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“NOT TOO YOUNG TO RUN, BUT CAN BE TOO OLD TO PLAY”: A CASE FOR RETHINKING THE MINIMUM AND MAXIMUM AGE LIMITS FOR THE OFFICE OF GHANA’S PRESIDENCY

Nana Nti Ofori-Debrah*

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“NOT TOO YOUNG TO RUN, BUT CAN BE TOO OLD TO PLAY”: A CASE FOR RETHINKING THE MINIMUM AND MAXIMUM AGE LIMITS FOR THE OFFICE OF GHANA’S PRESIDENCY

Nana Nti Ofori-Debrah*

ABSTRACT

This article expounds on the age requirements for the office of Ghana’s presidency. Specifically, it addresses both the minimum and maximum age limits for eligibility into the office. With regard to the minimum age limit which is presently set at 40 years, the author takes the view that it is discriminatory and contravenes the rights of 55.1% of Ghanaian adults to stand for elections. Concerning the absence of a maximum age limit from Ghana’s constitutional framework, the author is of the opinion that it is degenerating Ghana’s democracy into a gerontocracy. Further, the author argues that the absence of a maximum age limit exposes Ghana to the possibility of having an inefficient president whose stay in office would be averse to the interest of Ghanaians and Ghana’s socio-economic development. The author concludes by proposing an amendment to article 62(b) of the Constitution of Ghana, 1992—reducing the minimum age limit from 40 to 35. Additionally, a proposal is made for the establishment of a maximum age cap beyond which a person should not be allowed to contest for Ghana’s presidency.

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1.0 INTRODUCTION

This article is primarily about the struggles Ghana's youth face in their quest to participate in national politics. Specifically, it relates to the constitutional barrier inhibiting persons below 40 years from contesting for Ghana's presidency, 22 years after becoming eligible to vote.² This constitutional barrier is article 62(b) of the 1992 Constitution³ which provides that 'a person shall not be qualified for election as the president of Ghana unless he has attained the age of forty years'.⁴

The Committee of Experts ("Committee") in their report did not justify their decision to set the minimum age for presidential candidacy at 40 years.⁵ In paragraph 29 of the report,⁶ it was only stated that the Committee endorsed the provision as was found under article 49(b) of the 1979 Constitution. Unfortunately, existing literature does not account for why the framers of the 1979 Constitution themselves adopted the 40-year minimum eligibility age.⁷ One may suppose that reference was made to the 1969 Constitution, where the minimum age requirement of 40 years was first stated.⁸ Unfortunately, the drafters of the 1969 Constitution did not provide justification for their recommendation of a 50-year minimum age requirement, which was later reduced to 40 years.⁹ It appears from the literature that the drafters of the 1969 Constitution set a limitation to ensure that only "experienced" and "mature" individuals have the opportunity to contest for and assume Ghana's highest seat. What initially seemed like a reasonable qualification has, in present day, become a tool to exclude young, qualified citizens from running for Ghana's presidency.¹⁰ Consequently, 55.1% of registered voters in Ghana representing a total of 9,375,520 persons out of the 17,027,650 registered voters are barred from contesting for the presidency.¹¹

Is it the case that all of these 9,375,520 young registered voters in Ghana are inexperienced and immature? The late Queen Elizabeth II who assumed the highest throne in England and Wales at age 25,¹² would have in present-day Ghana been considered too young, inexperienced and immature to be put at the helm of affairs. H.E Emmanuel Macron of France who became president at age 39 would have also been considered too young to run for

² Constitution of Ghana 1992, Article 42.

³ Constitution of Ghana 1992.

⁴ Ibid. Article 62(b).

⁵ See Report of the Committee of Experts (Constitution) on Proposals for a Draft Constitution of Ghana, (July 31, 1991), Para. 29.

⁶ Ibid.

⁷ See Constitution of Ghana 1979, Article 49(b).

⁸ See Constitution of Ghana 1969, Article 40(b).

⁹ See Proposals of the Constitutional Commission for a Constitution for Ghana, 1968, para 344. See also Constitution of Ghana 1969, Article 40(b).

¹⁰ Paul R Baier, 'The Constitutionality of Minimum Age Requirements for Public Office: Reading Joseph Story on Constitution Day' [2000] 60(2) LLR; Ibid. (n 5) para. 29.

¹¹ Doris D Sasu, 'Age Distribution of Registered Voters in Ghana 2020' (14 December 2020).

Statista < <https://www.statista.com/statistics/1193170/registered-voters-in-ghana-by-age/> > accessed 20 May 2022.

¹² J Philpott, 'Britain at Work in the Reign of Queen Elizabeth' (2012) Chartered Institute of Personnel and Development.

presidency in Ghana under the present constitutional order. But for his coup d'état, the late Flt. Lt. Jerry John Rawlings would not have had any legitimate chance to serve Ghana when he first rose to the helm of affairs in 1979 because he was only 32 years old.

This apparent and institutionalised discrimination against young qualified people has been the subject of a global crusade: the “*Not Too Young to Run*” global campaign. This was a campaign launched by YIAGA Africa, a youth-based civil society organisation based in Nigeria to advocate for a reduction in the age limit for contesting for the seat of Nigeria’s presidency.¹³ Subsequently, the UN Youth Envoy in partnership with the United Nations Development Program and other organisations joined the campaign and made it a global call for all states to reconsider their minimum age requirement for candidacy.¹⁴ In response to this call, Nigeria, in 2016, passed the “Not Too Young to Run Bill” to amend section 131 of the Nigerian constitution by reducing the minimum age requirement for the presidential candidacy from 40 years to 35 years.¹⁵ This act by the Nigerian government is one worthy of emulation and as such, the author of this article would in subsequent paragraphs make a case for the present proposition.

Further in this article, the author will again highlight the need to have a maximum age limit beyond which a Ghanaian should not be allowed to contest for Ghana’s presidency. In this context, the author notes that while there is no law in any of the jurisdictions on earth that sets a maximum age cap for presidential candidacy,¹⁶ it is imperative for states, including Ghana, to adopt a maximum age cap.

To justify this proposition, the author will rely on, among others, a report by the World Health Organisation on ageing and the health situation in Ghana that suggests that the risk of dementia rises sharply with age and persons above 85 years are more likely than not to suffer this.¹⁷ The report lent credence to a study carried out by Joshua Hartshorne and Laura Germine of MIT and Harvard University, respectively. According to their findings, the majority of mental processes such as memory, pattern recognition, and the ability to react quickly in any given situation decline with age.¹⁸ They further noted that older individuals suffer a decline in their ability to pay attention to multiple subjects simultaneously, thereby, making them twice as slow as younger adults.

