



MAJORITY CAUCUS

PARLIAMENT OF GHANA

Parliament House - Accra (Ghana)

17th October, 2024

Press Statement from the Majority Caucus of Ghana's Parliament

On the Speaker's Ruling of October 17, 2024

The Majority Caucus of Ghana's Parliament is compelled to address the nation regarding a profoundly concerning ruling delivered today, October 17, 2024, by the Right Honourable Speaker, Alban Sumana Kingsford Bagbin. This ruling, which purports to declare four parliamentary seats vacant, represents an unprecedented and dangerous overreach of the Speaker's authority, threatening the very foundations of our constitutional democracy.

The Ruling in Question

The Speaker has unilaterally declared that four Members of Parliament have lost their seats due to their decision to file nomination papers for the 2024 Parliamentary elections under different political affiliations. The legislators affected by this ruling are:

1. **Hon. Peter Yaw Kwakye-Ackah, MP for Amenfi Central Constituency, Western Region (NDC)**
2. **Hon. Andrew Asiamah Amoako, MP for Fomena Constituency, Ashanti Region (Independent)**
3. **Hon. Kwadjo Asante, MP for Suhum Constituency, Eastern Region (NPP)**
4. **Hon. Cynthia Morrison, MP for Agona West Constituency, Central Region (NPP)**

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This ruling, in effect, attempts to unconstitutionally reconfigure the composition of Parliament, potentially shifting the balance of power in the House through extra-legal means. It is worth noting that while the ruling affects members from both sides of the aisle, it disproportionately impacts the Majority, raising serious questions about its impartiality and motivations.

Constitutional Concerns and Judicial Overreach

1. Usurpation of Judicial Authority: The Speaker's actions constitute a clear usurpation of powers vested in the Supreme Court of Ghana under Articles 2(1) and 130 of the 1992 Constitution. These provisions explicitly empower the Supreme Court with the authority to interpret and enforce constitutional matters. Furthermore, the Speaker's actions contravene Article 99(1) of the Constitution, which vests the High Court with jurisdiction to determine questions of parliamentary membership validity. By pre-emptively ruling on this issue, the Speaker has egregiously undermined the separation of powers that is fundamental to our democracy.

2. Disregard for Ongoing Judicial Processes: It is particularly troubling that the Speaker proceeded with this ruling despite being fully aware that the matter of the meaning and effect of Article 94(1)(g) was pending before the Supreme Court. The Majority Leader had filed a suit against the Speaker of Parliament and the Attorney General on October 15, 2024, seeking constitutional interpretation of the said provision, and formally notified the Speaker of this fact during the parliamentary session on October 16, 2024. Crucially, Parliament was officially served with the writ through its Legal Department on October 16, 2024, a day before the Speaker's ruling.

3. Violation of Due Process: The Speaker's decision to deliver this ruling on October 17, 2024, despite the formal service of the writ to Parliament the previous day, represents a flagrant disregard for due process and the rule of law. This action sets a dangerous precedent that could erode public trust in our democratic institutions. Indeed, by ignoring the processes before the Supreme Court and usurping the authority of the apex court, the former NDC MP for Nadowli unfortunately weaponised the enviable position of Speaker against the Majority and has unfortunately placed himself in a position where he may be cited for contempt of the Supreme Court of Ghana, with all attendant consequences.


Implications and Concerns

- 1. Political Machinations:** We are deeply concerned that this ruling may be part of a broader strategy to artificially alter the parliamentary majority. This suspicion is reinforced by the Minority Leader, Cassiel Ato Forson's hasty proclamation of his side as the new Majority in the immediate aftermath of the Speaker's decision. Such actions represent a grave threat to the integrity of our legislative process and the principle of fair representation.
- 2. Subversion of the People's Will:** It is particularly alarming that this manoeuvre appears to be a hurried attempt to steal the mandate of the Ghanaian people as decisively expressed in the December 2020 elections. Instead of respecting the democratic process and waiting until December 2024 to test their popularity at the polls, certain elements seem intent on circumventing the will of the electorate through procedural manipulations. This blatant disregard for the people's choice is not only unacceptable but also poses a dangerous threat to the very foundations of our democracy.



3. **Threat to Governance:** This attempted reconfiguration of parliamentary composition poses a significant risk to the government's ability to implement its mandate. It appears designed to obstruct crucial legislative initiatives and impede the execution of policies that the Ghanaian people have entrusted us to deliver.
4. **Erosion of Constitutional Norms:** By acting in excess of his constitutional authority, the Speaker has set a troubling precedent that undermines the checks and balances integral to our system of governance. This overreach threatens to destabilize the delicate balance of power between the legislative, executive, and judicial branches, potentially undermining the very fabric of our democracy.

Call to Action

1. We, the Majority, unequivocally declare our intention to take every lawful action necessary to resist and defeat this unconstitutional conduct by the Speaker. We are committed to taking all steps required to restore the constitutional order that has been sought to be subverted in Parliament.
 2. We respectfully call upon the Supreme Court to hear and determine the case brought before it by the Majority Leader with the utmost urgency. The stability of our democracy and the integrity of our parliamentary processes hang in the balance due to the Speaker's unconstitutional conduct.
 3. We urge all Ghanaians to remain vigilant in defense of our constitution and the principles of democratic governance that have long been the bedrock of our nation.
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4. We call on civil society organizations, legal experts, and all stakeholders in Ghana's democracy to speak out forcefully against this dangerous precedent and reaffirm the importance of respecting constitutional boundaries.

Our Resolute Stand

The good people of Ghana should note that the members of the Majority Caucus staged a walk-out from Parliament after both the Speaker and Minority Members of the House attempted to silence the Majority Leader as he sought to convey our side's strong misgivings about the Speaker's blatantly unconstitutional conduct. In keeping with this principled decision, and as responsible, law-abiding citizens of Ghana committed to our oath of office as lawmakers to protect and defend the Constitution, we, as a group, have resolved the following:

- i. Going forward, we will not participate in any further Parliamentary sittings until these vexed matters are determined by the Supreme Court.
- ii. We hold the firm view that any participation in what would obviously be a charade and mockery of Parliamentary democracy would constitute an unpardonable affront to the will of the Ghanaian people as expressed in December 2020 and the Constitution we have all sworn to defend and protect.

Conclusion

The Majority Caucus remains steadfast in its commitment to upholding the constitution and serving the interests of the Ghanaian people. We will not stand idly by as the foundations of our democracy are undermined. We have unwavering faith in the wisdom



of the Supreme Court and the resilience of our democratic institutions to correct and defeat this grave misstep, reaffirming the principles that have guided our nation since the inception of the Fourth Republic.

We fully recognize that this decision will, to some extent, negatively affect the prosecution of the legislative agenda of the government of His Excellency President Nana Addo Dankwa Akufo-Addo for the remainder of his tenure. However, we firmly believe this is a necessary price to pay in mounting a formidable defense of our Constitution and safeguarding the will of the people of Ghana. The preservation of our democratic principles and the integrity of our constitutional order must take precedence over short-term legislative goals.

May God bless our homeland Ghana and make our nation great and strong.

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