received a case alleging a crime of a person or entity in the State against foreign state, entity or person shall ascertain the merits of the case, which is to say, if there is a *prima facie* case against the suspect, at the Supreme Court or at an international court of competent jurisdiction as the State Attorney may find expedient.
- (5) The State Attorney shall, if the Supreme Court or an international court of competent jurisdiction finds a *prima facie* case of a crime against a foreign state, entity or person by a person or entity in Ghana, request an order from the Supreme Court for the extradition or submission of the accused person or entity to, and only to, an international court of competent jurisdiction.
- (6) The State shall, if it finds the judgement of an international court of competent jurisdiction to be consistent with overarching policies of the State and other relevant provisions of this Constitution, comply with the judgement of the international court and

- (a) In the case of a guilty verdict involving a Ghanaian person or entity, surrender the convict, and where applicable pay due compensation as may be ordered by the Supreme Court in accordance with the State's policies and sentencing code.
- (b) In the case of an acquittal, take all reasonable steps to ensure the protection of the rights of acquitted person or entity and for their safe return to the State where applicable.

17.8 Imprisonment

- (1) Where a person is convicted and sentenced to a term of imprisonment for an offence, any period they have spent in lawful detention in respect of that offence before the completion of their trial shall be taken into account in imposing the term of imprisonment.
- (2) In line with State policy on fairness and justice, prisons shall take steps to ensure
 - (a) Prisons are, or work towards becoming as soon as possible, as much as practicable
 - (i) Self-subsisting, which is to say, independent of State funding, so as not to be a further burden to the State in addition to crimes necessitating them; and
 - (ii) Net-positive contributors to production in the State, through surrendered labour of prisoners whose sentences prescribe labour, to offset the cost of crimes committed to the State; and
 - (b) Different levels of prisons are developed for different classes of crimes such that the higher the class of criminals a prison accommodates, the less the resources committed to its facilities except to the minimum extent required for the healthy sustenance of the prisons and its inmates.
- (3) Notwithstanding clause (2) of this sub-section, prisons shall take necessary steps to develop facilities that contribute to the reform of, rather than deterioration in, the character of prisoners, necessary for their productive reintegration into society where their sentences permit that.
- (4) A prisoner's freedom and facilities provided to communicate with persons outside the prison shall be determined by the terms of their sentencing.
- (5) Every prisoner shall be given reasonable opportunity to correspond with a lawyer for the purposes of continued investigation of the circumstances, and appeal, of their conviction, for the duration of their sentence, subject to limitations which may by law under this Constitution be placed to prevent the abuse of such facilities or opportunities.

17.9 Acquittal

- (1) A person who is unlawfully arrested, restricted or detained by any other person shall be entitled to compensation from that person, or the State subject to provisions under section 16.2 of this Constitution.
- (2) Where a person who has served the whole or a part of their sentence is acquitted on appeal by a court, other than the Supreme Court, the court may certify to the Supreme Court that the person acquitted be paid compensation; and the Supreme Court may, upon examination of all the facts and the certificate of the court concerned, award such compensation as it may think fit; or, where the acquittal is by the Supreme Court, it may order compensation to be paid to the person acquitted.
- (3) Compensation sought by fraudulent means or based on fraudulent premises shall be void.
- (4) A person found to have been grossly complicit in the wrongful arrest, detention or imprisonment of another person shall be charged, investigated and prosecuted by the State for the crimes of wrongful arrest, wrongful detention or wrongful imprisonment.

18. Intergovernmental Arrangements

18.1 Monarchies

- (1) The Government shall encourage monarchies and other traditional governments, hereinafter referred to as monarchies, of or identifiable or distinguishable indigenous peoples or historical ethnicities, hereinafter referred to as ethnicities, comprised in the State, to form and sustain a Federation of Monarchies of the State, howsoever termed, hereinafter referred to as the Federation of Monarchies, to allow for a manageable relationship between the State of Ghana and such monarchies or ethnicities.
- (2) The Government shall encourage law between the Federation of Monarchies to govern the identification and admission of legitimate monarchies and ethnicities of the State and the structural relationships between them.
- (3) The Government shall encourage, propose, sign and maintain a treaty between the State of Ghana and the Federation of Monarchies for the purpose of
 - (a) Protecting such institutions and interests which the People of Ghana wish to retain in their monarchies or ethnicities, in spite of and subject to the People's desire also for democratic and unified governance and State of Ghana guaranteed by this Constitution;
 - (b) Facilitating prudent separation and harmonious coexistence between the State of Ghana and the monarchies and ethnicities comprised in the State; and