¹³ ML Krook and Mary K Nugent, 'Not Too Young to Run? Age Requirements and Young People in Elected Office' (2018) 4 *Intergenerational Justice Review* 60-67.

¹⁴ *Ibid.*

¹⁵ M.S Temitope, 'The Impact of Not Too Young to Run Law on Nigeria Youth Participation in 2019 General Election' (BSc Dissertation, University of Abuja 2019).

¹⁶ Constitution Review Commission, *Report of the Constitution Review Commission: From a Political to a Developmental Constitution* (Constitution Review Commission 2011).

¹⁷ Michael Kpessa-Whyte, 'Ageing and Demographic Transition in Ghana: State of the Elderly and Emerging Issues' [2018] 58 *Gerontologist* 403-408.

¹⁸ Paul Ratner, "Reasons Why There Should Be a Maximum Limit to Run for Presidency" (*BigThink*, 4 August, 2019) <<https://bigthink.com/the-present/top-10-reasons-we-need-a-max-age-limit-to-run-for-president/>> accessed 6 June 2023.

The author will also delve into the life expectancy of the average Ghanaian, the emergence of gerontocracy within Ghana’s constitutional order, and the retirement policy for all public officers. These aspects will be explored to justify the need for a maximum age cap.

2.0 RELEVANCE OF THE PRESENT DISCOURSE

The present article is particularly relevant in these present times because:

- i. it highlights the need to amend article 62(b) of the 1992 Constitution to ensure the inclusion of Ghana’s youth in presidential races, given their majority representation in the country’s population; and
- ii. it addresses the normalisation of gerontocracy in Ghanaian politics, the erosion of the sanctity of Ghana’s democracy, and how implementing a maximum age limit for presidential office could help rectify these issues.

3.0 REVIEW OF ALL AVAILABLE LITERATURE

In this section, the author analyses available literature on the minimum and maximum age requirements for presidential candidacy. Specifically, the author makes a comparative analysis of the minimum age requirement for presidency in various jurisdictions across the globe, thereafter, reviews the age limit for presidency under all four (4) Republican Constitutions of Ghana since 1960. The Fiadzoe Constitutional Review Research Report on the present issue is also considered extensively.

3.1 Comparative Analysis of the Minimum and Maximum Age Limits for Presidency in Various Jurisdictions across the Globe.

3.1.1 Minimum Age Requirement for Presidential Candidacy in other Jurisdictions

The minimum age requirement for the office of a state’s presidency is a subject on which various jurisdictions across the world have taken varied positions. Whereas some states have lowered it to the barest minimum to commensurate with the minimum age for voting, some other states have pegged it at ages higher than the minimum age for presidency.¹⁹ Below is a table indicating states and the minimum ages for their presidencies.

SRL	COUNTRY	MINIMUM AGE FOR PRESIDENCY
1.	China ²⁰	45
2.	Albania ²¹	40
3.	Czech Republic ²²	40
4.	Chile ²³	35
5.	Angola ²⁴	35

¹⁹ Constitution Review Commission (n 16).

²⁰ Constitution of the People’s Republic of China 1982, Article 79.

²¹ Constitution of Albania 1998, Article 86(2).

²² Constitution of Czech Republic 1992, Articles 19(2) and 57.

²³ Constitution of the Republic of Chile 1980(rev. 2021), Article 25.

²⁴ Constitution of the Republic of Angola 2010, Article 110.

6.	India ²⁵	35
7.	Brazil ²⁶	35
8.	Cyprus ²⁷	35
9.	Russia ²⁸	35
10.	Nigeria ²⁹	35
11.	Cameroon ³⁰	35
12..	United States of America ³¹	35
13.	Costa Rica ³²	30
14.	Botswana ³³	30
15.	Argentina ³⁴	30
16.	South Africa ³⁵	18

All these states set these minimum age limits based on their varying socio-economic backgrounds to suit their varying needs.³⁶ This global practice is in conformity with International Electoral Standards as submitted by the International Institute for Democracy and Electoral Assistance.³⁷ According to them, although every citizen of full age and maturity is entitled to vote and to be voted for in all democratic states,³⁸ such states are allowed to put certain qualifications on the enjoyment of these rights.³⁹ This notwithstanding, for such qualifications to be consistent with standard democratic practice, the grounds on which such qualifications can be imposed are required to be objective and reasonable.⁴⁰ Somehow, states have come up with “young age” as one of such “reasonable” grounds on which all states in the table above (except South Africa) have qualified the right to contest for their respective presidencies. Although many of these states justify that ground with the need for maturity and experience in governance,⁴¹ none of those states have come up with any empirical data to prove that all persons below the minimum age requirements set truly lack the requisite maturity, experience and competencies to become presidents.

²⁵ Constitution of India 1949, Article 58.

²⁶ Constitution of Brazil 1988, Article 14(3).

²⁷ Constitution of Cyprus 1960, Article 40(b).

²⁸ Constitution of the Russian Federation 1993, Article 81.

²⁹ Constitution of the Federal Republic of Nigeria 1999 as amended, Section 131.

³⁰ Constitution of the Republic of Cameroon 1972 as amended in 1996, Article 6(5).

³¹ Federal Constitution of the United States of America, Article 2(1).

³² Constitution of Costa Rica 1949, Article 131(3).

³³ Constitution of Botswana 1966, Section 33(1) (b).

³⁴ Constitution of Argentina 1853, Sections 55 and 89.

³⁵ Constitution of South Africa 1996, Section 47(1).

³⁶ International Institute for Democracy and Electoral Assistance, International Electoral Standards Guidelines for Reviewing the Legal Framework of Elections (Bulls Tryckeri 2002).

³⁷ Ibid; International Convention on Civil and Political Rights 1966, Article 25.

³⁸ Ibid.

³⁹ General Comment No. 25: “The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service” (Art. 25): 12/07/96. CCPR/C/21/Rev.1/Add.7, General Comment No. 25. (General Comments).

⁴⁰ Ibid.

⁴¹ Paul R Baier (n 10).

The propriety or otherwise of the minimum age limits, especially under Ghana's democracy, will be considered extensively in this article.

