GHANA LEGAL SYSTEM
- AN OVERVIEW

CHARLES AFÉKU
ENRLP, DU
NOVEMBER 11, 2009
A LITTLE HISTORY

- 1843: British Settlement Act
- 1876: Gold Coast Supreme Court Ordinance
- 1957: Independence (New name Ghana)
- 1960: Republic (1st)

- 1966/72/79/81: Military interventions

- 1969/79/92: Return to Civilian Republic - (2nd, 3rd, and 4th Republics)
SOURCES OF LAW

- The Constitution
- Acts of Parliament
- Subsidiary Legislation
- Existing laws (All laws existing prior to 1992 Constitution)
- Common law of Ghana (i.e. English Common Law, English doctrines of Equity, & Customary Law)
GOVERNMENT

- Elected by Universal Adult Suffrage (18 years)
- Executive President
  - Two 4-year terms
- Council of State
  - Partly elected/appointed
- Unicameral Legislature
  - Elected representatives (230 constituencies)
  - Lawmaking, Approval of Gov’t Programmes & Expenditure, Impeachment of President, etc
JUDICIAL SYSTEM

Lower courts (Limited jxn)

Superior Courts
- High Court, Regional Tribunals, Ct. of App., Supreme Court

The Supreme Court
- At least 10 Justices nominated by President and approved by Parliament
- Final appellate jxn in all matters (Res judicata)
- Original jxn in Human Rights and Constitutional matters
- Review jxn
  - Stare decisis applicable, but Supreme Court may depart from a previous decision “in exceptional circumstances”
OTHER GOVERNANCE INSTITUTIONS

- CHRAJ
- Electoral Commission
- National Media Commission
- National & Regional House of Chiefs
SOME CONSTITUTIONAL ISSUES

- Parliamentary ratification of natural resources transactions

- No maximum limit on number of SC JJS (Packing the Court)

- Appointment of majority of Ministers from Parliament (Separation of powers issues)
Me Daa Se!! (Thank You!!)

Akosombo HEP Dam on the Volta River