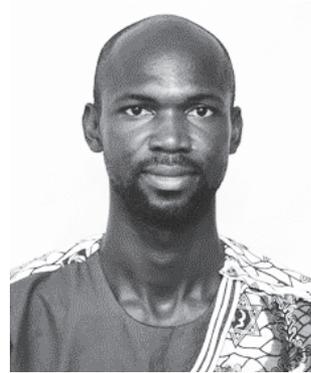


REALISING THE RIGHT TO DEVELOPMENT IN GHANA THROUGH ITS PARLIAMENT

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Abstract

The right to development (RTD) remains a controversial subject at the international level due to disagreements over its nature as a collective and a people's right. This notwithstanding, the RTD is recognised by the African human rights system as a collective right encompassing all fundamental rights and freedoms. Besides, the ratification of the African Charter on Human and Peoples' Rights (ACHPR), which recognises the RTD coupled with the implicit recognition of the RTD in the 1992 Constitution of the Republic of Ghana, makes the RTD an entitlement for Ghanaians. However, its realisation by the state through the executive appears challenging, considering the level of development in Ghana. This article, therefore, explores an alternative focused on legislative measures. The article seeks to demonstrate the extent to which the RTD can be realised in Ghana through its Parliament. It argues that removing the constitutional constraints on Parliament will potentially make the institution contribute significantly towards the realisation of the RTD.

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1 Introduction

The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993 reaffirmed the right to development (RTD) ‘as a universal and inalienable right and an integral part of fundamental human rights,’ settling the controversy as to whether the RTD is a human right.¹ This is corroborated by Navi Pillay’s – the former United Nations (UN) High Commissioner for Human Rights – submission that the RTD is neither superior nor inferior to other existing rights but is of the same standard as other rights.² This viewpoint is, however, rejected by Donnelly and Vandenbogaerde, who perceive the RTD as redundant and unnecessary.³ In contrast, Sengupta argues that the RTD is of a higher standard than other rights and freedoms.⁴ Similarly, Bedjaoui sees the RTD as the ‘alpha and omega of human rights, the first and the last, the beginning and the end, the means and the goal of human rights; in short, it is the core right from which all others stem’.⁵ This may be inspired by the composite nature of the RTD, where its fulfilment implies the realisation of other rights and freedoms. Suppose all human rights are treated equal, and the RTD is an inalienable right. States must then, as a matter of urgency, ensure their citizens’ socioeconomic, cultural, and political development.

Globally, the UN must concretely ensure the exercise of such a fundamental right by encouraging states to consider ratifying the revised Draft Convention on the RTD.⁶ This would bring about development, particularly in Africa where ‘poverty, hunger, malnutrition, inequality, suppression, decrepit infrastructure, debilitating educational services, and socioeconomic *cum* political turmoil’⁷ are the order of the day. In other words, it is universally

1 Vienna Declaration and Programme of Action (1993) at para 10.

2 United Nations Human Rights, *Realizing the right to development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development* (2013) at Foreword.

3 J Donnelly ‘The right to development: How not to link human rights and development’ in CE Welch Jr & RI Meltzer (eds) *Human rights and development in Africa* (1984) at 261-283 quoted in CC Ngang; SD Kanga, & V Gumede, (eds) *Perspectives on right to development* at 2; A Vandenbogaerde ‘The right to development in international human rights law: A call for its dissolution’ (2013) 31(2) *Netherlands Quarterly of Human Rights* at 187-209.

4 A Sengupta ‘The human right to development’ (2004) 32 *Oxford Development Studies* at 183.

5 M Bedjaoui ‘The right to development’ in Bedjaoui (ed) *International Law: Achievements and prospects* (1991) quoted in PA Ejembi ‘Decrypting the approaches of eastern and western geo-political blocs in Africa’s quest for development under international law’ (2017) 8 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* at 58.

6 United Nations Human Rights ‘Revised Draft convention on the right to development’ May 2022 <https://www.ohchr.org/en/events/events/2022/23rd-session-working-group-right-development> (accessed 30 August 2022).

7 Ejembi (n 5) 56.

known that many developing countries are deplorable as they wrestle with poverty, disease and the many other problems that confront our generation.⁸ For Sen, even wealthier countries are not shielded from the lack of necessities and services of life and ‘the longevity of substantial groups is sometimes not higher than that in much poorer economies of the so-called Third World’.⁹ In this case, making the RTD a universally binding treaty, as suggested by Teshome, would be a remarkable achievement.¹⁰

As a developing country, Ghana is no exception. Ghana gained independence on 6 March 1957, and in more than 60 years since independence, the country has had four republican constitutions – 1960, 1969, 1979 and 1992.¹¹ The 1992 Constitution, the cornerstone of Ghana’s Fourth Republic,¹² has been in force for the longest period yet.¹³ Essentially, Ghana shifted from authoritarian to democratic rule by adopting a liberal constitution and holding multiparty elections in 1992, ending a sustained period of military rule.¹⁴ Ghana is a unitary state with a hybrid or semi-presidential system of government; that is, the Head of State has a constitutional mandate of four years and is obliged to select the majority of the ministers from the elected Parliament.¹⁵

Regionally, Ghana is a member of the African Union (AU) and has ratified the African Charter on Human and Peoples’ Rights (African Charter),¹⁶ pending domestication.¹⁷ Although Ghana is a dualist state where the execution of treaties requires domestication,¹⁸ its

8 NJ Udombana ‘The Third World and the right to development: Agenda for the next millennium’ (2000) 22 *Human Rights Quarterly* at 753.

9 A Sen ‘Development as freedom’ in JT Roberts; AB Hite & N Chorev (eds) *The Globalization and development reader: Perspectives on development and global change* (2014) at 525.

10 RG Teshome ‘The draft convention on the right to development: a new dawn to the recognition of the right to development as a human right?’ (2022) *Human Rights Law Review* at 6.

11 R Stapenhurst & M Alandu ‘The accountability function of the Parliament of Ghana’ at 2 <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.519.6887&rep=rep1&type=pdf> (accessed 29 August 2022).

12 E Gyimah-Boadi ‘A peaceful turnover in Ghana’ (2001) 12 *Journal of Democracy* at 103.

13 Stapenhurst & Alandu (n 11).

14 Westminster Foundation for Democracy & Ghana Centre for Democratic Development ‘The cost of politics in Ghana’ at 7 https://www.wfd.org/sites/default/files/2022-02/Cost_Of_Politics_Ghana.pdf (accessed 25 July 2022).

