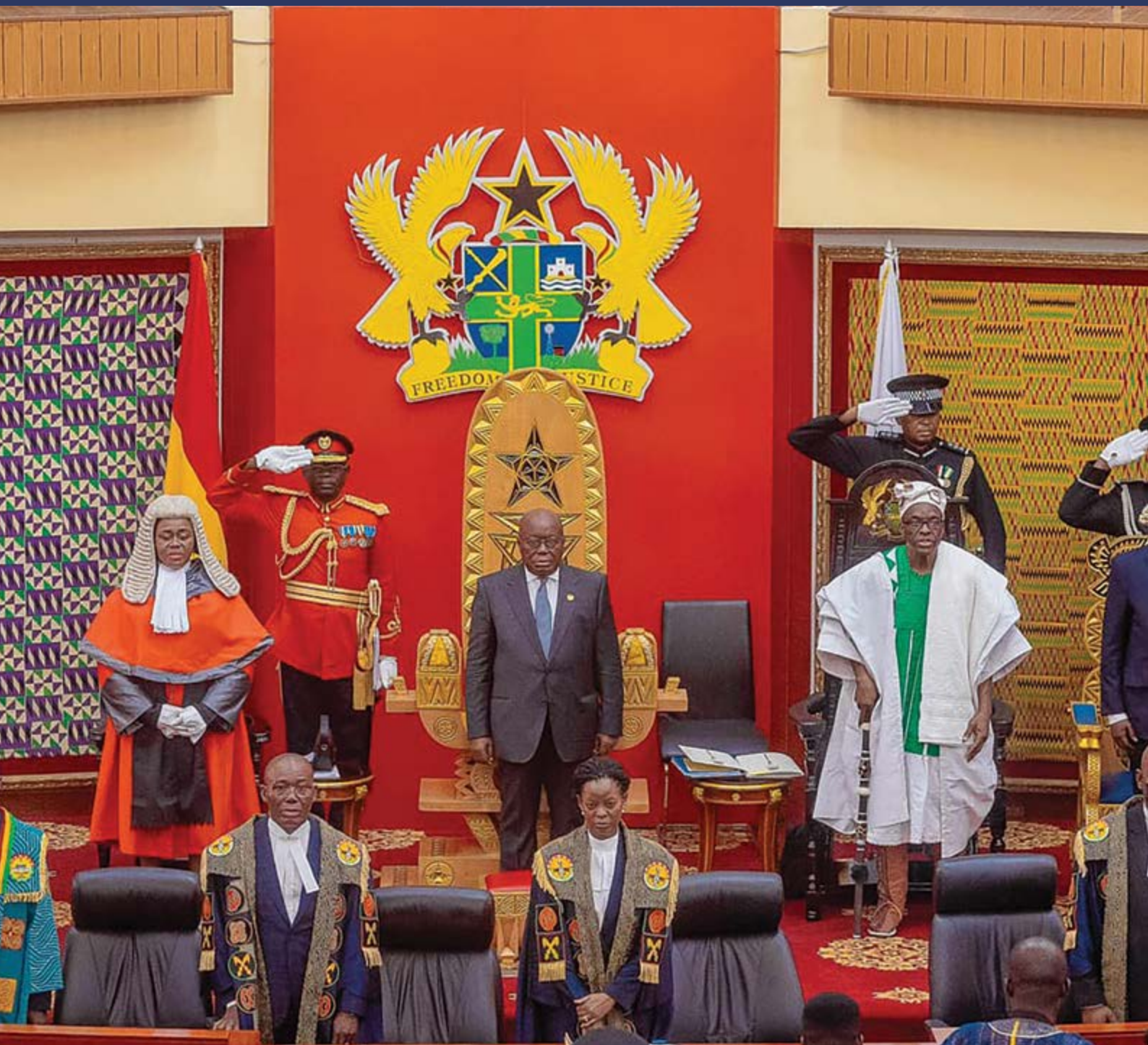


SECTION

3

CONSTITUTIONALISM  
AND ORGANS OF  
GOVERNMENT



# CONSTITUTION, INSTITUTIONS AND ADMINISTRATION

## Constitution and Organs of Government

### Introduction

The functioning of an effective state depends largely on established rules and governance system. This section looks at the constitution and the organs of government. It focuses on the meaning, types, advantages and disadvantages of constitutions, and the nature of the organs of government in different countries. This section can be linked with subjects such as History and Social Studies.

### At the end of this section, you should be able to:

- Explain the meaning of constitution and constitutionalism.
- Discuss the various types of constitution.
- Explain the meaning, types and composition of the Executive I,II.
- Explain the meaning, types and structure of the Legislature I,II.
- Explain the meaning and structure of the Judiciary

### Key Ideas

- A constitution is a set of rules and regulations that are made to govern a State.
- Constitutionalism means ruling according to the constitution of a State.
- Constitutions may be written or unwritten.
- A written constitution is codified in a single document or set of documents.
- An unwritten constitution is not codified and not contained in a single document.
- Government has three branches: executive, legislature, and judiciary.
- The presidential system is where one person performs both executive (political) and ceremonial functions and is directly elected by the people, separately from legislative elections.

## CONSTITUTION AND CONSTITUTIONALISM

A constitution is a set of rules and regulations that are made to govern a state. In a simple term, they are the basic laws of the land. It describes how governments are to be elected and dismissed, the legitimate powers of government, and the limitations of government power. Constitutions normally include principles such as equality before the law, due process of the law and civil rights, to ensure that government does not become too powerful, or has unchecked powers in the performance of its duties.

Constitutionalism means ruling according to the constitution of a State. It deals with limiting the powers and authority of the government through forms such as equality before the law, due process of the law and civil rights against the government. The essence is to ensure that the government does not become excessive or possess unchecked powers in the performance of its duties.

### Activity 3.1

1. What are the ways or processes of choosing our leaders? Write down some of the rules and regulations school and their purpose, using the table below. Present your responses in class for comparison and further discussions.

Rules and regulation	Purpose

2. List the benefits of rules and regulations in the:

School	Community	Country

- a. Compare your ideas with a friend and prepare to present it in class.
3. Your teacher may involve you in a discussion on the meanings of constitution and constitutionalism.

## MEANING, FEATURES, ADVANTAGE, AND DISADVANTAGES OF WRITTEN CONSTITUTION

Constitutions may be written or unwritten. A written constitution is codified in a single document or set of documents. It describes the main institutions of the state, and defines the relationship between these institutions, for example the executive, legislature and judiciary. Countries with written constitutions include Ghana, USA, Australia, South Africa, Sierra Leone, Brazil, France and Germany.

