ADDRESS

BY

GODFRED YEBOAH DAME

HON. ATTORNEY-GENERAL & MINISTER FOR JUSTICE

OF THE REPUBLIC OF GHANA

AT

ANNUAL CONFERENCE OF THE GHANA BAR ASSOCIATION, 2024

THEME: *Peaceful, fair and transparent elections: the key to sustainable democracy*

9 a.m.

Monday, 9th September, 2024,

Kumasi, Ashanti Region.

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC, NANA ADDO DANKWA AKUFO-ADDO,

THE ASANTEHENE, OTUMFUOR OSEI-TUTU II,

HER LADYSHIP THE CHIEF JUSTICE, MRS. GERTRUDE ARABA ESAABA SACKEY TORKORNOO,

JUSTICES OF THE SUPREME COURT (Retired and in active service)

JUSTICES OF OTHER SUPERIOR COURTS OF JUDICATURE

HONOURABLE MINISTERS OF STATE,

HON. ASHANTI REGIONAL MINISTER,

DEPUTY ATTORNEY-GENERAL, MR. ALFRED TUAH-YEBOAH,

DEPUTY ATTORNEY-GENERAL, MS. DIANA ASONABA-DAPAAH

THE PRESIDENT OF THE GHANA BAR ASSOCIATION,

MEMBERS OF THE BAR COUNCIL,

THE PRESIDENT OF THE ASHANTI REGIONAL BAR,

MEMBERS OF THE BAR,

DISTINGUISHED LADIES AND GENTLEMEN, FRIENDS OF THE MEDIA

It is always a delight to be at the annual conference of the Ghana Bar Association. It is even more exciting to be here in Kumasi, the capital of the Ashanti Region.

I must acknowledge our big fortune in securing the attendance of this event by the Otekokorso, the Asantehene, Otumfour Osei Tutu II. To my mind, this is only the second time Otumfuor has attended the Bar Conference. Perhaps our fortune today is also because his dear wife, Lady Julia, is a lawyer. The Otumfuor calls me "*me ba*" to wit "my son". Ohene kesie, your son is truly appreciative of your wise counsel at all times.

I am not surprised Mr. Yaw Boafo brought this conference to Kumasi. He is a true Ashanti man. As his last conference as Bar President, which better place to hold the event than at his own back yard! On a serious note, I must convey my felicitations to Yaw Acheampong Boafo, President of the Bar and the Executive Council. Collaborating with you in the interest of the Bar has been a pleasure. I wish you, Yaw and your executives, the very best in your future endevaours as you bow out.

Learned friends, since March, 2021, by the Grace of God, I have had a chance that few lawyers have ever had to serve as the Attorney-General and Minister for Justice of our great Republic (the 25th since independence), to work with wonderful public servants, some of the best lawyers I have known, the best law enforcement agents, wonderful administrators and great support staff in the Office of the Attorney-General and Ministry of Justice.

The enormity of responsibility of the grand old office of Attorney-General is recorded in history. Sir Patrick Hastings who had a long career as a successful barrister in England but a rather short stint as Attorney-General of England and Wales between January, 1924 and November, 1924, described the role of the Attorney-General as his "*idea of hell*". Much earlier, Francis Bacon, Attorney-General and Lord Chancellor of England and Wales – in the 17th century - described it as "*the painfullest task in the realm*". Quite recently, the immediate past Attorney-General of the United States of America, William Barr, who had two stints as Attorney-General (first under President George W. Bush Snr. when he was only 39 years, and the second under President Trump) authored a book chronicling his days as Attorney-General and guess what the title was - "**One damn thing**

after another". Three and a half years into the role, I consider it an honour and a privilege, though not without its own challenges, to be the Attorney-General and your leader thus far.

PUBLIC LEGAL SERVICE AS AN INSTRUMENT FOR CHANGE IN SOCIETY

With the unlimited licence given to me as leader of the Bar to address Conference on any topic, I intend to focus a big part of this speech on using law, particularly, public legal service, as an instrument for effecting change in Ghanaian society, whilst making remarks on the important theme for this conference. I will recall progress so far made by the Office of the Attorney-General in this regard.