3.1.2 Maximum Age for Presidential Candidacy in Various Jurisdictions

Unfortunately, there is no global democracy with a maximum age for presidential candidates.⁴² Even worse is the fact that not much ink has been spilt by academics and experts in democratic governance to attempt either a justification or a criticism of the present norm. The only available literature on this is from the debates ensuing in the United States of America on this subject. There, opinions are split. Whereas the vast majority of those who have so far contributed to the discourse want a maximum age limit beyond which a person should not contest for the presidency or any elected office in the United States,⁴³ there are a few others on the other side who find such a limitation unnecessary and unconscionable.⁴⁴ Those on the first divide ground their stance on physical and mental degradation that comes with age. To those on the second divide however, wine gets better with years and so, in a like manner, maturity, experience and "rich" values come with age.⁴⁵ They forget, unlike new wines, old wines always leave everyone intoxicated.

In a poll conducted by YouGov America, (an International research data and analytics group headquartered in London), on whether or not there should be a maximum age limit beyond which a person cannot contest for the United States' presidency or any other elected office, 58% of the 27,797 Americans who took part in the poll said there should be a maximum age limit and only 21% said there should not be.⁴⁶ This highlights the urgency of the issue and the need for lawmakers to pay attention to these. This is not a novel issue but one that has begged for a solution for so many centuries. It can be traced to the days of Plutarch of Chaeronea, a Greek philosopher and biographer who lived about 2,000 years ago.⁴⁷

Plutarch was a seasoned politician who was often criticised for his old age whenever he sought to continue with his political ambitions. He was consistently questioned as to why an old man should engage in politics amidst the physical derailment that comes with age. In a letter to his friend, Euphanes, Plutarch responded to the popular question he was bedevilled with in the affirmative. Therein, he highlighted the need for the aged to be allowed to partake in politics. By way of justification, he argued that notwithstanding the physical and psychological decline that come with age, every politician possesses different abilities and

⁴² Constitution Review Commission (n 16) para. 38(e).

⁴³ Paul R Baier (n 10).

⁴⁴ Jeffery Beneker, 'Should an Old Man Engage in Politics?' (*Princeton University Press*, 7 April 2020) <<https://press.princeton.edu/ideas/should-an-old-man-engage-in-politics>> accessed 14 June 2022.

⁴⁵ Ibid.

⁴⁶ YouGov, 'Should There be a Maximum Age Limit for Elected Officials to Hold Office?: Poll Conducted on 18 January 2022.' <<https://today.yougov.com/topics/politics/survey-results/daily/2022/01/18/ffd58/1>> accessed 12 June 2022.

⁴⁷ Plutarch, *How to be a Leader: An Ancient Guide to Wise Leadership* (Jeffery Beneker (ed/tr) 5th edn, Princeton University Press 2019).

competencies at different stages of their lives, and as such, societies should without discrimination, continually engage all politicians to draw on their varied competencies.

According to him, the greatest contribution of old politicians in the political arena is not the wisdom that may have developed over years but rather, the composure experience has to taught them to have. To Plutarch's mind, the steadiness of older politicians especially in times of crisis makes them very valuable to societies as compared to less experienced and younger politicians who, according to Plutarch, are likely to lose their heads in sudden misfortunes.

While the author of the present article finds these arguments by Plutarch appreciably convincing, he believes there are more compelling reasons why there should be a maximum limit beyond which a person should not be allowed to contest for elected offices including a presidential office. These compelling reasons will constitute the crux of the discussions later in the present article.

3.2 Review of the Age Limits for Presidency in Ghana from 1960 to 2022

After Ghana attained a fully responsible status among the Commonwealth, it repealed its first constitution, the Ghana Independence Act, 1957 and adopted the first republican constitution, 1960.⁴⁸ Under that constitution, the President was the Head of State, Head of Government and a member of the National Assembly.⁴⁹ The minimum age at which a person could become a president under that constitution was 35years.⁵⁰ This first constitution was suspended after a coup d'état by the National Liberation Council on 24th February 1966. The suspension of the constitution was effected by section 2 of the Proclamation for the Constitution of a National Liberation Council for the Administration of Ghana and for Other Matters.⁵¹ After the suspension of the 1960 Constitution, it was not until the year 1969 that Ghana got another Republican Constitution.⁵² Under article 37 of the 1969 Constitution, the executive authority of Ghana was vested in the office of Ghana's presidency and by virtue of article 40(b) of the 1969 Constitution, only persons who were 40 years and above could assume this office. After just two and half years, this 1969 Constitution was again toppled in a coup d'état by the General I K Acheampong-led National Redemption Council (NRC).⁵³ Section 2 of the "National Redemption Council (Establishment) Proclamation", 1972 was the relevant provision that effectively suspended the second Republican Constitution.⁵⁴ After the suspension of the 1969 Constitution, it took Ghana a decade to get another Republican Constitution and for that matter, a constitutional government.⁵⁵ Thus, it was in 1979 that Ghana had another Republican Constitution. Under this third Republican Constitution, the

⁴⁸ L Rubin and P Murray, *Constitution & Government of Ghana* (2nd edn, Sweet & Maxwell 1964).

⁴⁹ Constitution of Ghana, 1960 art 8.

⁵⁰ *Ibid*, art 11(2)(a).

⁵¹ SY Bimpong Buta, *The role of the Supreme Court in the development of Constitutional Law in Ghana*, (Advanced Legal Publications 2007).

⁵² *Ibid*.

⁵³ *Ibid*.

⁵⁴ *Ibid*.

⁵⁵ Maxwell Opoku-Agyemang, *Constitutional Law and History of Ghana* (Maxwell Opoku-Agyemang 2009).

executive authority of Ghana was vested in the office of Ghana's presidency under article 45(1) and just like the preceding Republican Constitution,⁵⁶ a person could not occupy that office unless he or she was 40 years.⁵⁷

The 1979 Constitution was also abrogated after a coup d'état by the People's National Defence Council (PNDC). From there, Ghana lived without a de jure government until 1992 when the present constitution was promulgated. Under the 1992 Constitution, the executive authority of Ghana has been vested in the office of the presidency⁵⁸. Article 62 of the 1992 Constitution spells out the requirements for eligibility to run for the office of Ghana's presidency, which minimum age requirement is 40 years.⁵⁹ Although the age requirement for the present constitutional regime was recommended by the Drafters of the 1992 Constitution at paragraph 29 of the Drafters' report⁶⁰, that particular paragraph does not justify the rationale for the minimum age requirement of 40 years and the absence of a maximum age requirement. The only research document that speaks extensively on the age limits for presidency in Ghana and the rationale behind it, is the Report of the Constitution Review Commission (2011).