- (c) Promoting and protecting harmonious coexistence between the monarchies and ethnicities comprised in the State.
- (4) For the purpose of clause (3) of this sub-section, the Government shall not recognise or deal individually with any monarchy or ethnicity comprised in the State except through the Federation of Monarchies.
- (5) A treaty between the State and the Federation of Monarchies of Ghana shall
 - (a) Guarantee the protection and defence of all member monarchies and ethnicities against any unlawful attack, violation or disregard for its institutions, estate and resources, heritage, culture and other legitimate interests;
 - (b) Prohibit the use of any office, institution or facility of the State to discriminate between or favour or give precedence to any monarchy or ethnicity over another;
 - (c) Provide for the inclusion of the Federation of Monarchies in State institutions or decisions which should be of most interest to the monarchies, without compromising the treaty's purpose to separate the State and monarchies;
 - (d) Permit auditing of monarchies' accounts related to lands and natural resources, in light of the monarchies' fiduciary duties as custodians of resources for the People, and in exercise of Government's duty to the People to protect their interests.
 - (e) Discourage all member monarchies from replicating or duplicating functions of the Government, but encourage the supplementing of efforts of the Government or exploration of functions otherwise reserved or unexplored by the Government;
 - (f) Prohibit all member monarchies from levying citizens or developing institutions akin to any of the security, security-related and entries institutions of the State;
 - (g) Guarantee all member monarchies the freedom to develop their own financing structures by other lawful means;
 - (h) Guarantee all member monarchies the freedom to engage in any and all other acts of governance neither inconsistent with the treaty nor against the will of its people.
 - (i) Prohibit all member monarchies from acts which contravene this Constitution;
 - (j) Establish the supremacy of the State, as a construct of the People, in protecting the rights of the People;
 - (k) Make the Supreme Court of Ghana available to hear cases between monarchies of the State, at the request of a member of the Federation of Monarchies;
 - (l) Establish the possibility of sanctions, by the Government against a monarchy or monarch which or who violates the rights of others, including through seizure and redistribution of assets, transfer of authority and titles, imprisonment or other actions in consultation with and for the people concerned;

- (6) The Government, through the Office of the Radiant and other relevant institutions, take all prudent and practicable steps to effect and sustain its guarantees set forth in a treaty with the Federation of Monarchies.
- (7) Notwithstanding a stated purpose in this sub-section to separate the State and monarchies, a monarchy of the State shall not, for the avoidance of doubt, be deemed to be a foreign government or state.

18.2 Extra-Governmental Assistance and Cooperation

- (1) The Government may consider and sign, as may be proposed by the Radiant or the Hand of Foreign Relations after review by the Security Council, agreements with foreign, interstate or global governance organisations or governments for the provision of assistance, to defend the State and restore this Constitution, in the event that the State or this Constitution comes under threat, against the will of the People, and the People or the State is or are unable to, in spite of every other provision of this Constitution and infrastructure of the State, defend against such a threat.
- (2) An agreement such as described in clause (1) of this sub-section shall
 - (a) Be consistent with overarching policies of the State;
 - (b) Provide for the terms under which such an invitation by the People for assistance may be recognised, authenticated and honoured in a manner that shall not be unmistakable or open to undue exploitation;
 - (c) Guarantee the protection of and respect for life and property and other interests of the State at all times; and
 - (d) Guarantee the expeditious restoration of the sovereignty of the People and this Constitution once the relevant threat is contained, at the determined by the People.
- (3) The Government may consider and enter into similar agreements such as described in clause (1) of this sub-section, to make guarantees of and provide similar assistance to other governments, and such agreements shall be executed in a manner that does not compromise the security of the State at any point in time.
- (4) The Government may consider and receive assistance, proposed to the State Assembly by a relevant institution of the State, in the event that a disaster or security situation in the State, overwhelms relevant institutions of the State without having compromised the Government or this Constitution, and such assistance shall be rendered under the authority and supervision and requisite protocols of institutions of the State.
- (5) The Government may consider and provide similar assistance, such as described in clause (4) of this sub-section, to other governments, in a manner that does not compromise the security of the State at any point in time.

18.3 Global or Interstate Governance

- (1) The Government may consider and join, as may be proposed by the Radiant or the Hand of Foreign Relations, global or interstate governance organisations or governments, hereinafter referred to as interstate communities, aligned with the unifying purpose of the State, in line with or within the guidance of overarching policies of the State.
- (2) The Control of Foreign Relations shall maintain a list of present memberships of the State in interstate communities and shall, at least once every year, review all its memberships in such interstate communities in light of recent events around such communities, to ensure the continued alignment of the State's overarching policies with its memberships, and submit recommendations accordingly to the State Assembly.
- (3) Laws, conventions and requirements of interstate communities of which the State is a member shall be submitted to the State Assembly for debate before ratification, to the extent that they are consistent with the spirit or intents and provisions of this Constitution.
- (4) Key debates and decisions of interstate communities of which the State is a member, shall be, as much as practicable, debated by the State Assembly, and the decision of the State Assembly shall be presented as the input of the State to such debates or decisions by the interstate communities.