The task of being an Attorney-General in the second term of a government is no easy one. It involves coming in at a time that the Government has implemented a set of policies in its first term and made some tough and hard decisions which may not necessarily be popular with the people. As the Attorney-General, it thus involves making yourself unpopular by telling your colleague Ministers that they cannot pursue certain legislation and policies, which, although in the national interest, may be incompatible with the law (I remember the painful opinion I gave to the Minister for Finance on the domestic debt restructuring at a difficult time of the nation and as well as the advice I gave to the Minister for Health at perhaps, a more difficult time in the history of the nation, during the COVID-19 crisis). In our peculiar political environment, it also involves pitching yourself as a sworn enemy of your political adversaries through decisions you make that they may consider as impinging on their political fortunes, particularly in terms of prosecution and defence of civil actions against the government.

However, I have braved the challenges of the office and remained undaunted, because I love the law, and I love utilising the law as an instrument for developing Ghanaian society. With courage and strength, I have taken the slings and arrows of a critical free media, even when they are unjustified or wrong. I am strong in my conviction that there is no other institution that has affected, and, has the authority and the jurisdiction to affect so many components of justice in this country than

the Office of the Attorney-General and Ministry of Justice. Whatever I have done since 2021, I have done it in the best interests of Ghana and state attorneys and staff at the Law Office. I could not be prouder of our record of achievement over the last three and half years, and I am happy to note that since my initial address of this conference at Bolgatanga in September, 2021, I have delivered and in some cases, exceeded the delivery of every single promise I have made to you.

BUILDING THE CAPACITY OF THE OFFICE TO PROTECT THE INTERESTS OF THE STATE THROUGH CIVIL LITIGATION

Three years ago, when I stood before you at Bolgatanga, I undertook to build a formidable civil litigation team capable of zealously protecting the interests of the State in litigation, just as private legal practitioners do for their clients. The Civil Division, with the leadership of my humble self and my able deputies, has lived up to this challenge and done so much to protect our taxpayers' pocket in litigation in a way that staggers the imagination. Through an unwavering commitment to justice and the protection of the interests of the State, the Office of the Attorney-General has succeeded in saving the State many billions of United States dollars, being the equivalent of over **Fifteen Trillion Ghana Cedis** in numerous civil litigations in Ghana and in various international fora since I assumed office. The era of unwarranted, dubious and scandalous judgment debts against the State, I can say, are clearly a thing of the past.

There has not been a time that the Office has been more exposed to international litigation than the era in which we live. Industrialisation, the expansion of the economy and increase in investments have enhanced the risk of the nation in dealing with challenges filed on the international stage in respect of disputes arising from the State's relations with corporations and multi-nationals. The State has had to litigate in the domestic courts of Norway (from the Oslo District Court all the way to that country's Supreme Court), it has had to defend numerous arbitration claims in the Permanent Court of Arbitration, the London Court of International Arbitration, ad hoc arbitration tribunals with seats of arbitration being Paris, Stockholm, New York, etc. It is gratifying to note that in each of these international arbitration claims filed since 2021, the

State has achieved favourable outcomes with little or no cost to the nation. We have protected state properties, preserved the nation's rights and fought off claims for billions of United States Dollars against the State even in a situation where a particular decision of a Minister is impugned by an international tribunal.

The most remarkable feature of this development is that a sizeable amount of this litigation is conducted by personnel of the Office of the Attorney-General led by the Attorney-General himself and his deputies. Such is the strength of the capacity of the Office that, now memorials, pleadings and written submissions filed by the Office of the Attorney-General compare favourably with those filed by any lawyer on the international stage.

And we defend these claims in the face of the severe constraints of challenges which have always characterised working in the Office of the Attorney-General, when representing the State in these actions.

I am aware that some hired advocates for these unsuccessful claimants against the State and self-styled social commentators masquerading as civil society and experts in all subjects, except perhaps the creation of man, hastily take to social media to denigrate the efforts of the State in defending such gargantuan claims and in fact, distort the effect of awards and judgments in favour of the State. I only say in reply, that there ought to be a modicum of patriotism. Ironically, these same people are quick to trumpet adverse awards given against Ghana in the past, obviously basking in the joy of such situations. Can they just pause for a moment to reflect on what would have happened to the Ghanaian economy if even a fraction of these claims for billions of United States Dollars and trillions of Ghana Cedis had succeeded?