Its provisions are entrenched, i.e. they can only be changed by special measures, e.g., a two thirds majority in the country's parliament. The constitutional law is therefore different from other categories of law and is sometimes referred to as a 'fundamental law'. This characteristic of a written constitution is both an advantage and a disadvantage. On one hand, it means that checks on government power cannot be easily removed. On the other hand, it may mean that it is harder to make changes to the system of government to reflect changes in society

### Activity 3.2

1. Join in a whole-class discussion on the meaning, features, advantages and disadvantages of written constitutions and Ghana's written constitution in particular. Based on the discussion and the note above, recall the main features of Ghana's written constitution, then write a short summary.
2. Explore the internet for the explanation of the main features of Ghana's written constitution. Talk to your classmates about your findings.

## MEANING, FEATURES, ADVANTAGES, AND DISADVANTAGES OF UNWRITTEN CONSTITUTION

An unwritten constitution is one which is not codified in a structured manner and is not formally contained in a single document. Constitutional provisions may be found across a range of Acts of Parliament, regulations, conventions and customs. Examples of countries using unwritten constitution includes the United Kingdom, New Zealand, Israel. There is debate as to whether written constitutions are superior to unwritten or vice-versa. On the one hand, there is generally greater clarity about the provisions of a written constitution as its contents are transparent. Also, written constitutions provide stronger protection against governments assuming excessive or dictatorial powers, because they cannot be changed on the whim of one person or party. On the other hand, advocates for unwritten constitutions would argue that they are more flexible, allow for easier constitutional change to meet new circumstances, and also allow for the democratic wishes of the people to be met without unnecessary constraints.



**Activity 3.3**

1. Join in a whole-class discussion on unwritten constitutions. In your small group, prepare an argument in favour of EITHER written or unwritten constitutions. You may then be asked by the teacher to present your arguments to the whole class. Also, listen to the arguments presented by other learners and be ready to make contributions agreeing or disagreeing with what has been said.
2. Based on activity 3.2, would Ghana be better or worse off in practicing unwritten constitution?
3. Visit the nearest library or use the internet to explore the characteristics of an unwritten constitution

## MEANING AND COMPOSITION OF THE EXECUTIVE ORGAN OF GOVERNMENT

Government has three branches: executive, legislature, and judiciary. The executive is responsible for the day-to-day administration of the country. It sees to the formulation and implementation of policies and laws made by the legislature, i.e., putting policies and laws into effect. The judiciary decides whether the law has been followed or broken.

The political arm of the executive comprises the head of the government and ministers (the most senior of whom form a special group known as a Cabinet). The executive also includes the civil service and other public servants, whose role is to oversee the detailed implementation of laws and government policy. Traditionally, members of the civil service were politically neutral, but this is now not always the case. Civil servants also have decision making powers but within parameters set by their political masters.

**Activity 3.4**

1. Join in a whole-class discussion on world leaders and the executive organ of government. In your small group, produce a visual description of the executive in Ghana.
2. Based on activity 3.3, compare and contrast the executive in Ghana with other selected countries

## MEANING AND FEATURES OF THE PRESIDENTIAL SYSTEM

The Presidential system is where one person performs both executive (political) and ceremonial functions and is directly elected by the people. The head of the executive (president) is elected separately from the legislative organ of government. Example of countries practising presidential system: Nigeria, Zambia, United States of America.

Countries with presidential systems normally have clear separation of powers (as treated in the previous lesson). Presidential systems normally specify a fixed term for a president e.g., 4 or 5 years and also whether presidents may seek to be elected for further terms. For example, in the USA, a president may seek a second term but not more. Constitutions may also provide for impeachment, i.e. a procedure for removing a president before the end of their term in certain circumstances, such as serious malpractice.

### Activity 3.5

1. Join in a whole-class discussion on the features of the presidential system of government. In your small group, based on the notes above, explain the features of the presidential system EITHER in Ghana OR another country (your teacher will say which). You may be asked by your teacher to present your findings to the rest of the class.
2.
  - a. Visit a political scientist, government official or historian for a first-hand information on the features of presidential system of government and share the information in class.
  - b. Visit the library or explore the internet, research on the differences and similarities between Ghana's presidential system and that of the U.S.A

# ADVANTAGES AND DISADVANTAGES OF THE PRESIDENTIAL SYSTEM

## Advantages

### 1. Offers clear separation of powers

By separating powers among the three organs, each of the organs acts as a check on the others, preventing any one organ from becoming too powerful and a possible abuse of the power.

The clear separation of powers helps prevent dictatorship by sharing power among multiple government institutions. This prevents any one person or group from wielding unchecked authority, as seen in autocratic systems. For example, the judiciary can declare laws passed by the legislature or executive null and void if they are deemed unconstitutional, acting as a check on their power. This act by the judiciary protects the right of the vulnerable groups in the state

### 2. Direct accountability to voters/electorates

In a presidential system of government, the President is elected directly by the people or indirectly through an electoral college system. This means that citizens have a direct say in deciding who becomes their leader. Since the President is the head of the executive in this system, he or she holds significant power and responsibility for governing the country.

Moreover, the separation of powers in a presidential system ensures the independence of the President. This to some extent allows the President to implement policies without being directly controlled by the legislature.

If Presidents fail to deliver on their promises or adequately address pressing concerns of the voters, the voters can express their dissatisfaction by voting for a different candidate or party in the next election.

Taking all these into account, the direct accountability of the President to the electorate in a presidential system ensures that the government remains responsive to the will of the people and promotes democratic governance.

### 3. Leadership is in the hands of single person/authority

With only the president holding executive power, decision-making can be simpler and more efficient compared to systems that the executive is headed by more than one such as in parliamentary systems. The clarity in leadership allows for quick decision-making during crises, as the President can make decisions without the need for extensive consultations. A single leadership makes it easier for citizens to hold the president accountable for the actions and policies of the government. Voters can directly attribute successes or failures to the President. This can lead to greater transparency and responsiveness from the government to the people.

#### 4. Flexibility in decision-making

The flexibility in decision-making enables the executive to respond quickly to crisis and challenges, set priorities, and formulate policies that are directed to solving the problems of the people. This ability is vital in addressing pressing issues of the people. It also promotes effective and accountable governance

### Disadvantages

#### 1. Potential for authoritarianism if checks and balances are weak

Weak checks and balances in a presidential system of government create an avenue for authoritarian tendencies such as violation of fundamental human rights, media censorship and suppression of political opposition. This is because the Presidents may abuse the executive power to undermine democracy, suppress dissent, and entrench their rule. In order to prevent this, it is important to strengthen institutional checks and balances, uphold the rule of law, and promote a culture of democratic accountability and transparency.

#### 2. Might lead to deadlock in the passage/enactment of laws

Though separation of powers between the organs of government is intended to prevent the concentration of power, it can also lead to conflicts and disagreements between the organs. This may result into legislative deadlock. The potential for deadlock in the passage of laws is considered a disadvantage of presidential systems because it can hinder the government's ability to address pressing issues and respond to changing circumstances in a timely manner

#### Activity 3.6

1. Why do some countries adopt the presidential system of government?
  - a. Use the following as hints:
    - i. Fixed tenure of government
    - ii. Constitutionalism
    - iii. Separation of powers
    - iv. Independence of the judiciary
    - v. Promotion of accountability
    - vi. Written constitutions
  - b. Based on your readings so far, what do you consider to be the advantages and disadvantages of the Presidential System of government.