15 Constitution of the Republic of Ghana 1992 art 78(1).

16 CH Heyns & M Killander (eds) *Compendium of key human rights documents of the African Union* (2016) at 429; the African Charter on Human and Peoples’ Rights (ACHPR) was adopted on 1 June 1981 and entered into force on 21 October 1986.

17 CN Okeke ‘The use of international law in the domestic courts of Ghana and Nigeria’ (2015) 32 *Arizona Journal of International and Comparative Law* at 399; K Appiagyei-Atua ‘Ghana at 50: The place of international human rights norms in the courts’ in H Bonsu et al (eds) *Ghana Law since independence: History, development and prospects* (2007) at 16; M G Nyarko ‘The impact of the African Charter and the Maputo Protocol in Ghana’ in VO Ayeni (ed) *The impact of the African Charter and the Maputo Protocol in selected African states* (2016) at 100.

18 Constitution of Ghana art 75.

Constitution allows for the invocation of fundamental human rights not mentioned in the statute, provided they are inherent to a democracy and protect freedom and human dignity.¹⁹ In this way, the African Charter binds Ghana.²⁰ Moreover, chapter 5 and articles 34(2), 35(6)(d), 36, 37, 38 and 39 of the Constitution of Ghana implicitly guarantee the RTD.²¹ What remains is its realisation to benefit the people.

Although efforts to realise the RTD may involve other branches of government, such as the executive and the judiciary, this article focuses on the potential role of the Legislature of Ghana. It is worth pointing out what the Parliament of Ghana can do to facilitate the realisation of the RTD. Indeed, the Parliament of Ghana can help realise the RTD through its critical functions of law-making, executive oversight and citizenry representation.²² It can serve as a check on administrative activities, represent and give voice to all citizens, control the public funds through the budget process, and create a platform for debating issues and policies of national interest.²³ Accounting for the important role of Parliament will significantly improve Ghanaians' socioeconomic, cultural and political well-being, helping to make the RTD a reality. This article argues that the Parliament of Ghana can significantly contribute to the realisation of the RTD.

2 The RTD in Ghana

It can be said that the composite nature of the RTD implies the existence of the RTD in any constitution that contains a bill of rights or recognises human rights since its implementation can lead to the full realisation of all human rights and fundamental freedoms.²⁴ The RTD does not have to be mentioned expressly, as is the case in the constitutions of Cameroon and Uganda and the Democratic Republic of Congo, to name a few.²⁵ Human rights are interdependent and interrelated,²⁶ and the enjoyment of the RTD can lead to the

19 Constitution of Ghana art 33(5).

20 African Charter on Human and Peoples' Rights (ACHPR) art 22.

21 ALP Kwame 'The justiciability of the right to development in Ghana: Mirage or possibility?' (2016) 1 *Strathmore Law Review* at 92.

22 National Commission for Civic Education 'Assessing the effectiveness of Parliament in Ghana's democracy' (2015) at 1 http://eeas.europa.eu/archives/delegations/ghana/documents/press_corner/2015/230423_ncce_report_parliament.pdf (accessed 07 October 2020).

23 As above.

24 UNDRTD art 1(1).

25 Constitution of the Republic of Cameroon 1972 Preamble; Constitution of the Republic of Uganda 1995 Objective IX; Constitution of the Democratic Republic of Congo 2005 art 58.

26 United Nations Population Fund 'Human rights principles' <https://www.unfpa.org/resources/human-rights-principles> (accessed 21 September 2020).

realisation of all human rights and fundamental freedoms.²⁷ In this regard, the Constitution of Ghana, which contains a bill of rights,²⁸ can be said to recognise the RTD. Article 1(1) of the United Nations Declaration on the Right to Development (UNDRTD) describes the RTD as

... an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realised.²⁹

The RTD, as explained above, finds expression in the Constitution of Ghana, which ‘provides a legal basis for a just, equitable and inclusive development of the country’.³⁰ The Constitution mandates all successive governments to

[...] take all necessary action to ensure that the national economy is managed in such a manner as to maximise the rate of economic development and secure the maximum welfare, freedom, and happiness of every person in Ghana and provide adequate means of livelihood and suitable employment and public assistance to the needy.³¹

And to achieve this, it is the mandate of the President of Ghana to

[...] within two years after assuming office, present to Parliament a coordinated programme of economic and social development policies, including agricultural and industrial programmes at all levels and in all the regions of Ghana.³²

The above mandate of the government is carried out by the executive branch in collaboration with the National Development Planning Commission (NDPC), which serves as an advisory body to the President on development matters.³³ For instance, the NDPC has prepared on behalf of the President a development programme labelled the Coordinated Programme of Economic and Social Development Policies (CPESDP).³⁴ This programme captures the United Nations 2030 Agenda³⁵ for Sustainable Development, the African Union’s Agenda

27 United Nations Declaration on the Right to Development (UNDRTD) art 1.

28 Constitution of Ghana chap 5.

29 UNDRTD art 1(1).

30 Kwame (n 21); Constitution of Ghana art 26.

31 Constitution of Ghana art 36(1).

32 Constitution of Ghana art 36(5).

33 National Development Planning Commission Act of Ghana Act 479 of 1994 sec 2(1).

34 United Nations ‘Sustainable Development Partnership 2018–2022, between the Government of the Republic of Ghana and the United Nations in Ghana’ June 2018 at 2 <https://ghana.un.org/sites/default/files/2019-07/UNCT-GH-UNSDP-2018.pdf> (accessed 30 August 2022).

35 NAD Akufo-Addo ‘The Coordinated Programme of Economic and Social Development Policies, an agenda for jobs: Creating prosperity and equal opportunity for all’ 20 October 2017 at 101-102 [https://s3-us-west-2.amazonaws.com/new-ndpc-static1/CACHES/PUBLICATIONS/2018/04/11/Coordinate+Programme-Final+\(November+11,+2017\)+cover.pdf](https://s3-us-west-2.amazonaws.com/new-ndpc-static1/CACHES/PUBLICATIONS/2018/04/11/Coordinate+Programme-Final+(November+11,+2017)+cover.pdf) (accessed 30 August 2022).