PROSECUTION AS A TOOL FOR ENSURING JUSTICE IN THE NATION

In the area of prosecution, the Prosecutions Division has ably lived up to its constitutional duty of being the prosecutor of all crimes in the country. They have pursued justice with courage, based on the evidence and the law, in a way that makes me very proud, even though prosecution of so-

called high-profile economic crime is often thwarted by unjustified delays occasioned by the filing of unnecessary applications and frivolous interlocutory appeals. In a country where prosecution of the perceived high and mighty is often mischaracterised as persecution and sometimes unfairly scrutinised by the courts, they have braved all challenges. When rulings and judgments adverse to their interests are given, in the best tradition of the profession, they have appealed them and many a time, they have been justified in that course.

The past four years have been interesting for the prosecutions division as it surmounted novel challenges including conducting trials that they were hitherto, unfamiliar with. I led them to conduct a historic high treason trial, one never experienced in this country for many decades before. We secured conviction of 6 out of the 9 surviving accused persons put on trial. In response to some strange and deplorable attempts by certain elements to cause a fragmentation of the borders of the country, the prosecution team defended the territorial integrity of the Republic by instituting criminal proceedings against over a hundred (100) people in all in the High Court at Wa, Ho and Accra for secession, another unusual prosecution. Fortunately, most of the accused have so far been convicted.

Illegal mining (galamsey) continues to cause incalculable damage to our forest reserves and river bodies. In the teeth of the difficulties prosecutors encounter in the courts in the prosecution of illegal mining offences, the Criminal Division has enjoyed some success even though there is still room for more to be done. From August 2021 to date, at least 76 persons, including eighteen (18) foreigners have been convicted. They include the acclaimed Chinese galamsey queen, Aisha Huang, who was convicted on 4th December, 2023 of offences committed between 2014 and 2016 in the era of the previous government. Most of the convicts were sentenced under the new law – Act 995 to a minimum of 15 years plus a heavy fine in the case of a Ghanaian and a minimum of 20 years plus a hefty fine for a non-Ghanaian. Currently, over 140 cases of illegal mining involving over 850 accused persons are being prosecuted in courts in the Western, Eastern, Ashanti, Greater-Accra and Upper East Regions of Ghana. Some are near conclusion.

The unsung heroes of the Office of the Attorney-General are the Legislative Drafting Division. They are that army of well-disciplined, properly-trained, meticulous lawyers whose task it is to set the legislative framework for all we do. Without them, none of the three arms of government can function. The Legislative Drafting Division has been responsible for carrying my vision of law reform in both civil and criminal aspects of the law. They have paid a great attention to the public policy of the law and have drafted in all about 60 Acts of Parliament and innumerable subsidiary legislation.

CHALLENGES AT THE OFFICE OF THE ATTORNEY-GENERAL AND EFFORTS MADE THE PAST FOUR YEARS TO ADDRESS THEM

Whilst placing on record the yeoman's efforts of the various divisions of the Office of the Attorney-General and Ministry of Justice which have kept the nation safe and sound, we cannot ignore the hitherto deplorable conditions in which state attorneys work. My visits to the head offices of various agencies under the Ministry of Justice revealed hugely undesirable working environments and the lack of basic tools for service to the nation. In order to address this, in February, 2022, on account of a directive made by His Excellency the President for the Minister for Finance to urgently assist the Ministry with some funds for its operations, I purchased ninety-one (91) vehicles for the Ministry, which represent the biggest fleet ever acquired for the Ministry, and which were distributed among the various regional offices and agencies. Thus, the Legal Aid Commission, which previously had only 6 vehicles, received **13** more. The Economic and Organised Crimes Office (EOCO) added **13** vehicles to their fleet. The Council for Law Reporting, which had only 2 vehicles, received **4** more. The Law Reform Commission which had only 1 vehicle acquired in 1996, received **2**. The Copyright Office whose last vehicle was acquired in 2008, received **2** more.

To lay the building blocks for the transformation of two very important institutions whose mandate is crucial for enhancing access to justice delivery and the modernisation of the law in Ghana - the Legal Aid Commission and the Law Reform Commission, the President on 10th

August, 2022, launched the Legal Aid Commission Fund and the Law Reform Commission Fund. The Government indeed demonstrated its commitment to transforming the two institutions by donating an initial amount of One Million Ghana Cedis into each of the Funds. I am of the fervent hope that the boards of the 2 institutions who are by law, charged with responsibility for managing the Funds, will come up with innovative means of ensuring that sufficient contributions and donations are made to the Funds, to end the perennial lack of funds syndrome which has always plagued these two very important institutions of state.

