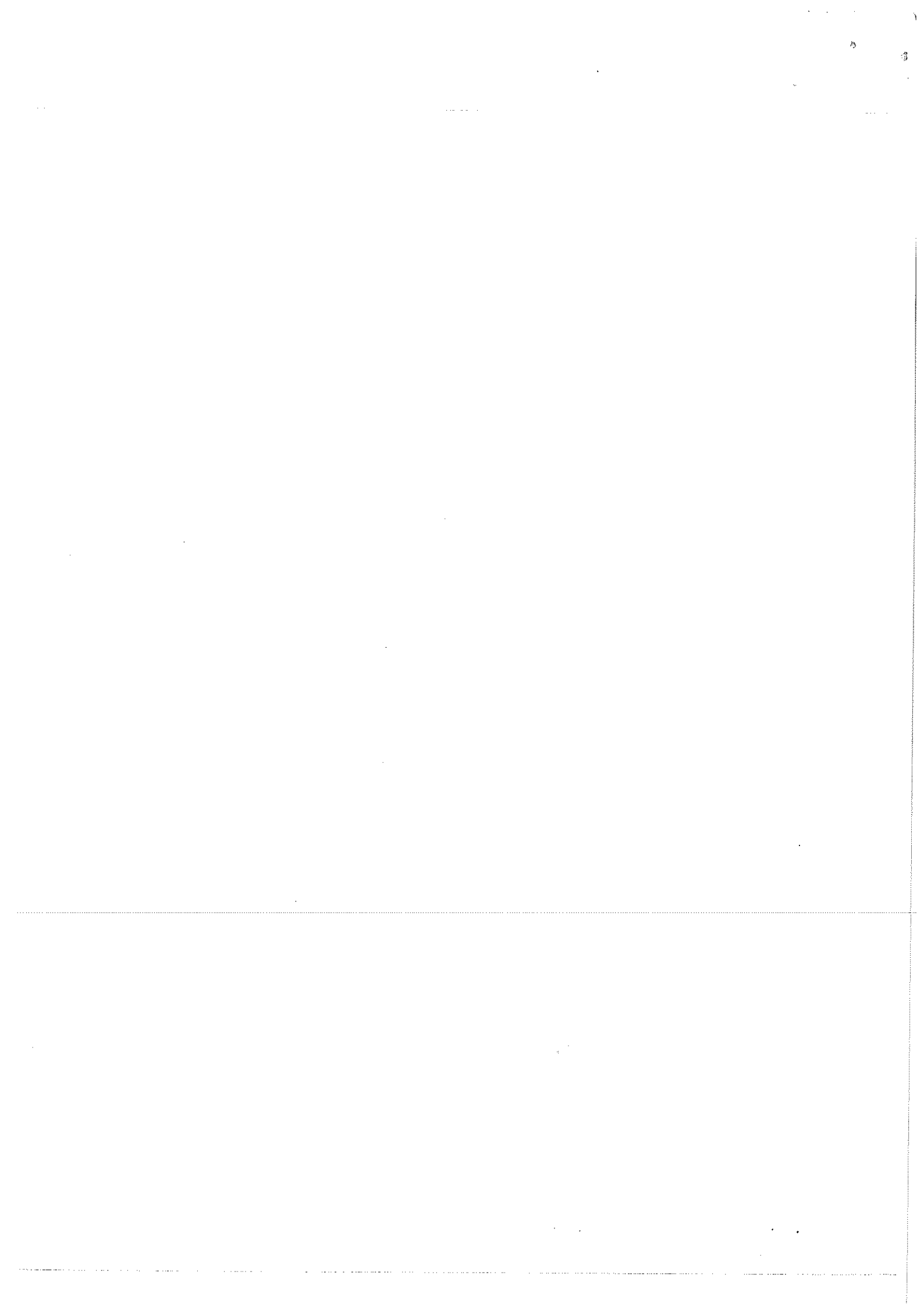


COMMITTEE ON DEFENCE AND INTERIOR

**REPORT ON THE VETERANS ADMINISTRATION,
GHANA (VAG) BILL**

PARLIAMENT OF GHANA | 100AD0V |

JULY, 2011



1.0 INTRODUCTION

Pursuant to Articles 103 (3) and 106 (4) of the 1992 Constitution and Standing Orders 125 and 158, *The Veterans Administration, Ghana (VAG) Bill* was presented and read the First Time on 29th November 2010 and subsequently referred to the Committee on Defence and Interior for consideration and report.