2063³⁶ and the Paris Agreement on Climate Change,³⁷ which all promote the RTD.³⁸

Indeed, at the request of the President, the NDPC *inter alia* devises development plans for the districts by considering the available funds, overseeing the development process, conducting research and offering suggestions on development and socioeconomic matters. This is done without losing sight of the national and global political and socioeconomic conditions which inform the 'national development plans'.³⁹ To ensure the participation of Ghanaians in the development process, the NDPC employs a decentralisation system which involves various state bodies at different levels, from the district to the national level.⁴⁰ This system facilitates the work of the NDPC in its business to deliver development, allowing the Commission to reach out to all geographical sectors of Ghana. Moreover, it allows all Ghanaians to participate in this development process, which to a more considerable extent exemplifies the enjoyment of their RTD as postulated by article 1 of the UNDRTD.⁴¹ In this respect, Kanga considers public participation to be the cornerstone of the RTD.⁴²

Furthermore, the Bill of Rights of Ghana, coupled with the Directive Principles of State Policy, sufficiently provides evidence of the RTD as an entitlement in Ghana. It is worth noting that the Directive Principles are justiciable and enforceable, mainly when they are in tandem with the substantive rights mentioned in the Bill of Rights.⁴³ They generally serve as a guide for judicial interpretation. This pronouncement of the Supreme Court flows from the earlier position of the drafters of the 1992 Constitution of Ghana, where they indicated that:

By tradition Directive Principles are not justiciable; even so, there are at least two good reasons for including them in a Constitution. First, Directive Principles enunciate a set of fundamental objectives which a people expect all bodies and persons that make or execute public policy

36 As above.

37 As above.

38 Like the RTD, all these treaties seek to ensure the realisation of the human rights of all.

39 National Development Planning Commission Act of Ghana Act 479 of 1994 secs 2(2)(d), (e), (f) & (i).

40 National Development Planning Commission System Act of Ghana Act 480 of 1994 sec 1(2).

41 UNDRTD art 1. This article presents the RTD as an inalienable human right, a process of economic, social, cultural and political development and an entitlement to participate, contribute and enjoy the development process; United Nations 'Report of the Independent Expert on the Right to Development, Arjun Sengupta submitted per Commission resolution 2000/5' 2001 at 3 <https://digitallibrary.un.org/record/431577?ln=en#record-files-collapse-header> (accessed 30 August 2022).

42 SAD Kanga, 'Human rights in Africa: prospects for the realisation of the right to development under the new partnership for Africa's development', unpublished PhD thesis, University of Pretoria, 2011 at 188-190.

43 *New Patriotic Party v Attorney-General* (1997-98) 1 GLR 378-461.

to strive to achieve. In the present proposals, one novelty is the explicit inclusion of political parties among the bodies expected to observe the principles. The reason for this is that political parties significantly influence government policy. A second justification for including Directive Principles in a constitution is that, taken together, they constitute, in the long run, a sort of barometer by which the people could measure the performance of their government. In effect, they provide goals for legislative programmes and a guide for judicial interpretation.⁴⁴

Additionally, the Constitution of Ghana mandates the President to report to Parliament at least once a year on all measures adopted to implement the policy objectives of said Principles, particularly concerning the realisation of 'basic human rights, a healthy economy, the right to work, the right to good health care and the right to education.'⁴⁵ To this end, the Directive Principles seek to reinforce the Bill of Rights. In this context, the Constitution of Ghana aligns with the UNDRTD in that it sets out the framework for the 'economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realised'.⁴⁶

Economically, every Ghanaian has the right to work under satisfactory conditions and earn a decent income without discrimination.⁴⁷ This ensures their participation and contribution to the country's economy, as well as their enjoyment of the outcome. Besides this, every worker has the right to rest, leisure and reasonable working hours and enjoys paid leave.⁴⁸ Most importantly, Ghanaians can create a trade union to promote and protect their socioeconomic rights⁴⁹ – some of which depend on state resource availability.⁵⁰ Such participation, which is key to the RTD, allows Ghanaians to contribute to the economy of the country and provides the financial capacity to afford the necessities of life.

As outlined in the Constitution of Ghana, Ghanaians are entitled to equal educational opportunities.⁵¹ The state is to make facilities and provisions available to ensure that basic education is free, mandatory and accessible to all.⁵² All forms of secondary education, including technical and vocational education, are to be progressively made accessible.⁵³ Free secondary education was implemented in

44 SY Bimpong-Buta 'The role of the supreme court in the development of constitutional law in Ghana' unpublished PhD thesis, University of South Africa, 1992 at 349-350; Constitution of Ghana art 34(1).

45 Constitution of Ghana art 34(2).

46 UNDRTD art 1.

47 Constitution of Ghana art 24(1).

48 Constitution of Ghana art 24(2).

49 Constitution of Ghana art 24(3).

50 Constitution of Ghana art 38(3).

51 Constitution of Ghana art 25.

52 Constitution of Ghana art 25(1)(a).

53 Constitution of Ghana art 25(1)(b).

2017, casting the objective of free higher education as the next step in creating equal education opportunities.⁵⁴ Article 25 of Ghana's Constitution further highlights the importance of developing functional literacy⁵⁵ and an adequately equipped school system.⁵⁶ Moreover, every Ghanaian can establish and run educational institutions at all levels and categories subject to the terms and conditions of the law.⁵⁷ Considering that education is a vital requirement for development, the preceding holistically enables Ghanaians to participate in the development process by which their RTD can be realised.

Culturally, the legal framework is structured to accommodate diversity since every Ghanaian can freely practise and promote their cultural and religious preferences.⁵⁸ Given the negative effect of certain cultural activities and practices such as the Trokosi and female genital mutilation in Ghana, 'practices which dehumanise or are injurious to the physical and mental wellbeing of a person are prohibited'.⁵⁹ Trokosi is a cultural and religious practice where young virgin girls (also referred to as Trokosi) in Ghana are put under servitude as enslaved people to a fetish priest to be punished for the alleged past offences of a family member.⁶⁰ The objective of the constitutional text in this regard is to protect Ghanaians from harmful and inhumane cultural practices which can affect their dignity and compromise their future.

Politically, every Ghanaian is entitled to the right to freedom of speech and expression, including freedom of the press and other media,⁶¹ which allows individuals and groups to channel their grievances and concerns to the government, debate policies and share their views on national matters. Through this medium, they take part and influence decisions that affect their lives. As one might observe, the Constitution of Ghana guarantees fundamental rights and freedoms, and their enjoyment gives effect to the RTD.