The dreadful office accommodation challenge of the Ministry of Justice was legendary. The situation was so critical that some state attorneys were utilising shipping containers as their offices when I assumed office. Work on a 12 - storey building, comprising 10 levels above ground and a two-tier underground car park to accommodate the Ministry of Justice, which incidentally, the current President commenced in 2001, when he was the Attorney-General, had stalled over the years, with the state of works was officially recorded as only 36% complete by June, 2021, when I visited the site with His Excellency the President. Through the necessary commitment of resources and diligent supervision, I am happy to state that by the Grace of God, the 12-storey edifice named "the Law House" - new Head Office of the Office of the Attorney-General and Ministry of Justice, has been completed and was duly commissioned on 10th June, 2024. I have indeed moved into the new building.

THE FUTURE OF THE OFFICE OF THE ATTORNEY-GENERAL AND MINISTRY OF JUSTICE

Mr. President, I dream of a modern public legal service for our nation fully equipped to discharge its onerous constitutional and statutory duties to the Republic of Ghana. Towards realising this dream, I am of the fervent hope that, soon, each of the regional capitals of the country from which the Attorney-General operates will boast of its law house. I have commenced discussions in this regard with the World Bank towards the possibility of a funding of this project, but definitely, this can only be realised in the next term of the NPP Government.

The expansion of the Ghanaian economy with its attendant myriad of needs calls for an enhanced public legal service to address the complexity of emerging challenges. The number of state attorneys presently, about 300, is woefully inadequate. This partly accounts for the inordinate delays in the delivery of legal opinions, defence of claims against the state and prosecution of crime. We need about 1,500 state attorneys for a proper discharge of the functions of the Attorney-General under article 88 0f the Constitution. We need to embark on a massive recruitment exercise of lawyers for the public service in order to satisfy the demands of the state. In 2021/2022, the capacity of the Office was augmented with the recruitment of about 60 attorneys. Processes are currently underway to employ a further 70 fresh attorneys with interviews scheduled for the latter part of the month. This will bring the number of attorneys recruited over the past three years to 130.

I envisage that every ministry, department, agency or district assembly ought to be serviced by at least one state attorney. The situation whereby some ministries, department, agencies or metropolitan, municipal and district assembly employ their own lawyers does not augur well for proper harmony and synchronisation of government's legal work. Thus, my vision is that in the near future, to ensure cohesion in the public service and avoid an uncoordinated approach which leads to inefficiencies, all lawyers working for each of these public institutions ought to be employed by the Office of the Attorney-General.

In the meantime, pending the firm institution of such a policy, I have planned a conference of all lawyers working in the public service, whether they are state attorneys or not, for some time in October. The conference, organised with the support of Prof Kofi Abotsi of UPSA School of Law, will provide a platform for knowledge sharing and refresher engagement with the ultimate objective of building the capacity of lawyers working for the state in various agencies and departments in the areas of negotiation, structuring, drafting and review of government contracts, contemporary issues in international arbitration and ensuring improved inter-agency collaboration.

To build that desired world-class legal service for Ghana, there is a pressing need for lawyers generally, and particularly those in the public

service, to constantly add value to themselves. It was with this motive that a partnership between Georgetown University, Washington DC, and the Government of Ghana represented by the Attorney-General executed in September, 2021 seeks to ensure that each year, five lawyers (from both the public and private sectors) would benefit from a post-graduate legal education sponsored by a scholarship jointly funded by Georgetown University and the Scholarship Secretariat of Ghana. Indeed, the first batch of five lawyers who profited from this arrangement successfully completed their studies in May, 2023. I must acknowledge the hiccup that arrangement has suffered in view of funding difficulties. I will explore means of boosting same.

In addition to this, my ministry assists state attorneys to regularly pursue various academic courses relevant to their roles and sponsored by some state institutions, in prestigious universities abroad, including the so-called Ivy League institutions.