- 1.1 The Committee in considering the Bill met with the Hon. Minister for Defence as well as officials of the Veterans Association of Ghana, the Attorney General's Department and various stakeholders, and thoroughly deliberated on the provisions of the Bill.
- 1.2 The Committee is grateful to the Hon. Minister and all the Officials who attended upon it for their clarifications, valuable inputs and essential contributions made whilst examining the Bill.

2.0 REFERENCES

The Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution of Ghana
- ii. The Standing Orders of the House
- iii. The Ghana Legion Decree, 1974 (NCD 285)
- iv. Memorandum from the Veterans Association of Ghana
- v. Background notes received from the Ministry of Defence

3.0 BACKGROUND INFORMATION

On attainment of independence from Great Britain, the Ghana Legion Act, 1960 was enacted. The object of the Act was not only to acknowledge the immense contribution of military service personnel to the Country's political emancipation but also to world peace through service with the United Nations. More importantly, Government had recognised the state of frustration, despair and helplessness of veterans of World War I and II who had returned home only to realise there was no scheme in place for their resettlement and rehabilitation.

In 1974, the Ghana Legion Act 1960 was repealed and replaced with the Ghana Legion Decree, 1974 (NCRD 285). The objects of the Decree amongst others were to cater for the welfare of all ex-servicemen in Ghana, foster the spirit of comradeship amongst them and provide them with free legal aid.

Though NCRD 285 seemed to have achieved its objectives, with time, new concerns arose regarding the welfare of veterans, necessitating a review of the Decree to make it more relevant to meet the needs of veterans in today's society.

This Bill is being proposed to replace the Ghana Legion Decree, 1974 (NRCD 285) and to establish an entity to be called "*The Veterans Administration, Ghana (VAG)*".

The Bill will consolidate and amend the existing laws in relation to veterans or ex-servicemen and to create a governing body vested with authority to seek and protect the welfare of all ex-service personnel of the Gold Coast and Ghana.

4.0 OBJECT OF THE BILL

The Bill seeks to revise and amend the law related to Veterans and create a governing body vested with authority to seek and protect the welfare of Veterans of the Gold Coast and Ghana. This has become necessary as critical issues regarding the welfare of Military Veterans or ex-service personnel keep emerging. This necessitated the revision of NRCD 285 in order to make the law more relevant to Veterans. The numerous intended amendments to the existing law makes it expedient to re-enact the legislation, hence the introduction of this Bill.

5.0 SECTIONS OF THE BILL

The Bill is divided into four main sections namely:

- Veterans Administration
- Regional, District and Local Councils
- Financial and Administrative Provisions
- Miscellaneous Provisions

6.0 HIGHLIGHTS OF THE CLAUSES OF THE BILL

The Bill consists of **28 Clauses**.

Clause 1 establishes the Veterans Administration, as a body corporate with perpetual succession and a common seal with the power to acquire movable and immovable property.

Clause 2 provides for the objects of the Administration which include constituting a fraternity of persons who served in the Armed Forces of the Gold Coast and Ghana.

Clause 3 spells out the functions of the Administration whilst **Clause 4** provides for the governing body of the Administration.

Clause 5 deals with the tenure of Board members whilst **Clauses 6 & 7** also deal with meetings and disclosure of interests for members.

Clause 8 deals with the establishment of committees.

Clause 9-11 provides for standard provisions on allowances, Regional and District Offices.

Clause 12 provides for the establishment of Regional Councils of the Administration in each regional capital and also spells out their membership and functions.

Clause 13 establishes a Council of Regional Chairpersons whilst **Clause 14** establishes District and Local Management Councils which will perform functions assigned by the Regional Council.