19. Amending the Constitution

- (1) This Constitution may be reviewed and revised or amended in the manner established in this Constitution for the proposal and amendment of any other law of the State, except that a vote on such an action shall only be by referendum.
- (2) Judiciary institutions of the State, including the Supreme Court, may review proposals for revisions or amendments to this Constitution and issue opinions or recommendations on debates of the State Assembly on the matter, to ensure consistency in the language of the law or contribute to the substance of the law in the spirit of democracy.

20. Appendix

20.1 Definitions

The following definitions shall apply as the understanding of this Constitution.

Anonymised: in a manner that prevents one from being able to ascertain any personally identifiable information from a given item, including a name, gender, age, religion and ethnicity, and, where the context or application may require, qualifications.

Democracy: a form of governance in which the people, or members of a system or body, collectively govern or, in other words, control the affairs of their state – that is, limiting to affairs or matters legitimately theirs, and not necessarily everything in their state – or a people subject to such a form of governance.

Fairness: the balance between cost and reward.

Justice: when one gets their due; a correction towards fairness.

Integrity: the retention of or faithfulness or adherence to the proper – that is, socially, lawfully or generally expected and true or honest – composition, nature and functioning of something; the uncorrupted or unbroken form or state. For example: to “not compromise the integrity of” means to “not compromise the proper composition and functioning of.”

Legitimately: as of right, generally accepted, lawfully or logically.

Lie: a deliberate statement, representation or act with the intent to mislead; where it can be proven that the stater or actor knew or would have reasonably known a statement or representation they made was false; excludes a false statement without the intent to mislead.

Monarchy: a form of governance in which power or rulership is inherited, as the right of a lineage, and typically vested in a single head of the ruling or royal family or lineage, or a people subject to such a form of governance.

Natural

1: a state of being not deliberately and significantly and in essence altered by a person or the tools of a person, particularly to mimic another state of being; as opposed to a faked version.

2: derived from normal environmental or biological process or state, rather than primarily from personal effort or agency.

Original

1: emanating from one’s own sense of purpose, need and assessment, or from one’s own conception, as opposed to doing or adopting something merely or solely because others have done so; an aversion to imitation as a habit or penchant.

2: first or initial.

Publicly: where an issue is discussed or presented through a medium or media channel, or on a platform which has coverage, and is commonly accessed, across the State.

Successfully: without having been removed for failing in one’s duty.

Unitary: relating to units, such as units of measurement or for communication, or money.

20.2 Interpretations

- (1) Under this Constitution
 - (a) A word in singular includes the plural, and a word in plural includes the singular.
 - (b) Where a word is defined, other parts of speech, phrasing and tenses of that word have corresponding meanings.
 - (c) An act or action implies an act or an action or the omission of an act or action.
 - (d) “In acting” means without vacating one’s own or pre-existing office.
 - (e) “Head” where the context requires also means “chairperson.”
 - (f) A reference to the holder of an office by a term designating that office, shall, unless the context otherwise requires, be construed as including a reference to a person for the time being lawfully acting in or performing the functions of that office.
 - (g) Where the context implies, by virtue of the fact that the right to shared governance of the State is guaranteed only to Ghanaians, a statement that a Ghanaian may take a certain action implies only a Ghanaian shall have the right or authority to take such an action.
 - (h) Percent also implies rounded up to the nearest whole number.
- (2) Under section 2.1 clause (1) and others derived from it
 - (a) “By extension” means following from “their governance” and thus the Constitutions understanding of governance.
 - (b) “Where the context so implies” means where a thing or person represents or generally affects the People of Ghana the People of Ghana, including its properties or persons whom the People have publicly come to stand for.
- (3) Under section 3 clause (1) and others derived from it
 - (a) Basic needs include things directly needed for immediate survival, and which should not be confused with essential services and infrastructure which include transportation, communication, markets and more, which are all guaranteed by the development mandate of the State.
 - (b) Nutrition implies all elements required for normal sustenance of a person’s body, including access to clean breathable air, potable water and a balanced diet.
 - (c) Shelter implies protection from harsh elements of the weather and environment including access to clean and safe clothing and housing, and the ability to sleep well having been guaranteed these provisions.
- (4) Under section 5.1 clause (1) and others derived from it

- (a) Compensation is not limited to monetary compensation.

20.3 Attributions

- (1) This Constitution was drafted by
 - (a) Fuseini Yakubu
- (2) This Constitution was promoted with support from
 - (a) Fuseini Yakubu

20.4 Certificate of Assent