AREAS OF THE GHANAIAN LEGAL SYSTEM REQUIRING URGENT REFORM

We must perceive law as a tool for promoting good governance and creating a Ghanaian business environment characterized by transparency, certainty and fairness and in which the interests of the nation are secured. For this matter, there are many areas of our legal system that require the intervention of the State to introduce reform to ensure that the quest for private sector development and foreign investment does not have the vicious result of impoverishing the State. There is also the need to ensure that crime or wrongdoing does not go unpunished, particularly for the privileged in society. In this regard, I have had the kind cooperation of the President of the Republic and his Cabinet as well as the Parliament of Ghana, in introducing some far-reaching reforms. A little over a month ago, the Ghana Arbitration Centre, a requirement of the **Alternative Dispute Resolution Act, 2010** (**Act 798**), which had been outstanding since 2010, was set up. The establishment of the ADR Centre presents a viable opportunity for multi-billion dollar commercial disputes and cases involving the use of the nation's natural resources to be resolved in Ghana. It will also enable members of the

Ghana Bar Association, to sharpen their skills in the resolution of such disputes. Taking account of Ghana's strong democratic credentials, the ADR Centre should propel Ghana into an arbitration hub in Africa, particularly West Africa.

Further reform of the arbitration environment in Ghana is needed. In this regard, I have the firm instructions of the President to take steps to ensure that most international arbitrations involving Ghana take place right here in Ghana and are regulated by Ghanaian law. Thus, I will present to Cabinet in the next few days, as part of the processes for the passage into law, an amendment to the **State (Property and Contracts) Act, 1960 (CA 4)**, to mandate all contracts involving the State and its agencies as parties, to not only stipulate Ghana law as the governing law but also to have Ghana as the seat of arbitration and with the ADR Centre in Accra being the venue for the arbitration. With this amendment, the practice whereby the State and Ghanaian lawyers travel to various jurisdictions – Paris, New York, London, Singapore, etc. for the conduct of arbitration involving the Government of Ghana and where arbitral awards are enforced all over the world at enormous cost to the State will cease and will be consigned to history.

An important piece of legislation introduced recently which seeks to reduce unnecessary cost to the taxpayer is the **Contracts (Amendment) Act, 2023 (Act 1114)**, by which public officers are prohibited from entering into a contract on behalf of the State in which the rate of interest is stipulated as compound interest. By Act 1114, it is expected that contracts with high rates of interest especially compound interest which result in huge judgment debt and financial loss to the State, like what occurred in the **NDK Financial Services Limited v. The Attorney-General & 2 Others** case a few years ago, will be avoided.

The criminal landscape of our country also witnessed some reform by an effort to ease congestion in the courts and prisons through the passage of the **Criminal and Other Offences (Procedure) (Amendment) Act, 2022 (Act 1079)** which formally introduced plea bargaining into the criminal jurisprudence of the country.

Without a doubt, the most far-reaching reform of criminal law practice in this country will be achieved when the law that will enhance the speed of

adjudication of criminal cases and address the problems associated with the jury system is enacted. I therefore call on Parliament, to as a matter of urgency, pass the **Criminal and Other Offences (Procedure) (Amendment) Bill** sponsored by the Office of the Attorney-General and Ministry of Justice and approved by Cabinet, which I laid in Parliament on 14th March, 2024. Our criminal practice continues to be steeped in the very old and traditional ways of doing things known to the common law jurisdiction, even where the masters of the tradition have long reformed. For instance, in Britain and the United States, interlocutory appeals in criminal practice are significantly controlled and virtually eliminated. Further, not every verdict in every criminal trial is appealable all the way to the highest court. Whilst mindful of the constitutional imperatives in our legal system, the Bill seeks to place due restrictions on interlocutory appeals by postponing the filing of same to only after a determination by the trial court of a submission of no case, scrapping of trials on indictment except where the offence is punishable by death or life imprisonment, providing for examination of witnesses by video conferencing, adoption of proceedings in criminal matters, day-to-day trial of all criminal cases except where same is impracticable and reform of the jury system to reduce the list of exemptions from jury service, the composition of the jury (by addition of alternate jurors), etc.