Furthermore, the African Charter, to which Ghana is a state party, is a binding instrument that mandates member states to 'individually or collectively ensure the exercise of the RTD'.⁶² Additionally, Ghana is a party to the International Bill of Rights,⁶³ which enjoins states to

54 Constitution of Ghana art 25(1)(c).

55 Constitution of Ghana art 25(1)(d).

56 Constitution of Ghana art 25(1)(e).

57 Constitution of Ghana art 25(2).

58 Constitution of Ghana art 26(1).

59 Constitution of Ghana art 26(2).

60 ANK Botchway 'Abolished by Law – Maintained in Practice: The Trokosi as Practiced in Parts of the Republic of Ghana (2008) 3 *Florida International University Law Review* at 369.

61 Constitution of Ghana article 21(1)(a).

62 ACHPR art 22(2).

respect, protect and fulfil human rights, including the RTD. More importantly, the Constitution of Ghana mandates the government to ‘promote respect for international law, treaty obligations and the settlement of international disputes by peaceful means’.⁶⁴ Article 40(d)(v) further admonishes the country to adhere to the principles, aims and ideals of any international organisation of which it is a member. Thus, the RTD, as reflected in any human rights treaty to which Ghana is a party, is to be respected, promoted, and fulfilled. Although the recognition of the RTD is not doubted in Ghana, it appears necessary to know whether it is justiciable.

3 The Justiciability of the RTD in Ghana

A right is deemed justiciable when it can be invoked in courts for its alleged violation.⁶⁵ In this case, a competent court can provide a remedy for the alleged violation of this right. Thus, in light of the above recognition of the RTD by the Constitution of Ghana, its justiciability can hardly be in doubt. This is because the RTD is not only implied in the Bill of Rights of Ghana, but also the Directive Principles when read together with the Bill of Rights.⁶⁶ Notably, the Directive Principles have some presumption of justiciability but become largely enforceable when read together with the Bill of Rights.⁶⁷

The case of *Commission on Human Rights and Administrative Justice & 2 others v Ghana National Fire Service & Attorney-General* is important in the context of the Bill of Rights and was a landmark decision.⁶⁸ In this case, the rights to have a family and to work were defended by the Commission on Human Rights Administrative Justice (CHRAJ).⁶⁹ Two officers of the Ghana National Fire Service (GNFS), Grace Fosu and Thelma Hammond, were dismissed for falling pregnant within the first three years of service.⁷⁰ Their pregnancies ran contrary to Regulation 33(6) of the Conditions of Services of the GNFS, which stated that ‘a female employee shall not be dismissed on the ground that she is pregnant, provided she has served the first

63 Ghana ratified the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Political Rights on 7 September 2000; see Republic of Ghana Treaty Manual 2009; the Universal Declaration of Human Rights is now considered customary international law.

64 Constitution of Ghana art 40(c).

65 D McGoldrick ‘The boundaries of justiciability’ (2010) 59(4) *The International and Comparative Law Quarterly* at 983.

66 Chapters 5&6, Constitution of Ghana.

67 *New Patriotic Party v Attorney-General* (1997-98) 1 GLR 378-461.

68 Commission on Human Rights and Administrative Justice Ghana ‘Twenty-fifth annual report’ 2018 at 25–27 <https://chraj.gov.gh/wp-content/uploads/2021/05/CHRAJ-ANUAL-REPORT-2018.pdf> (accessed 31 August 2022).

69 As above.

70 As above.

three years'.⁷¹ Following the petition of the two firewomen to CHRAJ, the Commission sued the GNFS and the Attorney-General on the grounds that Regulation 33(6) of the Conditions of Services of the GNFS not only discriminates against the complainants based on their gender but further violates their right to have a family and their right to work – with a particular focus on equal employment opportunity.⁷² To make their case, CHRAJ did not only rely on the Constitution of Ghana but referred to human rights treaties ratified by Ghana, including the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the International Covenant on Economics, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the ACHPR and the Protocol to the African Charter on the Rights of Women in Africa.⁷³

The CHRAJ subsequently petitioned the court to abolish Regulation 33(6) from the conditions of services since it violates the fundamental rights and freedoms of the two complainants.⁷⁴ The Human Rights High Court granted all the reliefs endorsed on the application by the Commission as the 1st Applicant therein.⁷⁵ It is worth stating that the two firewomen were reinstated.⁷⁶ As observed above, the civil, political, and socioeconomic rights that form part of the RTD were enforced. Moreover, though not domesticated into Ghanaian law, provisions from CEDAW, ICCPR, ICESCR and the ACHPR were invoked. This strongly exemplifies the application of human rights treaties not domesticated by Ghana, as stated by article 33(5) of the Constitution of Ghana. This provision provides that

[t]he rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man.⁷⁷

This provision unambiguously recognises human rights instruments, including the UNDRTD in Ghana. It further reinforces the recognition of the RTD in Ghana as enshrined in the African Charter. According to the Supreme Court, although Ghana is a dualist state, non-domesticated treaties can still be invoked where necessary and proper.⁷⁸ Though international law is not recognised as part of the

71 As above; Regulation 33(6) did not allow women in the Ghana National Fire Service to get pregnant within their first three years of service.

72 As above.

73 As above.

74 As above.

75 As above.

76 As above.

77 Constitution of Ghana art 33(5).

78 MG Nyarko 'The impact of the African Charter and the Maputo Protocol in Ghana' in VO Ayeni (ed) *The impact of the African Charter and the Maputo Protocol in selected African states* (2016) at 189.

sources of Ghana's law,⁷⁹ it is implicitly recognised by article 33(5) of the Constitution. This is corroborated by the statement of Atuguba JSC which states that the application of international instruments can be effected through article 33(5). This empowers national courts to refer to other instruments in dealing with cases related to fundamental human rights provided that they are 'inherent in a democracy and intended to secure the freedom and dignity of man'.⁸⁰ Article 33(5), therefore, assists national courts in enforcing international human rights law recognising the RTD. In this case, the RTD enjoys the same status as all other human rights in the Constitution of Ghana. Although there is no case law on the RTD in Ghana which would have allowed the Ghanaian courts to pronounce on its justiciability or otherwise,⁸¹ its implication in the Bill of Rights makes it justiciable. Furthermore, article 33(5) allows Ghanaian courts to apply human rights treaties that Ghana has not domesticated where necessary and proper. Therefore, considering Ghana's voluntary ratification without reservations of the African Charter, it can be argued that the RTD is not only guaranteed in Ghana but a justiciable right.⁸² This sets the tone for the discussion on the role of the Parliament of Ghana in realising the RTD.