3.3 The Fiadzoe Constitutional Review Commission's Report on Article 62 of the 1992 Constitution

The Fiadzoe Constitutional Review Commission ("the Commission") was a ten-member Commission of Inquiry set up by the Late Prof. Evans Atta Mills in July 2010.⁶¹ It was composed of:

- a) Professor Albert Kodzo Fiadzoe - Chairman;
- b) Dr. Nicholas Yaw Amponsah;
- c) Mr. Gabriel Scott Pwamang;
- d) Mrs. Jean Adukwei Mensa;
- e) Dr. Raymond Akongburo Atuguba - Secretary;
- f) Kumbun-Naa Yiri II (Paramount Chief of Kumbungu);
- g) Mr. Akenten Appiah-Menka;
- h) Mrs. Sabina Ofori-Boateng;
- i) Osabarimba Kwesi Atta II (Omanhene of Oguaa Traditional Area); and
- j) The Very Rev. Prof. Samuel Kwasi Adjepong

They were tasked to:

⁵⁶ Constitution of Ghana, 1969.

⁵⁷ Constitution of Ghana 1979, art 49(b).

⁵⁸ Constitution of Ghana 1992, art 57.

⁵⁹ Constitution of Ghana 1992, art 62(b).

⁶⁰ Report of the Committee of Experts (Constitution) on Proposals for a Draft Constitution of Ghana, (July 31, 1991), Paragraph 29.

⁶¹ Constitution Review Commission of Inquiry Instrument, 2010, C.I. 64.

- i. Solicit the opinions of Ghanaians on the operation of the 1992 Fourth Republican Constitution and, in particular, its strengths and weaknesses;⁶²
- ii. Record and present the concerns of Ghanaians on amendments that may be required for a holistic review of the 1992 Constitution; and
- iii. Make recommendations to the Government for consideration and provide a draft Bill for all possible amendments to the 1992 Constitution.

As such, in discharge of this mandate, the Commission reviewed each and every provision of the 1992 Constitution including article 62 where the qualification for presidential candidacy has been spelt out. On reviewing that provision, two principal issues were considered:

- a. Whether the eligibility age for the President should be further reduced; and
- b. Whether there should be a particular age above which a person should be ineligible for the Presidency.

On the first question, the Commission recommended the maintenance of the present minimum age of 40 but did not provide any particular reason for recommending that.⁶³ However, it appears they sided with the section who were okay with the present 40 year-minimum age requirement merely because it has worked well for just 18 years into Ghana's democracy.⁶⁴

On the second question, the Commission found that there should not be a maximum age limit beyond which a person should not be allowed to contest for the presidential office because the absence of such a maximum age limit is consistent with state practice.

Based on these findings, the Commission recommended the maintenance of the eligibility requirements set under article 62 of the 1992 Constitution.

The author of the present article finds those conclusions very incredible especially when one considers Ghana's present demography. Being a very youthful population, with persons below 35 years constituting 55.1% of the registered voters in Ghana, the Commission ought to have seen the need to call for a reduction in the requisite age for presidential candidacy. Members of the Commission cannot, however, be faulted much. Perhaps, it did not cross their minds because there was no one below 40 years on the ten-member committee to remind them of the rights of persons below 40 years to contest for Ghana's presidency.

⁶² Ibid.

⁶³ Ibid. para. 40.

⁶⁴ Ibid. para 29.

4.0 THE ELIGIBILITY REQUIREMENTS FOR PRESIDENCY IN AN IDEAL DEMOCRACY

Democracy as a concept does not lend itself to any universally accepted definition, however, it has some key attributes and prerequisites that are universally recognised and accepted.⁶⁵ These include free and fair electoral processes; promotion, protection and enforcement of fundamental human rights and the control of abuse of power.⁶⁶ To that end, the electoral system in any democratic state is required to afford every eligible voter (persons who have attained the age of majority) an opportunity to participate in national governance either directly or through elected representatives.⁶⁷ Therefore, aside from grounds ensuring citizenship and allegiance, residency, mental capacity, good criminal records and appreciable financial standing, a person who qualifies as a voter should not be denied an opportunity to contest for any political office in any democratic state on any other ground except where such ground is reasonable and objective.⁶⁸

This assertion is supported by the views of the International Institute for Democracy and Electoral Assistance.⁶⁹ According to them, although every citizen who has attained the age of majority is entitled to vote and to be voted for in all democratic states,⁷⁰ states are allowed to put certain qualifications on the enjoyment of these rights so long as the grounds for such qualifications are reasonable and objective.⁷¹ Further, article 25 of the International Convention on Civil and Political Rights (ICCPR) obliges all its state parties to guarantee the rights of all its adult citizens to, among other things, vote and to be voted for.⁷² Aside the guarantee of this two-fold right, the convention again requires all its state parties to ensure that their adult citizens are afforded the opportunity to enjoy these rights periodically without any distinctions whatsoever.⁷³ This means all persons who have attained the age of majority in the various party states should be allowed to vote and stand for elections into elected offices periodically without any discrimination. However, where states find it necessary to vary the age at which a person can vote and the ages at which he or she may contest for an elected office including the office of the presidency, they are to make such variations on only objective and reasonable grounds.⁷⁴ The office of the United Nations High

⁶⁵ SY Bimpong Buta (n 51).

⁶⁶ Ibid.

⁶⁷ International Convention on Civil and Political Rights 1966, art 25; African Charter on Democracy, Elections and Governance 2007, art 31(2).

⁶⁸ International institute for democracy and electoral assistance, International Electoral Standards Guidelines for reviewing the legal framework of elections (Bulls Tryckeri 2002); International Convention on Civil and Political Rights 1966, art 25.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ General Comment No. 25 (n 42).

⁷² International Convention on Civil and Political Rights 1966, art 25; United Nations Human Rights Office of the High Commissioner, *Human Rights and Elections. A Handbook on International Human Rights Standards on Elections* Professional Training Series No. 2/Rev.1

⁷³ Ibid.

⁷⁴ General Comment No. 25 (n 39).