Advantages	Disadvantages

What conclusions can you draw from the two sides of the arguments.

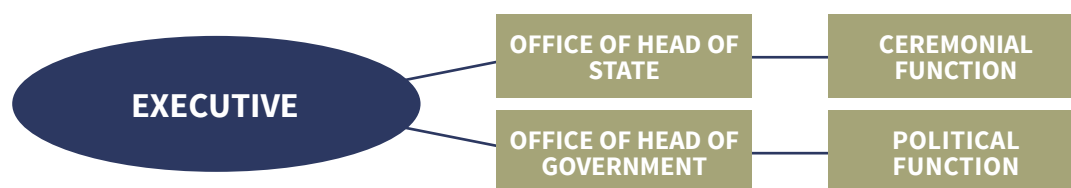


## MEANING AND FEATURES OF PARLIAMENTARY SYSTEM OF GOVERNMENT

In a parliamentary system, the head of the executive (often known as Prime Minister) is the leader of the political party that wins a majority in the parliamentary election. If no one party has an overall majority, a coalition government is formed. In this case, the head of the executive will be the leader agreed by the coalition members. A third scenario is that there is neither a majority or coalition government and the largest single party forms what is known as a minority government, and the head of the executive will be the leader of that party.

The government in a parliamentary system is accountable to the legislature and may have to resign if the legislature passes a vote of no confidence in the government.

In a parliamentary system, one person performs the executive duties (head of government) and another performs ceremonial functions (head of state). The head of state may be called a president, although without the political powers of a president in a presidential system. In some countries, e.g., the UK, the head of state is the King or Queen. The parliamentary system is sometimes also known as the Westminster model or Cabinet system. Example of countries practising a parliamentary system: Lesotho, Morocco, United Kingdom, New Zealand, Australia.



**Fig. 3.1:** A sample structure of the parliamentary system of government.

### Features of Parliamentary System of Government

The key features of the parliamentary system of government include following:

1. **Separation of Powers:** This refers to a constitutional principle that divides government authority into three branches, so that no one branch becomes too powerful thus:
  - a. Legislature (Parliament/Congress) which make laws
  - b. Executive (President/Prime Minister/Cabinet) enforces laws
  - c. Judicial (Courts) interprets laws, the executive is however drawn from and accountable to the legislature.
2. **Head of Government:** The Head of Government is the chief executive of a country or state, responsible for making and overseeing the administration of government. The Head of state is typically a Prime Minister or Premier responsible for executive policies and laws

3. **Head of State:** The Head of state is the highest-ranking official in a country or state (e.g., President or Monarch) serving as a symbol of national unity, with ceremonial duties. The Head of state typically represents the state internationally.
4. **Collective Responsibility:** This is a constitutional convention in Parliamentary systems where the Cabinet (or Executive) is collectively responsible to the Legislature (or Parliament) for their actions and policies.
5. **Parliamentary Supremacy:** The legislature is supreme and can make or change laws as it seen fit.
6. **Accountability:** The executive is accountable to the legislature, which can remove them through a vote of no confidence.
7. **Cabinet System:** A cabinet of ministers, chosen by the Prime Minister, assists in policy-making and administration.
8. **Parliamentary Committees:** Committees of legislators oversee specific policy areas and scrutinize executive action.
9. **Question Period:** Legislators can question the executive on their policies and actions.
10. **Dissolution of Parliament:** The Head of State can dissolve parliament and call new elections, usually on the advice of the Prime Minister.
11. **Flexible Term:** The term of government is flexible, with elections held when the government loses support or at the discretion of the Prime Minister.
12. **Coalition Governments:** Parliamentary systems often result in coalition governments, where multiple parties work together to form a government.

These features describe a parliamentary system, giving special attention to accountability, collective responsibility, and parliamentary supremacy.

Now let us study the operation of the parliamentary system of government in the following three countries, namely Lesotho, the United Kingdom and New Zealand.

## Operation of Parliamentary System of Government in Lesotho

The parliamentary system of government in Lesotho operates as follows:

1. **Parliamentary Sovereignty:** The Lesotho Parliament is supreme and can make or change laws as it sees fit.
2. **Separation of powers:** Legislative, executive, and judicial powers are separated, but the executive is drawn from and accountable to Parliament.
3. **Head of State:** The monarch (King) serves as Head of State, with ceremonial duties.
4. **Head of Government:** The Prime Minister is the head of government, responsible for executing policies and laws.
5. **Cabinet System:** The Prime Minister appoints a cabinet of ministers from Parliament to assist in policy-making and administration.

6. **Collective Responsibility:** The cabinet is collectively responsible to Parliament for their actions and policies.
7. **Bicameral Legislature:** Lesotho has a two-chamber Parliament, consisting of the National Assembly and the Senate.
8. **Proportional representation:** Members of Parliament are elected using a mixed-member proportional representation system.
9. **Question Time:** MPs can question the executive in Parliament.
10. **Select Committees:** Committees of MPs oversee specific policy areas and scrutinize executive actions.
11. **Accountability:** The executive is accountable to Parliament, which can remove them through a vote of no confidence.
12. **Dissolution of Parliament:** The King can dissolve Parliament and call new elections, usually on the advice of the Prime Minister.
13. **General Elections:** Elections are held every five years.
14. **Party System:** Lesotho has a multi-party system, with the All-Basotho Convention and the Democratic Congress being two of the main parties.

Unique features of Lesotho's parliamentary system include:

- a. A constitutional monarchy
- b. A mixed-member proportional representation system
- c. A bicameral legislature
- d. A strong emphasis on traditional leadership and customary law

This system has developed gradually over time, with reforms aimed at increasing representation, accountability, and stability in the country's governance.

## Operation Of Parliamentary System of Government in The United Kingdom

1. **Parliamentary Sovereignty:** The UK Parliament is supreme and can make or change laws as it sees fit.
2. **Separation of Powers:** Legislative, executive, and judicial powers are separated, but the executive is drawn from and accountable to Parliament.
3. **Head of State:** The monarch (currently King Charles III) serves as Head of State, with ceremonial duties.
4. **Head of government:** The Prime Minister is the head of government, responsible for executing policies and laws.
5. **Cabinet System:** The Prime Minister appoints a cabinet of ministers from Parliament to assist in policy-making and administration.
6. **Collective responsibility:** The cabinet is collectively responsible to Parliament for their actions and policies.
7. **Parliamentary Sessions:** Parliament meets regularly, with sessions typically lasting around a year.