4 The role of Parliament in Ghana

According to Ghai, 'the legislature is the first organ of government' because the business of government starts with 'law-making and is followed up by law-enforcement and adjudication functions'.⁸³ This recognition of Parliament as an institution of utmost importance in a democracy implies that a democratically elected Parliament is the only authentic voice that serves and accounts to the people, as is to be expected from a democratic system.⁸⁴

As a democratic state, the government of Ghana is formally made up of the executive, the legislature and the judiciary, known as the three arms of government or *trias politica*.⁸⁵ According to Montesquieu, the arms of government are independent of one another, ensuring the separation of powers and a system of checks and balances.⁸⁶ As postulated by Montesquieu, the principles of

79 Constitution of Ghana art 11.

80 Nyarko (n 78).

81 Kwame (n 21).

82 Kwame (n 21) 96.

83 KK Ghai 'Legislature: Meaning, functions and types of legislature' 15 May 2014 <http://www.yourarticlelibrary.com/constitution/legislature-meaning-functions-and-types-of-legislature/40337> (accessed 31 August 2022).

84 United Nations Economic Commission for Africa 'The role of parliament in promoting good governance' <https://archive.uneca.org/publications/role-parliament-promoting-good-governance> (accessed 31 August 2022).

85 Articles 58, 93 & 125 Constitution of Ghana.

86 CLSB Montesquieu *The spirit of laws* (1949) at 173.

separation of powers allow each arm of government to perform their constitutional duties independently.⁸⁷ Thus, the legislature enacts laws enforced by the executive and interpreted by the judiciary.⁸⁸ In Ghana, however, there is no evident separation of powers between the executive and legislature.⁸⁹ In the Ghanaian hybrid system, most Members of Parliament are appointed ministers of state. This carries far-reaching implications on the powers and functions of the legislature since the principle of separation of powers cannot be upheld, which, in turn, hampers the functioning of the system of checks and balances. The effect is that Parliament cannot effectively exercise its oversight function in holding the executive accountable for the realisation of the RTD.

The Parliament of Ghana is the only institution in Ghana vested with the power to enact laws.⁹⁰ For an effective performance of its functions, Parliament is enjoined by the Constitution to form standing committees and other select committees, when necessary.⁹¹ A further requirement is that every Member of Parliament must belong to a standing committee.⁹² This measure allows Members of Parliament to thoroughly discuss matters that affect their constituencies before getting to the floor of the House to vote. Besides serving as a law-making body, the functions of Parliament include its representational and deliberative functions, as well as the oversight of the public coffers and the executive.⁹³

First, the legislative function vests solely in Parliament.⁹⁴ Parliament is therefore mandated to pass Bills, scrutinise statutory instruments and decide whether or not these are to stay in effect with the 'effluxion of time'.⁹⁵ This permits Members of Parliament to debate laws and policies comprehensively. This process includes considering the implications and ramifications of legislation explicitly proposed in the interests of development and the RTD. A notable example is the Right to Information Act which has been enacted by Parliament and enables citizens to be informed and thus influence decision-making in Ghana.⁹⁶ Through this Act, Parliament has thus created a participatory environment that empowers people to

87 As above.

88 As above.

89 Constitution of Ghana art 78(1).

90 Constitution of Ghana art 93(2).

91 Constitution of Ghana art 103(1).

92 Constitution of Ghana art 103(4).

93 Constitution of Ghana article 93(2); see The Parliament of Ghana 'The Mandate of Parliament' <https://www.parliament.gh/mandate> (accessed 30 August 2022).

94 As above.

95 As above.

96 ARA Shaban 'Ghana parliament passes right to information law after long delays' 27 March 2019 <https://www.africanews.com/2019/03/27/ghana-parliament-passes-right-to-information-law-after-long-delays/> (accessed 30 August 2022).

participate in decisions affecting their lives and demands accountability where necessary.

In addition, Parliament has passed the Criminal Offence Amendment Bill to prevent corruption.⁹⁷ According to the Attorney-General, corruption has become pervasive among public office holders in the country and criminalising it will strengthen Ghana's commitment to the fight against corruption.⁹⁸ To the Attorney-General, corruption does not only affect economic development but stagnates infrastructural and social development and smears Ghana's international image.⁹⁹ This amendment can promote development by holding public officers accountable, punishing offenders and serving as a deterrent.

Secondly, Parliament controls the finances of Ghana in various ways. For instance, 'no tax can be imposed without the authority of Parliament,' and it remains the only body that can authorise the 'waiver/exemption or variation of taxes'.¹⁰⁰ Except for 'moneys charged directly on the consolidated Fund by the Constitution, no money can be withdrawn from the Fund without the authority of Parliament'.¹⁰¹ In addition:

Parliament has the power and duty to monitor the expenditure of public funds to ensure that monies it has authorised are used for the purposes for which they are intended by taking appropriate action on the Auditor-General's Reports.¹⁰²

With this, the House ensures accountability in using state financial resources to benefit the people of Ghana. Additionally, Parliament's control of the public coffers includes authorising the granting or receiving of loans,¹⁰³ 'monitoring the country's foreign exchange receipts and payments or transfers',¹⁰⁴ and 'appointing an auditor to audit and report on the accounts of the Auditor-General's office'.¹⁰⁵ These measures give value to taxpayers' money and ensure that it is used for projects that are inured to their benefit. Though the executive is free to propose various expenditure levels and how revenue should be raised to meet them, Parliament holds power 'to control the expenditure of public funds'.¹⁰⁶ The authority of Parliament was affirmed by the Supreme Court's unanimous decision

97 JY Petetsi 'Parliament passes criminal offences (amendment) bill to make corruption felony' Ghanaian Times (Accra) 19 October 20 <https://www.ghanaian-times.com.gh/parliament-passes-criminal-offences-amendment-bill-to-make-corruption-felony/> (accessed 30 August 2022).

