



NATIONAL ASSOCIATION OF LAW STUDENTS

September 9, 2020

PRESS STATEMENT

The leadership of the National Association of Law Students (NALS) has taken note of the manifestoes launched on August 22, 2020 and September 7, 2020 by the incumbent New Patriotic Party (NPP) and the main opposition National Democratic Congress (NDC) respectively, canvassing votes in the 2020 General Election.

NALS, concerned about and committed to the total reform of legal education in Ghana, particularly, the onerous and obfuscated restrictions on access to Professional Law course for qualified LLB holders and subsequently on qualification by Professional and Post-Call Law Students for enrollment to the Ghanaian Bar, continues to pursue substantive administrative, judicial and political engagements with a view to comprehensively and exhaustively resolve all related matters creating the recent crisis in Ghana's legal education.

NALS is obliged, thus, to state its verdict-response to the partisan policy promise by the named political parties, as follows, for the public record:

NPP infrastructure promise

- NALS is very skeptical that infrastructure can adequately, sufficiently and timeously address access and year-on-year backlog.
- NALS notes that no significant construction can take place in twelve (12) months, compared to legislative reform, to end the year-on-year backlog and forced-dropouts.
- NALS is disappointed that the ruling NPP government is not eager to pursue the required short-term solution of legislation, which if passed, eradicates the same issues within the short-time. NALS did not expect the NPP not to understand the problems considering the level of engagement we had with the NPP majority in Parliament, the Office of the Chief of Staff at the Presidency, the Attorney-General and Minister of Justice, and the President of the Republic of Ghana.
- In the light of past assurances and statements, which, hitherto, amounted to outright deception (see highlights in Editors' notes below, including statements in the current session of Parliament), NALS concludes that the NPP promise is not reflective of developments, is very awkward, misleading, retrogressive, is a very weak promise, giving a cause to be very worried than excited and therefore neither reassuring nor justified to resolve this matter.

NDC reforming and expanding promise

- NALS notes that NDC's succinctly put message simultaneously gives hope and certainty, and portrays the NDC as more caring about the legal education crisis, as at least having understood and committed to resolving the problem, as well as showing NDC as more interested in the horrific experience of the #RedMonday demonstration held on October 7, 2019 by law students across Ghana, better than the ruling NPP.

- NALS concludes that the opposition NDC brings down legal education reform to a choice between 'certainty now' or 'hope in the future'.
- Noting that in the past, under the NDC, more law faculties were accredited and the campuses of the Ghana School of Law (GSL) were increased from one (1) to three (3), NALS recognize NDC promise is a strong, and believable promise.

CONCLUSION/RECOMMENDATION

The ruling NPP has not shown clearly enough that it is very committed to ensuring access to the Professional Law Course; and, in the considered opinion of NALS, the current government continues to engage in acts which are at best deceptive of its true intentions. The above promises are just campaign promises ahead of the 2020 General election, and may mean very little to the backlog of law students. Thus, NALS says as follows:

1. the ruling NPP, to draw itself closer to law students, the Minister of Justice and Attorney-General (AG) must immediately:
 - a) make good the Deputy AGs' assurance in 2019 that over 1000 LLB holders were to be admitted in that academic year by the additional tuition facility obtained at University for Professional Studies Accra (UPSA) at minimum;
 - b) make good the assurance in response to the NALS petition in 2018 to, by policy, allow any qualified LLB holder denied admission to the GSL to become an external student of GSL, to find their own tuition and to take the qualifying Bar Exam within three (3) years; and
 - c) make good the assurance by the Finance Minister in the 2020 Budget statement to publish a research finding on the implication of the current restrictive policy in accessing profession legal education in Ghana and organize stakeholders' workshop on the published research findings.
2. NALS thanks the former President John Dramani Mahama and his team for listening to NALS and giving attention to the content of the NALS petition as part of the NDC stakeholder engagement prior to drawing up the NDC manifesto. While it is said that talk is cheap, NALS notes that silence is cheaper and more dangerous. Thus, NALS leadership, states on behalf of colleague students, that if the current government continues to disregard the concerns of law students, the entire rank and file will advise ourselves about the NPP.
3. NALS leadership will continue to monitor the terrain for legal education to express concerns with any and all irregularities, without fear or favour and continuously engage, to safeguard the interest of aspirants to the Bar and the Legal Profession in Ghana.

ISSUED BY THE LEADERSHIP OF THE NATIONAL ASSOCIATION OF LAW STUDENTS.

EDITORS' NOTES:

(1) **NDC Manifesto** [Promoting Human Development bullet-paragraph 7.2.7 at page 74]

*"a. vigorously reform and expand access to professional legal education and provide opportunities to all qualified LLB holders by granting accreditation to certified law faculties to undertake the professional law qualification course
b. review the Legal Profession Act in consultation with stakeholders, and establish a Council for legal education and training, to accredit certified law faculties to run the Professional Law Course subject to the oversight supervision of the Council
c. establish a faculty of law in the Northern Region to serve the northern sector"*

(2) **NPP Manifesto** [Part 4: Beyond 2020, bullet-paragraph 16 on page 155]

"expand infrastructure to increase access to professional legal education"

The ruling NPP government, since 2017, represented that legislation was the immediate solution to increase access to professional legal education. Infrastructure promise now, in the absence of legislative reform, is thus misleading as the backlog of LLB holders' year-on-year continues to escalate. In July 2017, 1230 students sat for the entrance exam. In July 2018, 1802 students sat for the entrance exam. In July 2019, 1820 students sat for the exam and in August 2020, 2720 sat for the exam.