Commissioner for Human Rights put this more clearly in paragraph 15 of its General Comment No. 25 when it stated that:

The effective implementation of the right and the opportunity to stand for an elected office ensures that persons entitled to vote have a free choice of candidates. Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria.⁷⁵

This therefore presupposes that in an ideal democracy, there can be age requirements for qualification into the office of the presidency in addition to the various grounds for eligibility suggested hereinabove. Except that, states are only allowed to do so on *objective* and *reasonable* grounds.⁷⁶

4.1 Impact of the Minimum Age Requirement on Ghana's Democracy

On the coming into force of the 1992 Constitution, the people of Ghana hoped to become a part of a state dedicated to the realisation of *inter alia*, freedom, justice, and equality of opportunities as well as all other ideals characteristic of any democratic state.⁷⁷ Bamford Addo JSC (as she then was) in recognition of this fact, lent credence to it when she, in the case of *Apaloo v Electoral Commission*,⁷⁸ stated thus:

The people of this country in 1992 promulgated for themselves a Constitution, ...and provided a democratic system of government based on certain fundamental principles, namely, political pluralism, a majority parliamentary representative rule, under which form of government, all citizens of full age and of sound mind had the right to vote during an election to choose their representatives.⁷⁹

Ghana has within this period attempted to religiously abide by all these prerequisites of democracy. Its commitment to democracy can be gleaned from the various provisions of the 1992 Constitution especially article 35 which states that 'Ghana shall be a democratic state dedicated to the realisation of freedom and justice'.⁸⁰ Again, in the preamble of the 1992 Constitution, Ghanaians affirmed their commitment to freedom, Justice, universal adult suffrage, and the protection and preservation of fundamental human rights, *inter alia*,⁸¹ all of which are key tenets of democracy.⁸² Those aside, Ghana has also signed and ratified a host of International Instruments that promote democracy including the African Charter on

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Constitution of Ghana, 1992, Preamble.

⁷⁸ [2001-2002] SCGLR 1.

⁷⁹ Ibid.

⁸⁰ Constitution of Ghana 1992, art 35.

⁸¹ Constitution of Ghana 1992, Preamble.

⁸² L Rubin and P Murray (n 48).

Democracy, Elections and Governance (“the Charter”) . In article 4 of the Charter, Ghana is committed to the promotion of democracy, the principles of rule of law and human rights.⁸³

These indicate how resolute Ghana is in observing democracy. However, in spite of this resolve, there still exist some conditions under the present constitutional regime that detract from Ghana’s gains in democratic practice and this includes among others, the existence of a minimum age limit for presidential candidacy. The effect of this minimum age requirement has been the exclusion of persons who are otherwise capable of becoming presidential candidates from joining the presidential race for the past three decades and secondly, the presentation of only a few old options for Ghanaians to choose from. This has in turn reduced Ghana’s democracy into a gerontocracy where in every fourth year, only persons from the minority 4.78% (percentage of Ghanaians that are 60 years and above) of Ghana’s population are presented to Ghanaians to elect their president from.⁸⁴ The effect of which is Ghana getting an old (60+ years) president every four years except in extreme circumstances where we have had exceptions to this trend under the fourth republic. These exceptional situations are in relation to John Dramani Mahama who, at age 54, took over from the Late Professor John Evans Atta Mills who died in office; and secondly, Flt Lt. Jerry John Rawlings who promulgated this fourth republican constitution and continued in office at age 45. Apart from these two individuals, the remaining past presidents Ghana has had have been persons above 60 years. John Agyekum Kuffuor who was Ghana’s president between 2000 and 2008 assumed office at age 62 years; John Evans Atta Mills who was Ghana’s president between 2008 and 2011 assumed office at age 64 and the present president of Ghana, Nana Addo Dankwa Akufo-Addo began his tenure at age 72 years. Meanwhile, the median age of Ghana’s youthful population is 21.5 years. Therefore, in the author’s opinion, the present trend of having presidents much older than the majority of Ghana’s population is only suggestive of an entrenched gerontocracy rather than democracy in Ghana’s constitutional order.

5.0 CASE FOR THE AMENDMENT OF THE MINIMUM AGE REQUIREMENT FOR ELIGIBILITY INTO THE OFFICE OF GHANA’S PRESIDENCY

Apart from the fact that the present minimum age requirement for presidency is reducing Ghana’s democracy into a gerontocracy, it is also discriminatory. It breaches the rights of majority of Ghanaians to stand for elections and again creates inherent contradictions in the Constitution, 1992.

⁸³ African Charter on Democracy, Elections and Governance [Adopted 30 January 2007].

⁸⁴ World Population Prospects (2019 Revision) <<https://worldpopulationreview.com/ghana-population>> accessed 29 July August 2022.

5.1 Discriminatory Nature of the Minimum Age Requirement under the 1992 Constitution

The 1992 Constitution of Ghana proscribes discrimination of all forms.⁸⁵ Specifically, article 17(2) of the Constitution provides that, 'A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed, or social or economic status.'⁸⁶

According to article 17(3) of the 1992 Constitution, to discriminate means:

to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion, or creed, whereby persons of one description are subject to the restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.⁸⁷

This notwithstanding, Date-Bah JSC (as he then was) in the case of *T. T Nartey v Godwin Gati*⁸⁸ noted that the express mention of those grounds on which discrimination is prohibited implied the fact that lawful discrimination may be done on the other grounds not mentioned. However, he further noted that for such discrimination based on the other grounds not mentioned to be lawful, it had to be justifiable by reference to an object that is sought to be served by the particular statute, constitutional provision or rule of law occasioning the discrimination.⁸⁹

Therefore, for a person or a group of persons to be said to have suffered discrimination, the person or that group of persons must show that a selection or a differentiation against them was unreasonable or arbitrary, and that it does not rest on any rational basis having regard to the object which the legislature has in view.⁹⁰

In this regard, the author argues that in so far as article 62(b) of the 1992 Constitution distinguishes between registered voters above 40 years and those below 40 years when it comes to the opportunity to contest for Ghana's presidency without any rational basis,⁹¹ that provision is discriminatory.

Maturity and experience have always been the grounds upon which states including Ghana have often attempted to rationalise that discriminatory provision. However, no empirical datum was yielded to by the framers of the 1992 Constitution to ascertain the specific age at which young Ghanaians can be considered "mature" and "experienced". The framers, perhaps, just threw a dice and when it landed on the number "40", they decided to consider that the

⁸⁵ Constitution of Ghana 1992, art 17.

⁸⁶ Constitution of Ghana 1992, art 17(2).