98 As above.

99 As above.

100 The Parliament of Ghana (n 93); Constitution of Ghana art 174.

101 The Parliament of Ghana (n 93); Constitution of Ghana art 178.

102 The Parliament of Ghana (n 93); Constitution of Ghana art 187(5) & (6).

103 The Parliament of Ghana (n 93); Constitution of Ghana art 181.

104 The Parliament of Ghana (n 93); Constitution of Ghana art 184.

105 The Parliament of Ghana (n 93); Constitution of Ghana art 187(15).

106 The Parliament of Ghana (n 93).

in ordering Wayome, a businessman in Ghana, on 29 July 2014, to refund GH¢51.2 million to the state because he acquired the money unconstitutionally by circumventing the approval of the Parliament.¹⁰⁷

Thirdly, the Parliament of Ghana oversees the activities and spending of the executive to ensure that they are carried out lawfully and for the intended purposes. This role of Parliament includes its mandate to approve or reject the appointment of state officials such as ‘Ministers, Deputy Ministers, Chief Justice and other Justices of the Supreme Court, Members of the Council of State and other public offices specified by law’.¹⁰⁸ It must be noted that the President’s appointees can be rejected if deemed unfit by the parliamentary vetting committee.¹⁰⁹ This occurred during the first two Parliaments of the Ghanaian Republic.¹¹⁰ Parliament is also empowered to impeach the President and Vice-President, the Speaker of Parliament, and censure Ministers of the State where necessary and proper.¹¹¹ The President has no right to dissolve Parliament. Neither the President nor the courts may interfere with Parliament’s internal affairs since Members of Parliament enjoy a broad scope of immunity – even from the court processes.¹¹²

Furthermore, parliamentary committees are ‘charged with functions, including investigations and inquiry into the activities and administration of ministries and departments as Parliament may determine’.¹¹³ Effective parliamentary oversight in a semi-presidential political system like Ghana calls for using parliamentary tools, including debates and hearings, to hold the executive accountable. Parliamentary committees of inquiry which are used to investigate a particular issue of public interest, and budget oversight, which is a post-budget approval process, are critical tools used to monitor how budgetary allocations are managed – a task mainly performed by the Public Account Committee (PAC).¹¹⁴

Fourthly, the Parliament of Ghana also plays a deliberative function where the House deliberates and debates national issues.

107 *Martin Alamisi Amidu v The Attorney General, Waterville Holdings (BVI) Ltd and Alfred Agbesi Woyome* (2012-2013) JI/15 GHASC 49. See also Ghana Anti-Corruption Coalition ‘A-G chases Woyome Ghc51 million’ http://www.gaccgh.org/details.cfm?corpnews_scatid=7&corpnews_catid=7&corpnews_scatlinkid=28 (accessed 30 August 2022); Constitution of Ghana article 181.

108 E Darfour ‘The Parliament of Ghana: A countervailing force in the governance process?’ at 3 https://www.psa.ac.uk/sites/default/files/Ghana%20-%20Overview_EDarfour.pdf (accessed 30 August 2022).

109 Constitution of Ghana art 78(1).

110 S Brierley ‘Party unity and presidential dominance: Parliamentary development in the fourth republic of Ghana’ (2012) 30 *Journal of contemporary African studies* at 429.

111 Constitution of Ghana art 69, 95(2)(d) & 82.

112 Constitution of Ghana art 113(1).

113 Constitution of Ghana art 103.

114 As above.

This enables the institution to tackle myriad policy issues, often resulting in resolutions that may calm ‘tensions in society and help foster consensus, compromise and reconciliation’.¹¹⁵

Lastly, Parliament plays the citizenry representation role, making it the supreme forum for expressing grievances, concerns, and problems aimed at seeking redress. In this capacity, a Member of Parliament serves as a ‘communication link between his constituents and the government’.¹¹⁶ Thus, through parliamentary mechanisms and procedures, Members of Parliament can draw attention to developments in their constituencies and explore avenues for socioeconomic development.¹¹⁷ The foregoing shows *de jure* the vital role of Ghana’s Parliament in the country’s body politic. It is therefore not surprising that a 2008 survey conducted by Afrobarometer, a pan-African, non-partisan research network conducting public attitude surveys, indicated that Ghanaians consistently perceive Parliament as a significant democratic institution with authority to supervise the executive and restrain it from abusing its powers.¹¹⁸ I now move on to explore the extent to which the above capacities of Parliament can help realise the RTD in Ghana.

5 The potential role of Parliament in realising the RTD in Ghana

Thus far, this paper has argued that the RTD is a recognised right in Ghana and is justiciable. Thus, Parliament is expected to help realise the RTD through its aforementioned capacities and *modus operandi*. The parliamentary mechanisms and tools used to discharge its functions should ensure that Ghanaians ‘participate in, contribute to and enjoy economic, social, and cultural development in which all human rights and fundamental freedoms can be fully realised’.¹¹⁹ To emphasise, the Parliament of Ghana can contribute to the realisation of the RTD through law-making, control of the national treasury, executive oversight, deliberative function, and citizenry representation.

In performing its duty to create laws, Parliament can ensure that Bills or legislation that enter the House for approval or review reflect the interests and wishes of Ghanaians. Though Members of Parliament are unable to table a Bill unless a private member Bill,¹²⁰ this does

115 The Parliament of Ghana (n 93).

116 The Parliament of Ghana (n 93).

117 The Parliament of Ghana (n 93).

118 Stapenhurst & Alandu (n 11).

119 UNDRD art 1(1).

120 Constitution of Ghana art 108; This article implies that the Parliament of Ghana must bear the cost of any bill it tables.

not affect their legislative function since they hold the power to make any necessary amendment to any Bill introduced to the House by or on behalf of the executive.¹²¹ In such an instance, Parliament can affect public participation by engaging the general public in reviewing draft laws that appear before the House for consideration.¹²² Since a draft law within Parliament typically goes through many stages of review, including readings or debates within the plenary sessions of the House, parliamentary committees may organise a public hearing for interested people, stakeholders, subject experts and civil society to make inputs on specific aspects of the entire content of a draft law.¹²³ In Ghana, this legislative process is called the ‘crystallisation of ideas’¹²⁴ underlying the thoughts, efforts and ideas involved in the law-making process that ‘crystallise to form a larger, more cohesive unit, which can then be drafted into law’.¹²⁵ This process demonstrates the participation of Ghanaians in decisions that affect their lives which can lead to the fulfilment of the RTD since participation remains a critical element of the right.