(3) Contradictory statement by the current government

a. Excerpts from pages 7, 9 & 10 of the report of the Committee on Subsidiary Legislation on the Legal Profession (Professional and Post-Call Law Course) Regulations, 2018, (L.I.2355) adopted by Parliament on 15th March 2018:

"RESPONSE BY DEPUTY ATTORNEY-GENERAL

6.5 The Deputy Attorney-General in contributing to the discussion, informed the Committee that, Government is aware of the current situation regarding legal education and has started with the process to introduce reforms into the sector. He stated that Cabinet has already approved the draft Legal Profession Amendment Bill submitted to it by the Attorney-General. He also stated that Cabinet has approved the draft Ghana School of Law Bill. He was optimistic that the problem would be solved in the near future to give opportunity to students who are interested in pursuing the Professional Law Course to do so. The introduction of L.I. 2355 is therefore an interim measure to adhere to the ruling [of the Supreme Court in Prof Asare v A.G & GLC]."
(emphasis ours)

"8.4 The Committee does not find the Regulations in breach of any of the Orders listed above. The Instrument is also not in contravention of Act 32 or the Constitution as advocated by the Petitioners."

"8.5 Whereas the Committee expresses concerns on the backlog of students who are unable to access professional law education, the Committee is also mindful of the fact that the GLC cannot make any major changes in legal education through a subsidiary legislation. A comprehensive review of legal education in the country would necessitate a review of the Legal Profession Act, 1960, (Act 30) to consolidate the reforms canvassed by the Petitioners. The Committee is content to learn from the Deputy Attorney-General the

steps taken by Government to address the situation. The Committee appeals to the Attorney-General and the General Legal Council to speed up the process already started to reform the legal education in conformity with the exigencies of the day." (emphasis ours)

- i. All key provisions in the Legal Profession Amendment Bill currently before Parliament contain the provisions in L.I.2355, which evidence the fact of violation of the 1992 Constitution as well as the Standing Orders of Parliament by L.I.2355.
 - ii. The Ghana School of Law Bill has not been tabled in Parliament since March 2018, contrary to the Deputy AG's assurance to Parliament in the L.I. 2355 report.
 - iii. By L.I. 2355, the Professional Law Course is now a two year programme with a repeat policy for students of the GSL, which results in backlog also at the GSL (i.e. repeat students occupy the available GSL space). Thus, given the GSL output outlook contained in the 2020 Budget, it is reasonable inference that GSL can only have about 500 space to admit in each academic year in place of the 416 graduated law students from the current estimated 800 total law students population (both professional and post-call students).
- b. Between September 2019 and October 2019, following the release of the 2019 Entrance Exam results, where only 128 out of 1820 candidates were said to have passed, the two Deputy Ministers of Justice and Attorney-Generals (AGs) claimed on the Multimedia broadcasting platforms that GLC had intended to admit over 1000 students, for which reason it had gone to UPSA for space, but due to the alleged "poor performance" (which NALS disputes till date) GLC did not go ahead to admit 1000 students. Hitherto, available records show that GLC neither had a budget allocation in the 2019 Budget statement, nor contracted with UPSA or any other institution(s) for the expenditure, and to, accommodate 1000 more students as alleged by the two Deputy AGs.
- c. However, during the vetting of Anin-Yeboah JSC (as he then was) for the office of Chief Justice, His Lordship told the Appointment Committee of Parliament, when he was quizzed on the mass failure, that the GLC[GSL] had budgeted to admit only 500 students.
- d. Further, the immediate past Chief Justice, Her Ladyship Sophia Akuffo, in her address at the 2019 Call to the Bar, stated that GLC was to start the Law Village construction works and that same was to be captured in the 2020 budget. However, the Finance Minister's address to Parliament did not include any capital expenditure whatsoever for Ghana School of Law under the Ministry of Justice.
- e. Reference to the 2020 Budget Statement presented to Parliament by the Finance Minister, at page 188 paragraph 1051, it states:

"1051. In 2020, the Ministry will conduct and publish a research on the implication of the current policy in accessing professional legal education in Ghana. Thereafter, hold a stakeholder workshop on the research findings and its recommendations."

At page 190 paragraph 1067, it states:

“Legal Education Programme

1067. Mr. Speaker, the Ministry, through the General Legal Council (Ghana School of Law) enrolled 311 lawyers to the Bar. The Council successfully disposed of 78 disciplinary cases out of 88 Complaints received. In 2020, the Ministry through the General Legal Council (Ghana School of Law), expects to call 416 law students to the Bar, dispose of 85 disciplinary cases.”

[END]