8. **Debate and Voting:** Members of Parliament (MPs) debate and vote on laws and policies.
9. **Prime Minister's Questions:** The Prime Minister answers questions from MPs in the House of Commons,
10. **Select Committees:** Committees of MPs oversee specific policy areas and scrutinize executive actions.
11. **Accountability:** The executive is accountable to Parliament, which can remove them through a vote of no confidence.
12. **Dissolution of Parliament:** The monarch can dissolve Parliament and call new elections, usually on the advice of the Prime Minister.
13. **General Elections:** elections are held every five years (or sooner if Parliament is dissolved).
14. **Party System:** The UK has a multi-party system, with the Conservative party and Labour Party being the two main parties.

This system is gradually changing over a period of time, with the monarch's powers gradually decreasing and Parliament's increasing. The UK's parliamentary system is considered a model for many other countries.

## Operation of Parliamentary System of Government in New Zealand

The parliamentary system of government in New Zealand operates as follows:

1. **Parliamentary Sovereignty:** The New Zealand Parliament is supreme and can make or change laws as it sees fit. This means that the laws made by Parliament are the highest rules in the country, and no one else, like the courts or the government, can change or ignore them.
2. **Separation of Powers:** Legislative, executive, and judicial powers are separated, but the executive is drawn from and accountable to Parliament.
3. **Head of State:** The monarch (represented by the governor-General) serves as Head of State, with ceremonial duties.
4. **Head of Government:** The Prime Minister is the head of government, responsible for executing policies and laws.
5. **Cabinet System:** The Prime Minister appoints a cabinet of ministers from Parliament to assist in policy-making and administration.
6. **Collective Responsibility:** The cabinet is collectively responsible to Parliament for their actions and policies.
7. **Unicameral Legislature:** New Zealand has a single-chamber Parliament, with 120 Members of Parliament (MPs).
8. **Mixed-Member Proportional Representation:** MPs are elected using a mixed-member proportional representation system.

9. **Question Time:** MPs can question the executive in Parliament.
10. **Select Committees:** Committees of MPs oversee specific policy areas and scrutinize executive actions.
11. **Accountability:** The executive is accountable to Parliament, which can remove them through a vote of no confidence.
12. **Dissolution of Parliament:** The Governor-General can dissolve Parliament and call new elections, usually on the advice of the Prime Minister.
13. **General elections:** Elections are held every three years.
14. **Party System:** New Zealand has a multi-party system, with the Labour Party and National Party being the two main parties.

Unique features of New Zealand's parliamentary system include:

- a. A unicameral legislature
- b. Mixed-member proportional representation.
- c. A focus on MMP's proportionality and representation. A strong emphasis on parliamentary scrutiny and accountability

This system has also seen gradual change over time, with reforms aimed at increasing representation and accountability.

## ADVANTAGES AND DISADVANTAGES OF THE PARLIAMENTARY SYSTEM OF GOVERNMENT

### Advantages

#### 1. Flexibility in the change of leadership

In the parliamentary system of government, the executive is accountable and responsible to the legislature. The prime minister who is the head of the executive branch is also a member of parliament and his ministers as well. This arrangement allows the government to respond quickly to political crises or loss of confidence. Parliament can quickly replace the prime minister and cabinet, without the need for a process, if they lose confidence in them. The replacement of the prime minister and cabinet is affected through the casting of a vote of no confidence. The leadership in a parliamentary system can also be changed to bring in new expertise or perspectives without waiting for a fixed election cycle due to the flexibility attached to the change of its leadership.

#### 2. High level of accountability of political parties

The high level of accountability of political parties is one of the primary advantages of the parliamentary system of government. This is due to how the system is structured. The government of the day must continuously justify its policies and actions to the legislature to maintain the confidence of the majority in the



legislature. If this confidence is lost, the government can be subjected to a vote of no confidence, leading to its removal and potentially triggering new elections. The Prime Ministers and his Minister are regularly subject to questions and participate in debates in the legislature, providing a transparent and accountable forum for discussing governmental actions and policies.

## Disadvantages

### 1. Frequent change in leadership

The existence of vote of no confidence denies the prime minister a fixed tenure of office. The tenure of the prime minister depends on maintaining the confidence of the majority in parliament. This practice may lead to a frequent change in leadership.

### 2. Weaker separation of powers than presidential system

The principle of separation of powers is not strictly adhered to. The executive is selected from the legislature (the Prime Minister and the Cabinet ministers are members of parliament). This means that, there is fusion of the executive and the legislative organ of government

#### Activity 3.7

1. Write down features of the Parliamentary system of government, compare your write up with friends and then prepare for a whole class discussion.
2. In a small group, prepare a presentation on the operation of the parliamentary system of government in different countries. You may choose to write about any of the following countries: Lesotho, the United Kingdom, or New Zealand. Your teacher may select you to present your work to the rest of the class, who can then make short contributions to your presentation
3. Join in a whole class discussion on advantages and disadvantages of Parliamentary system of government. Copy and complete the table below with your findings.

**Table 3.1**

Advantages	Disadvantages
1. High level of accountability of political parties	1. Weaker separation of powers than presidential system

## GHANA'S EXECUTIVE ORGAN OF GOVERNMENT (HYBRID)

A hybrid system combines the elements of both the presidential and parliamentary systems of government. The Ghanaian model is a hybrid between the United States presidential and the British parliamentary systems. The 1992 constitution divides powers among a president, parliament, cabinet, council of state and an independent judiciary. The President of Ghana is both head of state and head of government.

### Features of the Ghanaian System

#### 1. Majority of the ministers of state (more than 50%) are appointed/ come from the parliament (Article 78[1]).

According to Article 78(1) of the 1992 Constitution of Ghana: "The President shall appoint such number of Ministers of State as may be necessary for the efficient running of the State, at least half of whom shall be appointed from among Members of Parliament.

The President of Ghana is directly elected by the Ghanaians and serves as both the head of state and government. This grants the President significant executive powers similar to those in a pure presidential system. It is based on this power that the president of the Ghana may appoint as many number of parliamentarians as ministers of state. This element of Ghana's system makes it a combination of both presidential and parliamentary systems of government.

#### 2. Non-Members of Parliament ministers can participate in legislative process but without voting rights (Article 112).

According to Article 112 of the 1992 Constitution of Ghana, Ministers who are not Members of Parliament may participate in the proceedings of Parliament but shall not have the right to vote.

The ministers appointed by the President but are not elected members of Parliament are the Non-Members of Parliament ministers. These ministers can engage in parliamentary procedures such as debates, presentation of government policies, and answer questions in the legislative house, but cannot vote on legislative matters. This is to ensure that elected MPs retain ultimate control over legislative decisions of the country.