Aside from its legislative function, Parliament can contribute to the realisation of the RTD by controlling the public coffers. As a key accountability institution which scrutinises, debates and approves the national budget, Parliament has ‘the opportunity to review and debate the economic policies of the government, the assumptions underlying the budget as well as the annual estimates of the Ministries, Departments and Agencies (MDAs)’.¹²⁶ Here, Parliament can ensure that the funds to be approved are directed towards implementing policies that will benefit Ghanaians. Although the duty of drafting and presenting the budget rests on the Executive,¹²⁷ Ghana’s hybrid system allows Members of Parliament who double as Ministers of State to influence the budget process to realise the RTD. Considering the centrality of accountability to the rights-based approach to development,¹²⁸ which by extension amounts to the RTD, Parliament can also adopt accountability mechanisms to ensure that where there is a failure to exercise the RTD, duty bearer(s) are held accountable. This means that a lack of accountability measures will

121 Constitution of Ghana art 106(6).

122 K Deveaux & C Rodrigues *Parliament’s role in implementing the sustainable development goals* (2017) at 48 <https://www.undp.org/publications/parliaments-role-implementing-sustainable-development-goals> (accessed 30 August 2022).

123 As above.

124 Discussions with Justice Crabbe, Statute Law Revision Commissioner Attorney-General’s Office quoted in Human Rights Advocacy Centre & Friedrich-Ebert-Stiftung Ghana, *the law-making process in Ghana: Structures and procedures* (2011).

125 As above.

126 A Kan-Dapaah ‘Parliament’s role in the fight against corruption’ file:///C:/Users/user/Downloads/Parliaments_role_in_the_fight_against_corruption-DEC.2015-1.pdf (accessed 1 September 2022) at 11; Constitution of Ghana art 179(1).

127 Constitution of Ghana art 179(1).

128 SR Osmani ‘The human rights-based approach to development in the era of globalization’ in United Nations (n 2) 123.

significantly hamper the realisation of the RTD.¹²⁹ According to Gready, a lack of accountability negates the importance of human rights – including the RTD. However, Gready argues that constitutional and human rights provisions equip citizens to hold the state accountable.¹³⁰ As the representative of the citizenry, Parliament is thus expected to hold duty bearers accountable for exercising the RTD.

The oversight of Parliament over the executive also appears crucial in realising the RTD. Given that the implementation of policies and legislation remains a prerogative of the executive, Parliament, in its oversight role, is to ensure that the monies released to MDAs are spent on the intended projects to bring development to the people. In addition, Parliament can monitor and evaluate the financial activities of the MDAs and ensure that projects and programmes undertaken by the MDAs are done with due regard to economy, efficiency, and effectiveness.¹³¹ This intervention of Parliament appears critical in realising the RTD in that it can ensure that the projects for which the national budget was approved are physically executed to alleviate poverty and satisfy the people's basic needs. The importance of the supervisory role of Parliament to ensure that resources for development are allocated judiciously cannot be overstated. Indeed, the Auditor-General's report draws 'attention to any irregularities in the accounts audited and to any other matter which in his opinion ought to be brought to the notice of Parliament'.¹³² In debating the said report, Parliament can appoint 'where necessary' and 'in the public interest, a committee,' the PAC, to deal with any matters arising from the report.¹³³ This exercise of Parliament through the PAC may ensure accountability and lead to effective financial management to make development a reality in Ghana.

Furthermore, the Parliament of Ghana deliberates on matters that affect the citizenry. The deliberative function engulfs the legislative process by highlighting the thinking and discussion involved in enacting or amending laws. This process by which the Parliament of Ghana contributes to the realisation of the RTD in Ghana serves as a testament to their function of citizenry representation. The section that follows considers the challenges Parliament might face in realising the RTD.

129 As above.

130 P Gready 'Rights-based approaches to development: What is the value-added?' (2008) 18(6) *Development in Practice* at 741.

131 Kan-Dapaah (n 126) 17.

132 Constitution of Ghana art 187(5).

133 Constitution of Ghana art 187(6).

6 The challenges of Parliament in realising the RTD in Ghana

Despite its constitutional powers, 'Parliament has in practice not developed into that autonomous, independent and vital institution capable of asserting its authority and discharging its constitutional functions'.¹³⁴ While this shows the difference between theory and practice, it is worth noting that both the powers and challenges of Parliament stem from the Constitution of Ghana. The weakness of Parliament is a result of constitutional, political, financial and technical resource constraints owing to a continuing executive dominance.¹³⁵ For instance, while Parliament remains the only institution vested with the power to enact laws,¹³⁶ the Constitution bars Members of Parliament from introducing any legislation that will commit the government to spend public funds, thereby preventing the legislature from initiating Bills.¹³⁷ This situation discourages Parliament from making laws that will bring about development for their constituents.

Though Members of Parliament can initiate a private member Bill,¹³⁸ this alternative not only incurs costs to them when introducing a Bill but has also been unsuccessful. An example is the case of the late honourable Lee Ocran of the National Democratic Congress, who, through a private member Bill, urged the government to take appropriate measures to remove the algae in the marine waters of the Jomoro District, which greatly affected the livelihood of the people of this area.¹³⁹ Even though the opposition admitted the international dimension of the situation, 'like many Private Member Motions,' it 'died prematurely due to lack of support'.¹⁴⁰ The people of the district could therefore not enjoy the benefits of an Act that would have brought about development. Although Parliament holds the power to authorise 'public expenditure, impose and waive taxes,' authorise, 'grant and receive loans'¹⁴¹ and approve the national budget, a Bill to that effect, following article 108 of the Constitution, can only be introduced by or on behalf of the President, excluding

134 Constitution Review Commission 'Report of the Constitution Review Commission' (2011) at 136. http://constitutionnet.org/sites/default/files/crc_research_report_final.pdf (accessed 30 August 2022).

135 T Anthony & H Alan 'Parliamentary strengthening and the Paris Principles Ghana case study' 1 January 2009 at 24 <https://odi.org/en/publications/parliamentary-strengthening-and-the-paris-principles-ghana-case-study/> (accessed 30 August 2022).

136 Constitution of Ghana art 93(2).

137 Constitution of Ghana art 108.

138 As above.

139 Human rights Advocacy Centre & Friedrich-Ebert-Stiftung *Law-making process in Ghana: Structures and procedures*(2011) at 18.

140 As above.

141 Constitution of Ghana arts 174, 178, 18.

private member Bills, since article 108 does not allow Parliament to increase public spending or call on the Ministry for Finance to reallocate funds from one sector to another.¹⁴² Parliament may, however, reduce public spending but rarely opts to effect such a reduction. The legislature's budget is determined and allocated by the executive through the Minister for Finance,¹⁴³ a practice that affects the financial autonomy of the legislature and limits its resources.

