

**Ineffectual provisions (in language) or incomplete emancipation?  
Ghana's Constitutions and the rights of persons of slave ancestry in traditional societies**

**Kofi Baku**

The 1992 Constitution of the Republic of Ghana has copious provisions that guarantee fundamental human rights to all Ghanaians and prohibits all types of discrimination. These provisions are not substantially different from similar provisions in the constitutions that Ghana has had since independence. Additionally, Ghana has ratified the United Nations conventions on human rights. However, in April 1995, two years after the Constitution of the Republic of Ghana came into effect, the Supreme Court of Ghana disqualified a contender to chiefly office on the basis that he was of slave ancestry. The Supreme Court further held that although slaves were emancipated when slavery was abolished in 1901 and their children and descendants were born free citizens and were absorbed into the families of their owners, the customary law that prohibited persons of slave origin from ascending to chiefly office was not repugnant to justice, equity and good conscience.

This paper utilizes the enormous court and missionary records in Ghana to examine claims by persons of slave ancestry to consanguinity, property, economic and social rights and the intricate and complex legal issues evoked and concludes that (a), the legacies of slavery are still evident in Ghana, (b), the constitutions of Ghana (and language and practice) have not provided sufficient comfort and protection to descendants of slaves, and (c), that Ghana, a member of the United Nations, has not demonstrated sufficient commitment to the implementation of the language and spirit of the United Nations conventions on universal human rights that it has subscribed to.