## Reasons for Ghana's Adoption of the Hybrid System of Government

Ghana adopted a hybrid system of government, blending elements of presidential and parliamentary systems for several reasons:

1. **Post-Colonial experience:** Ghana's first president Kwame Nkrumah, was overthrown in a coup, leading to a desire for a more stable and balanced system
2. **Balancing Power:** The hybrid system aimed to balance the power between the executive and the legislature, preventing dictatorship.
3. **Stability and continuity:** The system ensures continuity as the president serves a fixed term, while parliament provides stability through its oversight role.
4. **Local context:** Ghana's hybrid system reflects its unique cultural and political context, blending traditional and modern elements.
5. **Influence of International Models:** Ghana drew inspiration from other countries' systems, such as the United States (presidential) and the United Kingdom (Parliamentary).
6. **Flexibility:** The hybrid system allows for flexibility in responding to changing circumstances and political needs.
7. **Checks and Balances:** The system provides checks and balances, preventing any one branch of government from dominating the others.
8. **Promoting Accountability:** The hybrid system promotes accountability, as the president is directly accountable to the people.
9. **Encouraging Consensus Building:** The system encourages consensus building and cooperation between the executive and legislature.
10. **Learning from past mistakes:** Ghana's hybrid system was designed to avoid past mistakes, such as dictatorship and instability.

By adopting a hybrid system, Ghana aimed to create a stable, accountable and balanced government that reflects its unique context and promotes democratic principles.

### Activity 3.8

1. Using the internet and other sources of learning materials, describe features of the hybrid system of government and discuss your findings with a colleague.
2. Watch the video in the link provided below on the presentation of Ghana's national budget in parliament



- a. Based on the video, write your observations and discuss with a friend. What conclusion can you make from the video?
- b. Use your findings in 2a to explain to a friend the reasons why Ghana adopted the hybrid system of government.
- c. Use your observations from the video and the learning materials provided to draw the differences and similarities between the Ghanaian form of government and other systems of government. (Presidential and Parliamentary)

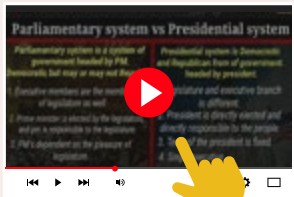
Table 3.2: Differences

HYBRID	PRESIDENTIAL	PARLIAMENTARY

Table 3.3: Similarities

HYBRID	PRESIDENTIAL	PARLIAMENTARY

3. The video in the link provided below discusses presidential and parliamentary systems of government. Watch carefully and take note of your observations, discuss with your colleagues for more understanding of the two systems.



## MEANING, TYPES AND STRUCTURE OF THE LEGISLATURE

The legislature is a representative body of the people that is responsible for the enactment, amendment and repealing of laws. It is also responsible for careful evaluation of activities of the executive and holding it to account.

It does this through asking questions of ministers in the chamber, including matters raised by constituents, and through committees established by the legislature for specific purposes. In some systems, all members are directly elected by the people; in other systems, there may be a mix of appointed and elected members (especially in countries which have two legislative chambers). Members serve for a fixed term (e.g., four or five years) after which they have to seek re-election if they wish to continue. Elections may be called earlier than the fixed term limit e.g., if there is a vote of no confidence in the government or if the head of government is allowed to call for an election at a time of his/her choosing (as in the UK).

Most members of legislatures belong to political parties and are elected on that basis, i.e. people are voting at least as much for the party as the individual. Members therefore generally vote as their party directs, although they are free not to do so if they wish. Legislative members often also take up the concerns of the people in their constituency and fight for their interests. There may be legislatures at state or province as well as national level, e.g., every state in the USA has its own legislature in addition to the Congress at national level. In conclusion, the legislature plays a crucial role in shaping the country's laws, policies and direction, while also ensuring accountability and representation for the citizens.



**Fig. 3.2:** The Parliament House of Ghana



## Functions of the Legislature

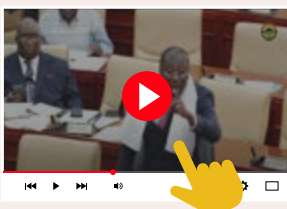
The functions of a legislature typically include:

1. **Law making:** Creating, amending, and repealing laws to address societal needs and issues.
2. **Representation:** Representing the interests of citizens, listening to their concerns, and addressing their needs.
3. **Oversight:** Monitoring the executive branch's actions, ensuring accountability, and preventing abuses of power.
4. **Budgeting:** Approving government budgets, allocating resources, and ensuring responsible spending.
5. **Advice and Consent:** Providing advice and consent on presidential appointments, treaties, and international agreements.
6. **Investigation:** Conducting investigations and inquiries into matters of public interest.
7. **Ratification:** Approving or rejecting international treaties and agreements.
8. **Impeachment:** Bringing charges against government officials for misconduct or crimes.
9. **Approval of Appointments:** Approving presidential appointments to key positions, such as judges or cabinet members.
10. **Public Engagement:** Engaging with citizens through public hearings, town hall meetings, and other forums.
11. **Review of Executive Actions:** Reviewing and approving or rejecting executive orders, regulations, and other actions.
12. **Legislative Oversight:** Monitoring government agencies, programs, and activities to ensure efficiency and effectiveness.

These functions help legislatures play a vital role in governance, ensuring accountability, representation, and responsible decision-making.

### Activity 3.9

1. Watch the video in the link. It presents parliamentary proceedings in Ghana.



2. Drawing from the video, the internet and materials provided above make your observations on functions of the Ghanaian legislature and discuss with a friend. You may be asked by your teacher to prepare and present in class these functions of the legislature for your colleagues to make inputs.

## Operation of the Ghanaian Legislature

The Ghanaian legislature, known as the Parliament of Ghana, operates as follows:

1. **Composition:** A unicameral house of 276 members, known as Members of Parliament (MPs), elected by universal adult suffrage for a four-year term.
2. **Powers:** Makes laws, approves presidential appointments, and exercises oversight over the executive.
3. **Sessions:** Meets in regular sessions, with a minimum of one session per year, lasting at least 240 days.
4. **Committees:** Works through committees, focusing on specific areas like finance, health, and education.
5. **Bill Process:** Bills are introduced, debated, and voted on, becoming laws if approved by a majority.
6. **Presidential Appointments:** Approves or rejects presidential nominees for key positions.
7. **Oversight:** Monitors government activities, conducting investigations and public hearings.
8. **Budget Approval:** Approves the national budget, ensuring transparency and accountability.
9. **Representation:** MPs represent their constituents' interests, addressing concerns and petitions.
10. **Quorum:** A minimum of one-third of MPs must be present for proceedings to commence.
11. **Voting:** Decisions are made through majority votes, with the Speaker casting a tie-breaking vote if necessary.
12. **Accountability:** MPs are accountable to their constituents and the nation, with mechanisms for impeachment and recall.

The Parliament of Ghana plays a vital role in promoting democracy, accountability, and good governance in the country.

### Further Activity

Use your findings from activity 3.9 and other relevant materials provided, explain to a friend operation of the Ghanaian legislature. Write your reasons for further discussion with other colleagues.