Parliament can, however, cooperate with the executive to ensure that resource allocation meets the needs of the people and ensure development. Additionally, through the Auditor-General's report, Parliament can hold the executive accountable in case of misappropriation or embezzlement of funds meant for developmental projects.

Besides, the constitutional requirement that allows the selection of a majority of Members of Parliament to be Ministers severely affects parliamentary oversight responsibilities.¹⁴⁴ Not only does the President influence Members of Parliament to owe him allegiance, but such an appointment also takes some of its best legislators away from the Parliamentary benches.¹⁴⁵ A survey has shown that the combination of executive and parliamentary duties makes Members of Parliament less productive in the legislature.¹⁴⁶ Though the Parliament of Ghana under the Fourth Republic has been influential in law-making and citizenry representation,¹⁴⁷ its oversight of the executive is less commendable due to 'constitutional and logistical constraints'.¹⁴⁸ This challenge, which undermines the oversight role of Parliament, seems to make the principle of separation of powers and checks and balances unfeasible in Ghana. This violates the principle of separation of powers and checks and balances as postulated by Montesquieu in *The Spirit of Laws*, and prevents the House from effectively performing its mandate and realising the RTD in Ghana.¹⁴⁹ For Ninsin, this hybridisation of 'the presidential and parliamentary systems of government has not only reduced the legislature's independence but has given the unequivocal executive

142 Stapenhurst & Alandu (n 11).

143 The North-South Institute 'African legislative effectiveness' October 2013 <http://www.nsi-ins.ca/wp-content/uploads/2013/10/2013-African-Legislative-Effectiveness1.pdf> (accessed 30 August 2022).

144 United Nations Economic Commission for Africa 'The role of parliament in promoting good governance' <https://archive.uneca.org/publications/role-parliament-promoting-good-governance> (accessed 30 August 2022).

145 Stapenhurst & Alandu (n 11).

146 E Sakyi 'A survey of MPs' opinions about the challenges of blending executive and legislative functions of government under Ghana's 1992 Constitution' (2010) 4 *African Journal of Political Science and International Relations* at 271.

147 Darfour (n 108).

148 As above.

149 Montesquieu (n 86).

influence upon legislators'.¹⁵⁰ This influence is further deepened by the fact that since 1992, the ruling party has always had the majority of Members of Parliament in the House.¹⁵¹ This majority gives the President's party the ability to control debate and overpower committees – including the PAC¹⁵² – making it difficult for legislators to check the extravagances of the executive. In this case, Members of Parliament that double as Ministers of State should influence executive decisions to promote policies that will contribute to the realisation of the RTD in Ghana.

7 Operational considerations of the RTD in Ghana

Given the foregoing, it is recommended that the autonomy of Parliament be enhanced by amending article 108 of the Constitution of Ghana, which places all financial charges on Parliament in case it tables a bill. As it currently stands, this provision does not allow Members of Parliament to introduce any Bill at the expense of the government, thereby preventing the House from initiating Bills and limiting them to private member Bills.¹⁵³ An amendment will enhance Parliament's legislative powers and give Members of Parliament the platform and power to introduce Bills that may bring about development for their constituents. Further, such an amendment may encourage the introduction of private member Bills whose usage is rare and perfunctory.

Additionally, Parliament should be given the privilege to determine its budget independently of the executive. Parliament's financial autonomy is paramount here because an institution's financial and human capacities are fundamental to its functional efficiency. Parliament would then be adequately resourced to sponsor Bills to help implement the RTD. Moreover, the Committee on Constitutional, Legal and Parliamentary Affairs would be equipped to supervise policies implemented by the executive that ensure the realisation of the RTD.

There ought to be a clear separation of powers to prevent Members of Parliament from doubling as cabinet ministers or deputy

150 KA Ninsin (ed) 'Executive-parliament interface in the legislative process (1993-2006): a synergy of powers?' quoted in E Sakyi 'A survey of MPs' opinions about the challenges of blending executive and legislative functions of government under Ghana's 1992 Constitution' (2010) 4 *African Journal of Political Science and International Relations* at 263.

151 Westminster Foundation for Democracy & Ghana Centre for Democratic Development (n 14).

152 The North-South Institute (n 143).

153 Apart from a private member bill, any other bill is to be submitted by the President or on his behalf. However, Parliament can amend any bill that is tabled.

ministers. This will not only enhance executive oversight and the autonomy of Parliament, but also reduce the executive's influence on Members of the House by making the latter more committed, effective, and dedicated to parliamentary work, thereby enhancing their leverage to realise the RTD.

Furthermore, to avoid any controversy or difficulty concerning the justiciability of non-domesticated international and regional human rights instruments, the Supreme Court of Ghana is expected to be uniform in their judgments on whether or not instruments of such a nature are applicable in Ghana. It is also recommended that ratified treaties by Ghana be domesticated into national legislation. The government of Ghana should endeavour to domesticate all signed and ratified treaties to prevent any conflict between the Constitution of the country and these treaties. This would remedy any doubts pertaining to the RTD in Ghana and encourage citizens to claim and enjoy development.

As far as the RTD is concerned, the current contention, which revolves around its implementation at the global level, seems to discourage and slow its implementation at a national level. Therefore, considering the role of national parliaments, particularly the Parliament of Ghana, they should ensure that policies and legislation on the floor of Parliament aids the realisation of the RTD domestically, and end the controversy at the global level. Legislative measures may not be the only effective means of exercising the RTD, but they serve a pivotal function.

8 Conclusion

Though the government comprises several institutions for its operations, this article focused on the Parliament of Ghana and how it can help realise the RTD. The RTD appeared as a means by which Ghanaians can participate in and enjoy development outcomes. Though not expressly mentioned in the Constitution, the RTD is recognised in Ghana and ought to be exercised to bring about development. The Parliament of Ghana, in this case, appeared to be an essential institution whose constitutional role of citizen representation, law-making and financial control can help realise the RTD. This is sanctioned by the assumption that the well-being of a person is the focus of the RTD, then Parliament, which represents the people, can significantly help realise this right. The RTD is not only recognised in Ghana but is also justiciable. In addition to its implicit recognition in the country's Constitution, which is reinforced by the Directive Principles, Ghana's ratification of the African Charter gives credence to this reality. Thus, the Parliament of Ghana is expected to use its constitutional functions of law-making, executive oversight, citizenry representation, its considerable control of the public funds

and the making of deliberations to contribute to the exercise of the RTD in Ghana.