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Ghana Center for Democratic Development

**Legislative Performance in Ghana:
An Assessment of the Third Parliament
of the Fourth Republic, 2001- 2005**

Shana Warren

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Critical Perspectives, an occasional paper published by the Ghana Center for Democratic Development (CDD-GHANA), provides scholarly and insightful analysis of contemporary issues in governance and democratic development in Ghana in particular and Africa in general. It encompasses the analyses of legal scholars, economists, historians, educators, philosophers, political scientists, sociologists, as well as distinguished public servants and individuals. Created to fill the gap in objective analysis that can influence and advance the formulation and conduct of policy, *Critical Perspectives* is accessible to a broad spectrum of persons and institutions concerned with the making, implementation and dissemination of public policy.

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Preface

As one of the key pillars of democratic governance, the institution of Parliament has the unique role of representing citizens' interests, making laws, debating national policies, and balancing the power of the Executive. A Parliament's ability to perform these roles depends largely on the extent of openness of the political system, constitutional requirements, and available human and material resource capacity. The health of country's democracy could be measured, among other things, by the effectiveness and efficiency with which a Parliament performs the assigned roles.

Since Ghana's Fourth Republic was inaugurated in January 1993 with a liberal Constitution, the country's Parliament has sought to fulfill its mandate, despite some structural and resource constraints, and some assessment of its performance has been made in the past. For instance, in 2001 the Ghana Center for Democratic Development with sponsorship from the Friedrich Naumann Foundation assessed the public perception of the institution's capacity to meet its multifaceted roles and responsibilities. The assessment of Parliament has also been captured in some national surveys including the ECA-sponsored "Measuring Progress Toward Good Governance" in 2003 and the bi-annual Afrobarometer studies. But none of these studies provide a detailed, systematic and focused analysis of the parliamentary processes.

This study focuses on the Third Parliament of the Fourth Republic (2001-2005) and attempts to fill the vacuum. A systematic assessment of Parliament in one key area of performance, namely, law making, is presented. Departing from the usual public perception-based evaluations, the assessment is anchored entirely on official documents, the *Hansard* and the *Votes and Procedures*, and provides in-depth analysis of the lawmaking process and the extent to which civil society participates and makes inputs into the process. It also assesses the dynamics of floor debate, committee development, committee record keeping, and budget processes.

The assessment is both quantitative and qualitative and has the objective to obtain an independently verifiable data to assist the monitoring of legislative programs, evaluation, and design. It also seeks to provide a baseline assessment of the strengths and weaknesses of the Parliament that would enable stakeholders to enhance the capacity, engagement, and public understanding of the role of Parliament in the Fourth Republic.

Hopefully, this assessment will assist parliamentarians, parliamentary staff, civil society, and development assistance agencies in making objective judgments about the efficacy of law making in Ghana's fledgling democracy.

The Center is most grateful to USAID/Ghana for commissioning and sponsoring the study and the publication of this report. Final responsibility for all errors, omissions and interpretation in this report are, however, retained by the author.

Dr. Baffour Agyeman-Duah
Associate Executive Director
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August 2005
Accra

Executive Summary

Between its inception in January 2001 and its dissolution in January 2005, Ghana's Third Parliament passed an average of twenty-five bills into law per year. During that period there was a measurable increase in committee activity, civic input into legislation, and amendments to bills presented to Parliament by government ministers.

The Parliament was increasingly active in committee meetings and floor debates on new bills over the course of the Third Parliament. Although committee activity generally increased, several committees were exceptionally active while others rarely met other than to fulfill their required duties.¹ The Finance Committee was the most active due to the large number of loan agreements and budget related or "budget trailer" bills² referred to it. Several select committees were able to devote more time to both civic input and deliberation due to a combination of smaller workloads and leadership interest in committee strengthening.

As a consequence of increased committee activity, bills were more extensively discussed and analyzed at the committee stage and more often recommended for amendment before passage by the House. Not only were an increasing percentage of non-budget related bills amended, but much of the deliberations also incorporated civic input. During the consideration stage, non-committee members often requested that the committee chairman offer explanations for each proposed amendment if the amendment was unclear from the committee report, indicating an increasing parliamentary engagement with the legislative process. However, many questions raised during the debate were addressed to the relevant sector minister rather than the committee chairman. Sector ministers are made to introduce bills and take questions

¹ Parliamentary committees are mandated to perform the following required duties: analyze the annual estimates of relevant sector ministries, review loan agreements for relevant sector ministries, and prepare reports on bills and other matters referred to them by the Speaker.

² In this report, these budget-related bills are referred to as budget trailer bills and are defined as those bills whose passage is necessary for the enactment of the annual budget and appropriation bill. For analysis purposes, the category budget trailer includes the annual appropriation bill.

because they are presumed to understand the subject matter and intricacies of the bill better than the committee chairman.

Throughout the period of assessment, it appeared that the quality and consistency of committee reports were improved. The reports contributed to lively parliamentary debates by providing useful background information, informed analysis, and many recommended amendments. By the close of the Third Parliament, committee reports were written in a fairly standard format that often included an explanation for each proposed amendment and a list of civic groups that contributed to the committee's work through memoranda and meeting attendance. Parliamentarians often cited the specific content of these reports during the second reading and consideration stage of bills.

However, the impact of committee work on the legislative process was often hampered by inadequate time for meaningful debate. Although the Standing Orders require a total of five days between the date on which notice of a motion for a second reading is given and the date of third reading, ministers often successfully moved for the rules to be suspended. As a consequence, the quality and quantity of parliamentary debate and influence on key issues was often diminished. The shortened time frame posed serious challenges to both committees and other members seeking background information on proposed legislation. In addition, with the frequently accelerated legislative calendar members often found themselves confused and unable to participate effectively as amendments were rapidly brought to the floor; the lack of a system to track the progress of bills and amendments from committee proposals through the floor debate of the consideration stage further constrained Parliament's potential policy influence.

While Parliament made significant strides in asserting its authority over non-budget related bills, it was unable to have a substantial impact on the budget process. The vast majority of annual budget trailer bills spent only one or two days in committee and were pushed through the second reading, consideration stage, and third reading in a single day with no amendments.

The floor debates surrounding these bills tended to focus on details of the attached schedules rather than more broad policy issues. Each select committee analyzed the annual estimates of the relevant sector ministry, but there was very little floor debate on major budget priorities. Significantly, the Third Parliament did not substantively amend any of the appropriation bills.

Overall, Ghana's Parliament has demonstrated improved performance in committee activity and bill amendments and been open to civic input on non-budget related bills. However, Parliament has continued to grapple with issues of independent research, record keeping, and budget oversight. Despite these challenges, these areas have seen some improvement during the Third Parliament.

ABOUT THE AUTHOR

Shana S. Warren is an independent consultant. She earned her B.A. in History and French Studies from Rice University in Houston (1998) and is currently pursuing a graduate degree in International Affairs focusing on African politics and development at the Johns Hopkins School of Advanced Internal Studies in Washington, D.C. Prior to her return to graduate school, she taught public school French in the United States. As part of a United States Agency for International Development (USAID) sponsored internship, she conducted research into Ghanaian parliamentary performance in Accra in 2004. As part of her research, she worked closely with USAID/Ghana Democracy and Governance Team, the Parliament of Ghana, the Ghana Center for Democratic Development (CDD- Ghana), and the Legal Resources Centre (LRC)

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