My Office is also in the process of preparing a new Legal Profession Bill as part of measures to comprehensively, and in a more sustainable way, address among other things, issues relating to access to legal education, rules on call to the Bar and regulation of professional conduct. I am however happy to note that in the past four years, we have recorded the highest admission of persons to study law and the biggest call of persons to the Bar in the nation's history. In all, over 3,000 persons have been called to the Bar since 2021. In 2022 alone, over one thousand (**1000**) lawyers were called to the Bar, the highest in the country's history at that time. In 2023, this record was broken with the admission of **1,286** lawyers at both the Main Call and Mini Call ceremonies. I, as Attorney-General in 2021, personally ensured the admission of some 499 students into the Ghana School of Law by presenting a petition to the General Legal Council, a situation for which the Bar President still holds a grudge against me. It is correct to say that for many of the junior lawyers, your

presence in this room has been made possible by the positive decisions to broaden access to the legal profession by the Akufo-Addo administration. We believe in broadening access to legal education whilst preserving standards and quality, cherished values without which the legal profession will lose its relevance to society. With these giant strides, I am confident that the future of the legal profession is bigger, brighter and better.

FREE AND FAIR ELECTIONS AND THE ROLE OF IMPORTANT INSTITUTIONS OF STATE INCLUDING THE JUDICIARY AND LAWYERS

Mr. President, the lofty ideas expressed today about the creation of a sound business environment and using law as an instrument for change in the public sector will not materialise without a sustenance of the democratic order in which we live. Fundamental to democracy and preservation of the rule of law is the organisation of free and fair elections. The centrality of elections to democracy, and by necessary implication, the rule of law, implies that irrespective of the circumstance in which Ghana finds itself, the Electoral Commission must live up to its constitutional mandate of providing the mechanism for the citizenry to express themselves through the conduct of credible and fair elections.

The indispensability of democracy as a tool for good governance has been expressed many times in history. Indeed, in the words of the acclaimed British statesman, Sir Winston Churchill, in his address to the UK Parliament in November 1947:

> "*No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government, except for all those other forms that have been tried from time to time.*"

National elections, represent a pre-eminent and I will say, undeniable opportunity, for the electorate of every country to exercise real power over how they are governed and by whom. *It is the means by which the State will be preserved.*

The distinguished son of Ghana, former UN Secretary General Kofi Annan (may his soul rest in peace), in a speech at the CDD Kronti ne Akwamu Lecture in June 2016, had this to say about the strength of Ghanaian democracy:

> "*Ghana has thrived under democracy since it was reintroduced [under the Fourth Republic], and our society, as well as our economy, has thrived as a result. We must never stop reminding ourselves of that fact. Yes, our country has its problems, but all countries have problems.*"

The credibility of Ghanaian democracy and the conduct of elections in this country can clearly not be denied by any objective on-looker. We must resist the vain efforts of naysayers who constantly sow seeds of doubt about the credibility of Ghanaian elections. The Electoral Commission of Ghana has had a sound appreciation of the sacred constitutional responsibility it bears to the people of Ghana since 1992. Remarkably, it remained unshaken in its quest even in the teeth of COVID-19, and rose to the occasion in 2020 in delivering an internationally affirmed free, fair, and perhaps, the most transparent elections since the inception of the Constitution in 1992.

It bears emphasising that an election is a process. Among other things, it includes the demarcation of boundaries, registration of eligible voters, the creation of voters' register, printing of ballot papers, distribution of ballot papers to voting centres, supervision of voting, the casting of votes, counting and processing of the votes, the declaration of the winner or winners, etc. So far, I have not noticed anything untoward about the Electoral Commission's handling of the process.

Even though Ghana has come far in consolidating democracy as her way of life and we can almost consider free and fair elections in this country as a matter of course, we cannot take that progress for granted. For this reason, we continue to talk about these things as a way of entrenching

those undoubted values we hold dear and warding off potential wreckers of the peace of the nation. We must steadfastly resist the dishonourable deeds of those who without cause, sow seeds of doubts in the ability of the Electoral Commission to organise a credible election. We must deplore, jettison and without any reservation, reject rhetoric which fans the flames of conflict.

Freedom is not free, and it is up to us – here and now – to ensure that the gains and triumphs of the past remain intact for generations of Ghanaians unborn. We have come a long way in our struggle to build a Ghanaian society founded on the ideals in the Preamble to the Constitution, 1992. However, we still have a long way to go.

Respectfully, a discussion of these matters without an acknowledgment of the role of the law will be incomplete. The political architecture of the current Republic of Ghana is indeed a creation of the law. Lawyers therefore have a massive role to play in sustaining democracy in Ghana. Unsurprisingly, the leadership of the various political parties is dominated by lawyers. We have a duty in ensuring the proper education of the entire citizenry on regulations affecting the conduct of the elections, the duties of the citizen, and of course, dispelling misconceptions about the actions of the Electoral Commission, rather than being agents for the propagation of falsehood.