⁸⁷ Constitution of Ghana 1992, art 17(3).

⁸⁸ [2010] SCGLR 745.

⁸⁹ *TT Nartey v Godwin Gati* [2010] SCGLR 745.

⁹⁰ *Tyrone Marghuy v Achimota School and Another* [2021] GHAHCHRD 1.

⁹¹ Constitution of Ghana 1992, art 62(b).

age at which any young competent Ghanaian will have sufficient maturity and experience to contest for Ghana's presidency. Although this decision may have been taken in good faith by the framers, its results have been the exclusion of principal voters from having an opportunity to get voted for. At the moment, 55.1% of registered voters in Ghana representing a total of 9,375,520 persons out of the 17,027,650 registered voters have been barred from contesting for the presidency.⁹²

In the author's opinion therefore, the restriction of the rights of all these individuals without any rational basis is not only discriminatory but also arbitrary and suggestive of an ageist culture that discourages youth inclusion and participation in governance.

5.2 Violation of the Rights of many Ghanaians to Stand for Election

The 1992 Constitution clearly stipulates that 'the rights, duties, declarations and guarantees relating to fundamental human rights and freedoms'⁹³ mentioned under Chapter five (5) are not exhaustive and that all others not mentioned thereunder should be deemed to be part of Ghana's human rights framework so long as they are inherent in a democracy and are intended to secure the freedom and dignity of man.⁹⁴

The right to stand for elections is a primary right that is crucial for achieving an effective democracy.⁹⁵ It is a right and not a privilege.⁹⁶ In a Russian case titled *Russian Conservative Party of Entrepreneurs and others v Russian Federation*,⁹⁷ where the applicants were disallowed from participating in the elections to the Russian legislature, because a candidate from the party had been withdrawn for submitting an untrue financial declaration, the European Court of Human Rights held that there had been a violation of the rights of the first and second applicants to stand for elections because it was not their own conduct which had led to their disqualification. This lends credence to the fact that the right to stand for elections is a valid right that is inherent in any well-meaning democracy.

Therefore, the right to stand for elections properly comes within the framework of rights envisaged by article 33(5) of the 1992 Constitution. However, notwithstanding the fact that this is a right, the 1992 Constitution has by its provisions contravened it to a large extent. Specifically, section 62(b) of the 1992 Constitution has by its dictates denied a majority Ghanaian adults the right to stand for elections arbitrarily. Thus, without any just and reasonable cause. Although the author of the present article does not in any way disagree with the need to set qualifications on the right to stand for elections based on the political

⁹² Doris D Sasu (n 11).

Statista <<https://www.statista.com/statistics/1193170/registered-voters-in-ghana-by-age/>> accessed 20 May 2022.

⁹³ Constitution of Ghana 1992, art 33(5).

⁹⁴ Doris D Sasu (n 11).

⁹⁴ Constitution of Ghana 1992, art 33(5).

⁹⁵ Achilles C Emilianides, 'Right to Participate in Elections' in *Max Planck Encyclopedia of Comparative Constitutional Law* (Oxford University Press 2022).

⁹⁶ Ibid.

⁹⁷ (2007) (ECtHR).

context of any given country, the author posits that, according to best practices, such qualifications must be reasonable and devoid of any form of arbitrariness.

In the author's view, the present minimum age for presidency contravenes the right to stand for elections because it is unreasonable, given the demographic dynamics of Ghana's political context, and arbitrary because it unjustly sidelines many young potentials to the advantage of some elderly group.

5.3 Inconsistency of Article 62(b) with Articles 55(8), 57(2), 60(11) and 95(1) of the 1992 Constitution of Ghana

To start with, article 55(1) and (8) of the 1992 Constitution guarantees to all persons eligible to be elected members of parliament, the right to form and lead political parties into presidential elections. Falling within this category are citizens below 40 years. Therefore, unjustifiably fixing the minimum age for eligibility to contest for presidential races at forty (40) under article 62(b) of the Constitution only creates inherent contradictions in the Constitution of Ghana.

Again, article 60(11) of the 1992 Constitution makes it possible for speakers of parliament to assume the office of Ghana's presidency when both the president and vice president are unable to perform their functions. However, it is interesting to note that a person who is as young as 21 years of age can become a speaker of parliament in Ghana⁹⁸ and invariably the president of Ghana when both the elected President and his or her vice are unable to perform the functions as presidents.⁹⁹ Therefore, if a 21-year-old can become a president through that means, why should he or she not be eligible to stand for elections to be elected into the office of Ghana's presidency in the first place?

This inconsistency between the effects of article 62(b) and the combined effect of articles 60(11) and 95(1) of the 1992 Constitution highlights the fact that the framers did not doubt the competence of the young Ghanaian to assume the office of the speaker of parliament and by implication, the presidency. It therefore looks as though the 40-year minimum limit was put there to preserve Ghana's presidency for only a section of Ghanaians without just cause.

According to International Electoral Standards, the presence of a hidden intent behind a qualification for the right to vote or stand for election is suggestive of arbitrariness on the part of lawmakers which is inconsistent with good democratic practice.¹⁰⁰ Therefore, it is imperative for Ghana to stay true to her commitment¹⁰¹ to democracy and international obligations,¹⁰² by amending article 62 of the 1992 Constitution to afford at least, persons with

⁹⁸ Constitution of Ghana 1992, art 95(1) and 94(1).

⁹⁹ Constitution of Ghana 1992, art 60(11).

¹⁰⁰ International Institute for Democracy and Electoral Assistance, *Guidelines for Reviewing the Legal Framework of Elections* (2002).

¹⁰¹ Constitution of Ghana 1992, art 35.

¹⁰² International Convention on Civil and Political Rights 1966, African Charter on Democracy, Elections and Governance 2007, art 25; art 4, 8, 10(3), art 11 and 31.

the upper age limit within the age bracket 18- 35years, an opportunity to stand for elections into the office of Ghana's presidency. An amendment in this regard is not something that is unheard of.

In fact, Nigeria in 2016, passed the "Not too young to run bill" to amend section 131 of the Nigerian constitution to reduce the minimum age requirement for the presidency from 40 years to 35 years. It is apt for Ghana to take a cue from her neighbour. This would not only give electorates more options to elect the president from, but also remedy the discrimination that has for years been occasioned against the largest section of Ghanaians.