## Operation of South Africa Legislature

The South African legislature, known as the Parliament of South Africa, operates as follows:

1. **Bicameral:** Consists of two houses: the National Assembly (NA) and the National Council of Provinces (NCOP).
2. **National Assembly:** 400 members, elected by proportional representation for a five-year term. It Elects the President and approves Cabinet appointments.
3. **National Council of Provinces:** This consist of 90 members, with 10 representatives from each of the nine provinces. It ensures provincial interests are represented.
4. **Powers:** The legislature has powers to make laws, approves presidential appointments and therefore supervises and monitors the executive to ensure that its actions are done correctly, efficiently and in compliance with rules and regulations.
5. **Sessions:** NA: Meets regularly, with a minimum of one session per year and NCOP: Meets as needed, usually when NA is in session.
6. **Committees:** NA and NCOP have joint and separate committees, focusing on specific areas.
7. **Bill Process:** Bills are introduced, debated, and voted on in both houses, and must be approved by both houses to become law.
8. **Presidential Appointments:** NA approves or rejects presidential nominees.
9. **Oversight:** Monitors government activities, conducting investigations and public hearings.
10. **Budget Approval:** NA approves the national budget.
11. **Representation:** MPs represent their constituents' interests.
12. **Quorum:** NA: 50% of members must be present, NCOP: 30% of members must be present.

The Parliament of South Africa plays a crucial role in promoting democracy, accountability, and good governance in the country.

## Operation of the UK Legislature

The UK legislature, known as the Parliament of the United Kingdom, operates as follows:

1. **Bicameral:** Consists of two houses: the House of Commons (HoC) and the House of Lords (HoL), the House of Commons having 650 members, elected by first-past-the-post for a five-year term. It represents constituencies across the UK. Whiles the House of Lords: Comprises appointed members (life peers) and hereditary peers. It exercises checking and balancing powers.
2. **Powers:** To makes laws, the (HoC) has primary responsibility of law-making. It approves government expenditures, then also supervises and monitors the executive to ensure that its actions are done correctly, efficiently and in compliance with rules and regulations.

3. **Sessions:** The (HoC) Meets regularly, with a minimum of one session per year, while the (HoL) Meets as needed, usually when (HoC) is in session.
4. **Committees:** (HoC) and (HoL) have joint and separate committees, focusing on specific areas.
5. **Bill Process:** Bills are introduced, debated, and voted on in both houses, and must be approved by both houses to become law.
6. **Oversight:** HoC exercises oversight through selects committees and debates, HoL scrutinizes bills and government actions.
7. **Budget Approval:** HoC approves the national budget.
8. **Representation:** MPs represent their constituents' interests.
9. **Quorum:** HoC: 40 members must be present. HoL: No specific quorum requirement.

The Parliament of the United Kingdom plays a vital role in promoting democracy, accountability, and good governance in the country. It is important to note that Presidential Appointments is not applicable here because (UK has a constitutional monarchy).

## Operation of the USA Legislature

The USA legislature, known as the United States Congress, operates as follows:

1. **Bicameral:** Consists of two houses, the House of Representatives (HoR) and the Senate.
2. **House of Representatives:** 435 members, elected by first-past-the-post for a two-year term. Represents congressional districts across the USA.
3. **Senate:** 100 members, with two senators per state, elected for a six-year term. Ensures equal representation for each state.
4. **Powers:** It makes laws, approves presidential appointments (Supreme Court, federal judges, and high-ranking officials) then, supervises and monitors the executive branch. It also approves federal spending and budget.
5. **Sessions:** The legislature meets annually, starting on January 3<sup>rd</sup>. However, it can be called into special session by the President.
6. **Committees:** HoR and Senate have joint and separate committees, focusing on specific areas (e.g., foreign affairs, healthcare).
7. **Bill Process:** Bills are introduced, debated, and voted on in both houses and must be approved by both houses to become law.
8. **Presidential Appointments:** Senate approves or rejects presidential nominees.
9. **Oversight:** Conducts investigations, hearings, and reviews of executive branch actions.
10. **Budget Approval:** HoR and Senate approve the federal budget.
11. **Representation:** Members represent their constituents' interests.
12. **Quorum:** HoR: 218 members must be present and with Senate, 51 members must be present.

The United States Congress plays a vital role in promoting democracy, accountability, and good governance in the country.

Activity 3.10

1. Copy and complete the table below as a mini project. Write a report on the operation of the Ghanaian parliament as compared with the parliament of other countries. You may choose different countries.

Table 3.5

Operation of Ghana's Legislature	Operation of UK Legislature	Operation of USA Legislature
Conclusion		

2. Use information from the table above to show the differences and similarities of the functioning of the Ghanaian legislature with any of the above legislatures. You may choose and indicate the name of the country. NB You can pick countries of your choice example

Table 3.6: Differences

Ghana	UK	USA

Table 3.7: Similarities

Ghana		



## MEANING AND FEATURES OF THE UNICAMERAL AND BICAMERAL LEGISLATURE

There are two types of legislatures: unicameral and bicameral.

### Unicameral Legislature

The unicameral legislature is a type of legislative system where there is only one/single debating chamber or house. This means that all legislative powers are concentrated in a single body, and there is no separate upper or lower house. Representatives are elected by the eligible voters in the country. Examples of countries using unicameral system: Ghana, Uganda, Sweden. The structure of the unicameral system includes the Speaker, and majority and minority leaders. It is usually practiced in countries structured in a unitary governmental.

### Bicameral Legislature

A bicameral legislature has two independent debating chambers or houses, with deliberation taking place separately in the lower house and upper house. The **Upper House** a chamber with limited powers, often representing regional or state interests. Then **Lower House**, a chamber with more representative powers, often elected by the people. Examples of countries practicing the bicameral legislature: Nigeria (House of Representatives and Senate), Botswana (National Assembly and House of Chiefs), the United States (Congress and Senate), Canada (House of Commons and Senate), Germany (Bundestag and Bundesrat), the United Kingdom (House of Commons and House of Lords), and Brazil (Chamber of Deputies and Senate). The structure or leadership of bicameral legislatures differ from one country to the other. In summary, a bicameral legislature offers a system of checks and balances, diverse representation, and a more thorough review of legislation, but can also negatively affects the progress of legislative work.