Clause 15 provides for the appointment of Executive Director of the Administration who may delegate functions of the office as spelt out in **Clause 16**, but is not absolved from final responsibility. **Clause 17** provides for appointment of other staffs.

Clauses 18- 20 looks at the standard provisions on funds, accounts and audit, annual and other reports.

Clause 21 makes provision for the establishment of a Veterans Fund which will be used to cater for the welfare of veterans as well as for research and development projects.

Clause 22 provides for the Administration affiliating with the World Veterans Association or similar International Organizations.

Clause 23 empowers the Administration to hold lotteries or similar games for the furtherance of its objects whilst **Clause 24** exempts it from the payment of taxes in respect to its properties or activities.

Clause 25 – 28 deals with regulations, interpretation, transitional provisions, repeal and savings.

7.0 OBSERVATIONS

7.1 The Committee observed that the Bill seeks to rename the organisation and was unanimous that the term "Legion" was no longer appropriate because it is colonial and is an ancient Roman Army term that refers to an organised active body. The modern term "Veterans" more aptly refers to ex-servicemen. The word "Administration" better suits the objects of the organisation.

7.2 The Committee further noted that since the year 2000, an unsuccessful attempt to amend NRC 285 was made, since then the organisation has unofficially been called the "Ghana Veterans Association" or "VAG". The word "association"

however connotes a voluntary organisation, which does not promote the goals of the Founders whose aim was to have all ex-servicemen become automatic members of the organisation. The new name being proposed also fits the acronym "VAG".

7.3 The Committee observed that the Bill makes VAG the organisation responsible for the welfare and well being of all veterans, without exception, from retirement to the grave. This conforms to the laudable intentions of the founders and therefore makes registration of veterans unnecessary, making all ex-servicemen automatic members.

7.4 The Committee was also of the view that the objects of NRCD have not met all the needs of ex-servicemen having regard to current realities of life. The absence of a Board of Governors which made management of the organisation problematic has been catered for in Section 4 of this Bill.

8.0 PROPOSED AMENDMENTS

The Committee has carefully examined the provisions in the Bill clause-by-clause and proposes the following amendments:

- i. **Clause 2 – Amendment proposed –** Paragraph (a), line 2, at end, *add* the following:
"and honourably released"
- ii. **Clause 2 – Amendment proposed –** Paragraph (e), sub-paragraph (i), *delete* "in their honour"
- iii. **Clause 3 – Amendment proposed –** *Delete* and *insert* the following:
"3. To achieve its objects, the Administration shall
 - (a) ensure that proper attention is paid to the welfare of military veterans honourably released from the military and see to the maintenance and comfort of those who require special treatment, particularly the disabled, the sick, the aged, the infirm, the needy and the destitute,
 - (b) secure pensions, allowances, grants and war gratuities for military veterans, their dependants and widows and dependants of deceased military veterans,
 - (c) establish, organise and regulate, regional, district and local councils or branches at convenient centres throughout the country,

- (d) raise and mobilise funds to assist the aged, sick, needy, disabled, infirm and destitute military veterans, and
 - (e) perform any other functions conferred on it by this Act or that are ancillary to the objects of the Administration."
- iv. **Clause 4 – Amendment proposed** – Sub-clause (1), paragraph (a), *delete* "nominated by the Minister"
 - v. **Clause 4 – Amendment proposed** – Sub-clause (1), paragraph (b), at end, *add* "Ministry of Defence"
 - vi. **Clause 4 – Amendment proposed** – Sub-clause (1), paragraph (c), *delete* "head of Legal" and *insert* "Director of Legal Services"
 - vii. **Clause 4 – Amendment proposed** – Sub-clause (1), paragraph (d), at end, *add* "not below the rank of a Lieutenant Colonel or its equivalent"
 - viii. **Clause 4 – Amendment proposed** – Sub-clause (1), paragraph (e), line 1, *delete* "four" and *insert* "five"
 - ix. **Clause 4 – Amendment proposed** – Sub-clause (1), *add* the following new paragraph: "two other persons nominated by the Minister one of whom is a woman"
 - x. **Clause 5 – Amendment proposed** – Sub-clause (2), lines 1, and 2, *delete* "Executive Director of the Administration" and *insert* "members referred to in section 4(1)(b), (c) and (g)"
 - xi. **Clause 6 – Amendment proposed** – Sub-clause (3), line 1, *delete* "six" and *insert* "seven"
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- xii. **Clause 10 – Amendment proposed** – Sub-clause (2), line 2, *delete* "public officers" and *insert* "staff"
 - xiii. **Clause 12 – Amendment proposed** – *Delete and insert* the following:
 - "Establishment of regional councils of the Administration**
 - 12. (1) The Board shall establish regional councils in each regional capital.
 - (2) A regional council shall comprise
 - (a) a chairperson elected by members of the council from among themselves,