Secondly, the legislators should find some practical justifications rather than maturity and experience to justify the variation made to the age for eligibility to vote and that to stand for elections since those reasons are extremely prejudicial and not reflective of the actual reality. In the absence of any such justification, it is the author's opinion that the age eligibility to stand for elections should be aligned with the voting age as the case is in South Africa.¹⁰³ Alternatively, the criterion used by Congo Brazzaville, 15 years professional work experience¹⁰⁴, could be used in place of the age requirement since that is a more objective way of measuring a person's experience.

6.0 CASE FOR THE ESTABLISHMENT OF A MAXIMUM AGE LIMIT FOR ELIGIBILITY INTO GHANA'S PRESIDENTIAL OFFICE.

In this section, the author of the present article makes a case for the establishment of a maximum age cap beyond which a person should not be allowed to contest for any public office including that of Ghana's presidency. The author proffers three main justifications. First, the decline in physical abilities that come with age makes people less efficient to run for Ghana's presidency. Further, the author suggests that the unavailability of a maximum age cap is gradually turning Ghana's young democracy into a gerontocracy. Lastly, the policy rationale behind the retirement age set for all public officers is used as justification for a maximum age beyond which a person should not be allowed to contest for the presidency.

6.1 Decline in Physical Abilities due to Age

Age catches up with every human being and its toll on mankind makes even the brightest of men less meticulous and efficient than they were in their younger years.¹⁰⁵ According to the World Health Organisation, ageing results in a variety of molecular and cellular damage over time which consequently leads to a gradual decrease in physical and mental capacity.¹⁰⁶ In a further report by the organisation on ageing and the health situation in Ghana, it was noted

¹⁰³ Constitution of South Africa 1996, s 47(1).

¹⁰⁴ Constitution of the Republic of Congo (Brazzaville) 1992, art 68(2).

¹⁰⁵ *Senti Michael v Rev. Father Mon Kwame and Another* [2020] GHASC 61.

¹⁰⁶ World Health Organisation, 'Ageing and Health' (*World Health Organisation*, 1 October 2022) <[https://www.who.int/news-room/fact-sheets/detail/ageing-and-health#:~:text=The%20UN%20Decade%20of%20Healthy%20Ageing%20\(2021%E2%80%932030\)%20seeks,foster%20the%20abilities%20of%20older](https://www.who.int/news-room/fact-sheets/detail/ageing-and-health#:~:text=The%20UN%20Decade%20of%20Healthy%20Ageing%20(2021%E2%80%932030)%20seeks,foster%20the%20abilities%20of%20older)> assessed on 26 June 2023.

that the elderly group in Ghana are very prone to suffering various defects due to ageing.¹⁰⁷ One of such defects is the decline in cognitive abilities. “Cognitive abilities” as used, comprises several specific domains including attention, memory, language, visuospatial abilities, and the executive function.¹⁰⁸ All these domains suffer substantial decline with age.¹⁰⁹ Usually, each one of these domains perceives a stimulus, processes that stimulus before responding to it.¹¹⁰ As people age, the speed at which they perceive stimuli and process them decline immensely.¹¹¹ This decline in cognitive functions consequently makes older persons much slower in executing timed activities compared to younger persons.¹¹² Specifically, the abilities of individuals to make decisions, solve problems, multitask and to plan and sequence responses get impaired after 70 years because of the decline in executive cognitive function.¹¹³

Therefore, in view of these scientifically proven decline in cognitive function, it is imperative that there be a maximum age limit lest we are faced with an instance where we would have to put up with a relatively inefficient President for a term of four years. We ought not to assume such an instance is far from us. The possibility of this happening is evidenced by the norm in Ghanaian politics. When one looks into the Ghanaian political arena, one is sure to find a number of politicians waiting for their respective turn to lead one of the major political parties someday. By dint of hard work and massive campaigns in times past, such persons may have gained goodwill that is likely to put them into the office of the presidency when they finally get the chance to contest for same. Once such a person gets into the presidential office, the only means by which he or she could be removed is through the ballot box or the procedure for removal of presidents under article 69 of the 1992 Constitution on grounds of “infirmities of mind and body”. What then becomes the fate of Ghanaians while we wait for the ballot box or a conclusion to the procedure under article 69?

Although it may appear that such a situation has been adequately catered for by provisions allowing for presidential succession under article 60(6) of the 1992 Constitution, such succession could only be possible when the president suffering from an infirmity of mind has been successfully removed from office on grounds of, among others, infirmity of body and mind.¹¹⁴ The procedure for removing a president as spelt out under article 69 of the 1992 Constitution looks good on paper but may not be feasible when Ghana is faced with a president who is labouring under an infirmity of mind and body. The said provision can only be triggered when a notice in writing signed by a third of all members of parliament is presented to the speaker of parliament requesting the mental and physical capacity of the

¹⁰⁷ Dr. Kpessa - Whyte, 'Ageing and Demographic Transition in Ghana: State of the Elderly and Emerging Issues' [2018] 58(3) Gerontologist.

¹⁰⁸ CN Harada, MC Natelson Love, and KL Triebel, 'Normal Cognitive Aging' (2013) 29 Clin Geriatr Med 737

¹⁰⁹ Daniel L Murman, *The Impact of Age on Cognition* (Thieme Medical Publishers 2015).

¹¹⁰ E Pannese, *Morphological Changes in Nerve Cells During Normal Aging*. (Brain Struct Funct 2011).

¹¹¹ Daniel L Murman, *The Impact of Age on Cognition* (Thieme Medical Publishers, 2015).

¹¹² JH Morrison and MG Baxter, 'The Ageing Cortical Synapse: Hallmarks and Implications for Cognitive Decline' (2012) 13 Nat Rev Neurosci, 240.

¹¹³ Daniel L Murman, 'The Impact of Age on Cognition' (2015) 36 Semin Hear 111.

¹¹⁴ Constitution of Ghana 1992, art 60(6).

president to be investigated. While getting a third of all members of parliament to sign the notice may not be a difficulty, having a reasonable ground to initiate the process might be. Ghanaians, including their elected representatives, only see the President occasionally and the brevity of the encounters they have with the president will not afford them the opportunity to detect a serious derail in his cognitive abilities. Again, given the special dynamics of Ghanaian politics, persons sufficiently close to the President are also more likely to get blinded by their sentiments and political affiliations to blow the whistle early enough for the president's removal. Therefore, it appears the procedure under article 69¹¹⁵ may only avail Ghana in extreme situations of hopelessness and not when the deterioration in a president's cognitive abilities can go unnoticed. In the end, Ghana will have "faceless beings" at the helm of affairs and not the ailing president, which persons, Ghanaians will neither know nor can they hold them accountable in their personal capacities for the country's socio-economic woes stemming out of bad governance.