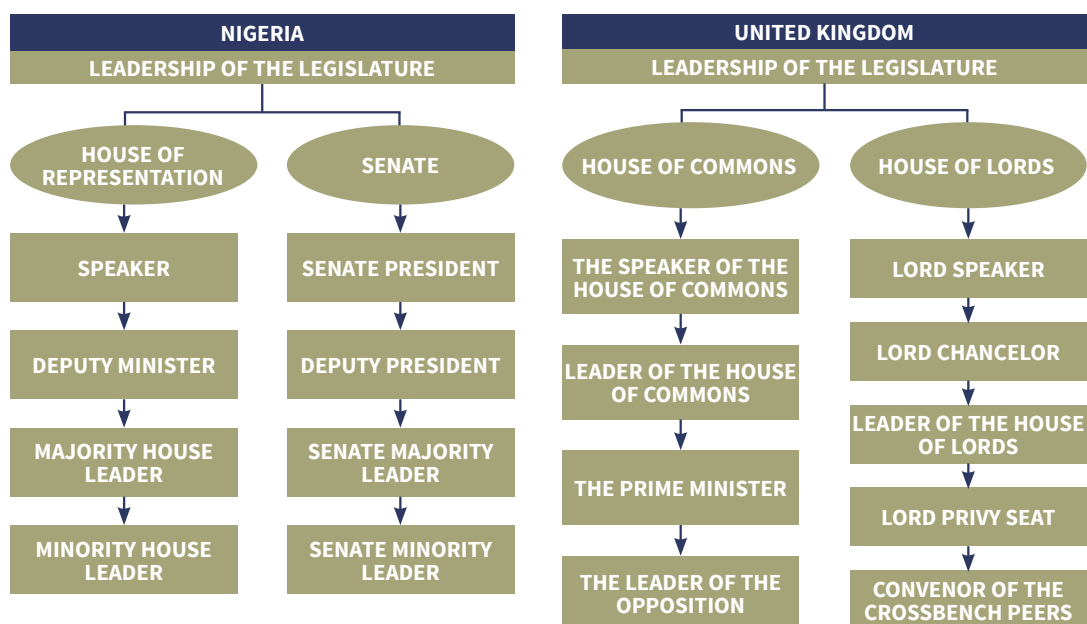


Fig. 3.3: Sample structures of Bicameral legislature

## Features of Bicameral System

### 1. **Two chambers or houses with distinct memberships.**

The legislative body of a bicameral legislature is divided into two separate chambers or houses (Upper House and Lower House). The two houses have their own members who are elected or appointed through different processes and often have different roles and responsibilities.

**The Upper house** is often called the Senate, House of Lords, or another name depending on the country. Membership in the upper house can be based on appointments, hereditary positions, or elections.

**The Lower House** is popularly called the House of Representatives, House of Commons, or similar names. Members of the lower house are typically directly elected by the people.

### 2. **Law-making functions and responsibilities are shared between the two houses.**

In a parliamentary system with a bicameral legislature, the law-making functions and responsibilities are shared between the lower house and the upper house. Each house has specific roles and functions. The lower house is usually responsible for initiating and passing legislation, particularly financial bills. The upper house reviews, amends, and approves or rejects legislation passed by the lower house. This division of labor allows for more thorough scrutiny and debate of proposed laws.

### 3. **Common in large and federal countries**

Large countries often have diverse populations and many regions with different needs and interests. A parliamentary system, which uses proportional representation, can better represent these different groups.

### 4. **Sometimes used to give a voice to a country's states or provinces.**

In some systems, all members are directly elected by the people; in other systems, there may be a mix of appointed and elected members (especially in countries which have two legislative chambers). Members serve for a fixed term (e.g., four or five years) after which they have to seek re-election if they wish to continue. Elections may be called earlier than the fixed term limit e.g., if there is a vote of no confidence in the government or if the head of government is allowed to call for an election at a time of his/her choosing (as in the UK).

Most members of legislatures belong to political parties and are elected on that basis, i.e. people are voting at least as much for the party as the individual. Members therefore generally vote as their party directs, although they are free not to do so if they wish. Legislative members often also take up the concerns of the people in their constituency and fight for their interests.

There may be legislatures at State or province as well as national level, e.g., every state in the USA has its own legislature in addition to the Congress at national level.

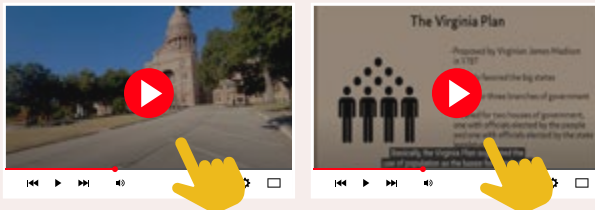
## Features of Unicameral System

1. Single house of representatives for lawmaking.
2. Representatives are elected by the citizens of the country.

It is usually practised in countries structured in a unitary governmental system.

### Activity 3.11

1. The videos links are on unicameral and bicameral legislature, watch and discuss your observations with your peers.



2. Based on your observation and conclusion from the video, explain the key differences between unicameral and bicameral legislatures to a colleague in class.

**Table 3.8**

What observations have you made from the video on Unicameral legislature	What observations have you made from the video on Bicameral legislature
What conclusion can you make from the video	

### Activity 3.12

In a small group compare the features of unicameral and bicameral legislatures to draw the differences between them. Your teacher may ask you to write a report and present in class.

Table 3.9

Features of Unicameral legislature	Features of Bicameral legislature
<div>1. Has only one house</div> <div>2. The legislative process can be faster since bills do not need to pass through multiple chambers.</div> <div>3. Legislators are directly accountable to their constituents</div> <div>4. Easier to pass laws and implement changes without the without opposition</div> <div>5. The structure and functioning are simpler, which makes it easy for people to understand.</div>	<div>1. Has two houses: upper and lower houses</div> <div>2. The lower house often represents the population proportionally, while the upper house may represent regions, states, or provinces.</div> <div>3. Bills are approved by both houses</div> <div>4. One house may have special powers, such as initiating budget bills</div> <div>5. The upper house usually has different methods of election or appointing members compared to the lower house</div>
Differences	

## Relative Advantages and Disadvantages of Unicameral and Bicameral Legislatures

### Advantages of unicameral system

In a unicameral system, where there is only one legislative house for the purpose of making law in the state has several benefits that countries that opt to adopt it enjoy. The following are the advantages of unicameral legislature

1. **Relatively less expensive**

It is relatively less expensive to practice because it has fewer members and requires fewer resources to operate. This means less money is spent on salaries, staff, offices, and other costs associated with running a government. With just one house, the process is simpler and more efficient, saving both time and money.

2. **Legislative process is faster and less cumbersome**

In a unicameral legislature, there's only one group of people making the laws. This means they don't have to wait for another group to agree or make changes. So, when they want to make or change a law, it can happen more quickly and easily. Imagine if you only had one teacher deciding on a new classroom rule instead of having to ask a second teacher to agree first, it would be faster to get the new rule in place.

3. **May be more appropriate for unitary states**

A State is said to be a unitary State, when there is one main government that makes all the decisions for the whole country. A unicameral legislature, with just one group of people making laws, fits well with this because it keeps things simple and organized. It's like having one big classroom where the teacher decides all the rules, instead of many different classrooms with different rules. This makes it easier for

everyone to follow the same rules and for the government to manage everything smoothly.

## Disadvantages of Unicameral System

### 1. **Potential for hasty or biased legislation without thorough debate and scrutiny**

In a unicameral legislature, there is only one group of people in charge of making the laws. This can sometimes lead to a situation where laws are made too quick or without thinking through it carefully. It's like when you did not take your time to do your homework and without checking it; you might make mistakes or miss important details. Having just one group means there are no other groups to look over the laws and make sure they're fair and well-thought-out.