For lawyers, who regularly appear as guests on media programmes and take to social media to run commentary, I will repeat an admonition I gave at the Bench, Bar, Faculty Lecture in October, 2022, that the spread of false information by lawyers and disregard for the cherished values of the legal profession, apart from being disreputable, poses a far greater threat to cohesion in society, if it comes from lawyers. In social media interactions, lawyers ought to be mindful of the requirements of the profession in so far as ethics is concerned. Technology did not eradicate ethics. Neither did it render the need for ethical compliance any less important or necessary. The time-honoured requirements to be truthful and not to unjustifiably assail the integrity of others, disparage the character of people and abuse the rights of others ought to be strictly adhered to by lawyers. Lawyers have no business promoting election-related violence.

In talking about the place of law in the conduct of a free and fair election, we cannot forget that the work of the Judiciary sits at the very heart of our society and our democracy. Judges are often called upon to make decisions on some of the most difficult questions arising from the conduct of elections. They are decisions that very few of us would feel comfortable making. However, it is judges, who with their wisdom derived from long experience, training and discipline, will make such decisions in furtherance of the principle that justice should be done. We therefore have a duty to support the Judiciary and not to denigrate that important institution.

Ghana has gained a reputation worldwide for its justice system. Central to that reputation is the independence, integrity of the Judiciary and the quality of judgments emanating from our courts, with decisions sometimes cited in courts in other jurisdictions. I can confidently say that I have been an Attorney-General in whose tenure the Judiciary has demonstrated complete independence and strength through decisions it gives in cases involving the State. In both civil and criminal jurisdictions, my Office has had many victories, but we have also experienced some adverse decisions. Examples are the decisions of the Supreme Court in **Ghana Centre for Democratic Development & 8 others vrs. The Attorney-General** (the removal of former Auditor-General, Mr. Dormelovo from office), **Appiagyei Atuah vrs. The Attorney-General** (the Imposition of Restrictions in Covid-19 case) and **Ezuame Mannan vrs. the Attorney-General and the Speaker of Parliament** (the Narcotics Control Commission Law case).

In a few situations where I consider the decision patently wrong and perverse to our legal system, I have resorted to processes for a correction of same through review or an appellate procedure.

Judges must also understand that they are not enemies of the people, or indeed of the government. The role of a judge is not only to restrain abuse of power but also uphold the work of government when it acts within its powers or is on the right path.

Our Judiciary must embrace the concept of open justice by publishing and explaining decisions and by allowing access to the courts – in person and through broadcasts. It is for this reason that I am proud to state that as Attorney-General, I have led in this quest of ensuring open justice in

Ghana as a way of dispelling misconceptions, misinterpretations and misrepresentations of court decisions by making formal applications to the Chief Justice for live broadcast of particular court proceedings of overwhelming public interest. In point of fact, the first time there was live broadcast of proceedings in court, in a case other than a presidential election petition, was this year pursuant to my application, and it happened with the kind cooperation of Chief Justice Torkonoo. It is worthy to note that, the United States Supreme Court does not allow complete live telecast of proceedings. We must therefore appreciate our progress in this regard.

As I resume my seat, I must emphasise the need for a strong bar as a partner for nation building. A fragmented bar is not in the interests of the Bar itself. Neither is it for society. We must have one strong Bar Association. We must make the processes for a physical participation of all lawyers in the annual conference flexible. I am aware that some lawyers attempted to register a week or two ago but were not permitted to do so. They thus cannot vote or make their voices heard in important decisions. This situation cannot be right. We are still a small family. Our processes must be such as will encourage participation of all. Else, a time will come when lawyers will find it cumbersome or tedious attending the Bar Conference and participating in important decisions. I do not think the days when lawyers could show up on the morning of conference, register and be allowed to participate in the conference presented security risks. Let us find a way to change.

I am aware that this year is an election year. May I take this opportunity to wish the various candidates the very best. May the best candidates win. I am grateful for the opportunity.

God bless us all!!!

GODFRED YEBOAH DAME
ATTORNEY-GENERAL AND
MINISTER FOR JUSTICE
09/09/2024