It is on account of these obvious difficulties that the author of this article posits that there should be a maximum age beyond which a person should not be allowed to contest for the presidency in order to forestall all complications. The ascertainment of such an age must however be based on empirical data akin to the justification for the eighty-five (85) years mentioned in the present article.

6.2 The Metamorphosis of Ghana's Democracy into a Gerontocracy

A gerontocracy is a form of oligarchical rule where a body polity is ruled by only persons who are much older than majority of their adult population. From 1971 to 2021, persons above 60 years have consistently been less than 5% of Ghana's population.¹¹⁶ Their population was at its peak in 2020 and even with that, they constituted just 4.78% of Ghana's population.¹¹⁷ However, notwithstanding their small percentage in Ghana's population, they have always been in the presidential office, save for John Dramani Mahama who assumed the office at 54 years after the demise of John Evans Atta Mills. While the author of the present article does not in any way downplay the willingness of people above 60 years to serve Ghana, the author argues that if this custom of getting presidents above 60 years continues, Ghana's democracy will succumb to the ills of gerontocracy. These ills include intergenerational challenges, and the spurning of ample opportunity to prosecute or otherwise hold past presidents accountable for violation of human rights, economic mismanagements and other atrocities they commit while in office.

As regards the intergenerational challenge, it is characteristic of any gerontocratic system to have a government that is unable to fully understand and relate to the needs of a majority of their people. This is caused by wide age gaps between the leaders and the body polity. For the purpose of having policies and programmes that better serve the interest of all Ghanaians,

¹¹⁵ Constitution of Ghana, 1992.

¹¹⁶ World Population Prospects (2019 Revision) <<https://worldpopulationreview.com/ghana-population>> accessed 29 July August 2022.

¹¹⁷ Ibid.

it is imperative that we adopt deliberate schemes to ensure the age gap is not too wide. One of such schemes Ghana can adopt is adding a provision under Chapter 8 of the 1992 Constitution to the effect that there should be a fifteen-year gap between the President and the Vice President. That way, one of them will always be closer to the majority of Ghana's population.

6.3 All Public Officers Retire; the Presidency should not be the Resting Place for Retirees

'...And on the seventh day, God ended His work which He had done, and He rested from all His work which He had done'- Genesis 2:2.

Assuming however that the above quoted Bible verse has no relevance to the present article, some constitutional provisions might be.

Under article 295 of the 1992 Constitution¹¹⁸, a public office has been defined to be any office, the emolument of which are paid directly from the consolidated fund or directly out of moneys provided by parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament. By the combined reading of articles 68(7) and 71(2) of the 1992 Constitution, the President's emolument is known to be paid directly from the consolidated fund, and therefore the absence of the presidential office under article 71(1) of the 1992 Constitution does not negate the fact that it is a public office and that the president is a public officer.

Article 199 stipulates that all public officers should retire at 60 years unless the Constitution provides otherwise. Some public officers whose age for retirement differ from the usual sixty (60) are the Special Prosecutor, the Justices of the Supreme Court and the Electoral Commissioner.

The Justices of the Supreme Court have their retirement age pegged at seventy (70) years. The 70-year age of retirement for the Justices of the Supreme Court also applies to Justices of the Court of Appeal and the Electoral Commissioner by virtue of articles 145(2) (a) and 44(3) of the 1992 Constitution, respectively.

The policy rationale for fixing such ages for retirement is to ensure very old and less active public officers are given some time off to rest and enjoy the fruits they produced by their labour while they were young.¹¹⁹ It seems however that, the essence of retirement has been downplayed by Politics. As it stands, a retired Justice of the Supreme Court or Electoral Commissioner could pick up nomination forms to contest for the presidency. In the author's opinion, the office of Ghana's presidency should not be an avenue for circumventing the retirement policy. Given the intensity of responsibilities associated with the office of the presidency, fitness should be a prime consideration. It serves Ghana very little or no purpose to burden a retired public officer, who has long passed the life expectancy of the average

¹¹⁸ Constitution of Ghana, 1992.

¹¹⁹ Constitution Review Commission (n 16).

Ghanaian (65.17),¹²⁰ with the stress associated with the office of Ghana's presidency. If we should insist on allowing such persons into the office of Ghana's presidency, we are sure to always get either of these two possible outcomes:

- a) A president who prioritises his health and ends up not living up to the demands of his office; or
- b) A president who strives to meet the demands of his office and ends up succumbing to the stress associated with the office because of old age and ill health.

The author finds none of these outcomes pleasant. The presidency is neither a resting place for retired public officers nor a death sentence for great but old patriots. It requires a hundred percent commitment with very minimal health complications. Therefore, in the interest of all Ghanaians, and in the interest of the greater good, there should be a maximum age beyond which a person should not be able to contest for Ghana's presidency.

7.0 CONCLUSION

In this article, the author made a case for an amendment of article 62 of the 1992 Constitution in relation to the age qualifications thereunder. Specifically, he argued that the minimum age for eligibility to contest for presidency should be reconsidered and also, that there should be a maximum age limit beyond which a person should not be allowed to contest for presidency. As regards the minimum age limit, the author argued that the present forty (40) years minimum age should be amended because:

- i. It is discriminatory against a large section of Ghanaians;
- ii. It violates the rights of majority of Ghanaians to stand for elections; and
- iii. It creates substantial internal contradictions within Ghana's constitutional framework.

As regards the maximum age limit, the author argued that it is imperative to institute a maximum age limit beyond which a person cannot contest for presidency because:

- i. Human abilities and brain function diminishes with age;
- ii. The absence of a maximum age limit is degenerating Ghana's democracy into a gerontocracy; and
- iii. The absence of a maximum age limit defeats the policy rationale for retirement of public officers.

In light of the discussion that has ensued in the present article, it is the author's firm conviction that the age qualification under article 62 poses a lot of challenges to Ghana's democracy and must for that reason, be amended to reduce the minimum age requirement from 40 years to 35 years. Further, there should be a maximum age limit beyond which a person should not be allowed to contest for the presidency.

¹²⁰ Ghana Life Expectancy 1950-2024 | MacroTrends (Accessed 30 December 2023).