### 2. **Can also lead to lack of in-house/in-built checks and balances.**

Unicameral legislature makes only one group of people to make decisions for the entire country. This means there are no other groups of people within the government to check and make corrections to the work if there are any. It's like playing a football game without a referee. Without someone else to check, it is easier to make mistakes or make unfair rules. Having more groups helps ensure everyone is playing fair and following the rules properly.

### 3. **Might not adequately represent diverse viewpoints of the people in the country.**

In a unicameral legislature, there is only one group of law makers making decisions for the whole country. Because there's only one group, it can be harder for them to understand and include all the different ideas and needs of everyone in the country. It's like cooking only one particular food for students. Not every student will be happy because some may like different food which are not provided. Having more groups can help make sure everyone's opinions and needs are considered.

## Advantages of Bicameral System

### 1. **Widens the scope of political participation (e.g. promoting minority interests)**

In a bicameral legislature the two houses help make the rules for a country. Imagine if your school had two groups of prefects, one group from each class, who help decide on new rules. This way, students from different classes can share their ideas to come out with a good law. In a government, having two houses legislature means that more people get a chance to be involved in making important decisions. This helps make sure that many different ideas are heard and considered.

### 2. **Improves the quality of legislation and policy decisions.**

Having two legislative houses will enable each house reviews the laws the other house wants to pass. This means there are more people looking at the laws to catch mistakes or bad ideas. It also ensures that different groups of people in the country are represented. For example, one house might represent everyone in the country,



while the other might represent smaller areas or states. This helps make sure the laws that are made are fair for more people.

**3. Serves as check on the excesses and dominance of one legislature.**

In a bicameral legislature, one house might come up with an idea, but before it becomes a rule, the second house has to look at it and agree or not. This way, if a house tries to make a rule that's unfair, the other can stop it. Both groups keep an eye on each other to make sure all the rules are good and fair for everyone. This is called a "bicameral legislature," and it helps to make sure no one group has too much power.

**4. Reduces the workload of a single chamber/house.**

Imagine as a student you had a big pile of homework to do all by yourself. Without any help, it would take a long time and be really hard. But if you had a friend to help you, you could split the homework in half, and each of you would do a part. This would make it much easier and faster to finish.

This is how a bicameral legislature works. Instead of only one group of people doing all the work to make the rules, there are two groups. They share the work, so each group has less to do, and they can get it done better and faster.

## Disadvantages of Bicameral System

**1. Possibility of complexities, conflicts, and delays in the legislative process**

The existence of two houses might bring argument or take a long time to agree on a decision. A bicameral legislature can be like this. Since there are two houses responsible for making the laws, they might not always agree with each other. This can cause arguments, make things more complicated, and slow down the process of making new rules.

**2. More expensive**

Since there are two houses responsible for law making, you need more people in the legislature, the infrastructure(offices), and more resources. This makes it more expensive than if you

### Activity 3.13

In a small group, infer from the video in activity and discuss with your peers the relative advantages and disadvantages of unicameral and bicameral legislatures. You may be selected by your teacher to report back to the class to reach at a consensus.

## MEANING OF THE JUDICIARY

The Judiciary is the part of a country's government that is responsible for its legal system and consists of all its judges and courts of law. While the legislature enacts laws, the judiciary interprets the meaning and implications of the law in specific cases and adjudicates in disputes. In making decisions, judges add to the body of law, as decisions made in one case will influence or bind a judge in a future case. This is known as case law.

The judiciary is normally politically independent, although this principle is weakened when judges are appointed on a political basis. They are also required to be impartial, meaning that they should have no personal or financial interest in the outcome of the case they are trying.



**Fig. 3.4:** Image of the Supreme Court of Ghana

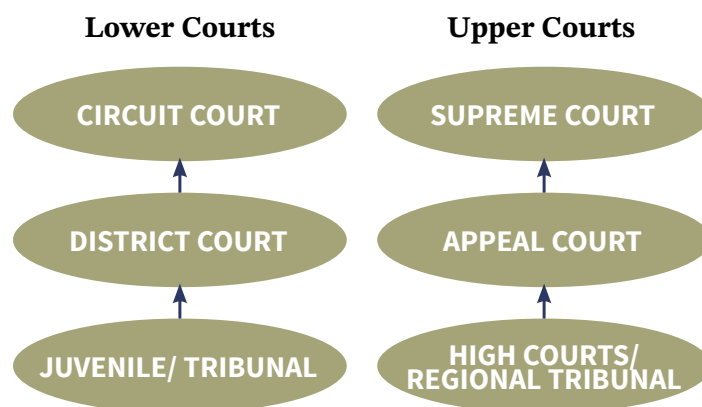
### Activity 3.14

1. Using the internet and other relevant materials, explain to a friend meaning of the judiciary
2. Based on your understanding, explore features of the judiciary. Present your findings to the whole class for inputs.

## THE STRUCTURE OF THE JUDICIARY

The Judiciary in Ghana has two main structures namely:

1. Upper courts (Supreme Court, Courts of Appeal and High Courts)
2. Lower courts (Circuit, District Courts, Juvenile/Tribunals).



**Fig. 3.3:** Sample Structure of the Lower and Upper Courts

### The Supreme Court

The Supreme Court is the highest judicial body in Ghana. It serves as the final court of appeal in the country. It is established under the 1992 Constitution of Ghana. The court is responsible for ensuring the proper interpretation of the laws of Ghana and the general protection of the 1992 Constitution. The Supreme Court is headed by the Chief Justice. The Chief Justice is appointed by the President in consultation with the Council of State and with parliamentary approval. The number of justices in the Supreme Court is determined by the President of the Republic.. It is usually between nine and fifteen justices.

### Appeal Court

Below the Supreme Court of Ghana is the Court of Appeal. It is the second highest court in Ghana's judicial system. It serves as a middle court between the High Court and the Supreme Court. The Court of Appeal can hear appeals from decisions made by the High Court and Regional Tribunals. It can also handle cases from other lower courts. The Court of Appeal reviews decisions to make sure the law is applied fairly and justice is served.

#### Activity 3.15

In addition to the above material provided on the judiciary, explore the internet and or visit the nearest library, read on the structure of the judiciary. Your teacher may invite a judge or lawyer or take you to the nearest court to educate you on the structure of the courts in Ghana. Based on all these, describe the structure of the courts in Ghana and make a presentation to your peers.

# Review Questions

1. What is the main characteristic that defines a presidential system of government?
2. How does the president in a presidential system differ from a prime minister in a parliamentary system in terms of election and term limits?
3. What is a parliamentary system of government?
4. What are two key features of a parliamentary system of government?
5. What is meant by Ghana's hybrid system of government?
6. How does the appointment of ministers in Ghana's hybrid system reflect its parliamentary characteristics?
7. What is the primary function of the legislature in a government?
8. What are the two main types of legislatures?
9. What is a unicameral legislature?
10. What are some features of a unicameral legislature?
11. What is a bicameral legislature?
12. What are the advantages of a bicameral legislature?
13. What is the judiciary?
14. What is the role of the judiciary in a democratic society?

## Extended Reading

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