- (b) a secretary,
- (c) a treasurer, and
- (d) one representative from each of the district councils in the region elected by members of the district council.

(3) The quorum at a meeting of a regional council is two-thirds of the members of the regional council.

(4) A regional council shall perform functions assigned to it by the Board and co-ordinate the activities of the district councils.

(5) A member of a regional council shall hold office for a period of not more than four years and is eligible for re-appointment but a member shall not be appointed for more than two terms."

xiv. **Clause 13 – Amendment proposed – Delete**

xv. **Clause 14 – Amendment proposed – Delete and insert the following:**

“Establishment of district and local councils of the Administration

13. (1) The Board shall establish district and local councils in each administrative district or locality determined by the Board.

(2) A district or local council shall comprise

- (a) a chairperson,
- (b) a secretary,
- (c) a treasurer, and
- (d) at least five but not more than eight representatives from each of the district or local councils.

(3) Members of the Administration in the district or locality shall elect members of the district and local councils other than the secretary and the treasurer.

(4) The regional executives shall supervise the election of the members of the district and local councils.

(5) A district or local council shall perform the functions assigned to it by the Board.

(6) A member of the district or local council shall hold office for a period of not more than four years and is eligible for re-appointment but a member shall not be appointed for more than two terms."

xvi. **Clause 15 – Amendment proposed – Sub-clause (3), delete**

xvii. **Clause 17 – Amendment proposed – Head note, after “of” insert secretary and”**

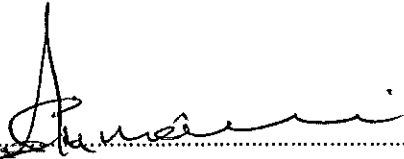
- xviii. **Clause 17 – Amendment proposed –** Sub-clause (1), *delete* and *insert* the following:
- “(1) The President shall in accordance with article 195 of the Constitution appoint
- (a) A secretary to the Board, and
- (b) other staff
- of the Administration that are necessary for the proper and effective performance of its functions.
- xix. **Clause 18 – Amendment proposed –** Paragraph (a), *delete* “provided” and *insert* “approved”
- xx. **Clause 19 – Amendment proposed –** Sub-clause (4), line 1, *delete* “shall be” and *insert* “is”
- xxi. **Clause 21 – Amendment proposed –** Sub-clause (1), line 2, *delete* “fixed” and further *delete* “under taken” and *insert* “undertaken”
- xxii. **Clause 21 – Amendment proposed –** Sub-clause (2), line 1, *delete* “fund” and *insert* “Fund”
- xxiii. **Clause 21 – Amendment proposed –** Sub-clause (4), line 1, *delete* “Board” and *insert* “Administration” and in line 2, at end, *add* “with approval of the Controller and Accountant General”
- xxiv. **Clause 22 – Amendment proposed –** Sub-clause (1), line 2, *delete* “Association” and *insert* “Federation”
- xxv. **Clause 25 – Amendment proposed –** Sub-clause (2), line 3, at end, *add* “or to a term of imprisonment of not more than two years or to both”
- xxvi. **Clause 27 – Amendment proposed –** Sub-clause (1), line 3, *delete* “Decree” and *insert* “Act”
- xxvii. **Clause 27 – Amendment proposed –** Sub-clause (2), line 2, *delete* “Decree” and *insert* “Act”

9.0 CONCLUSION AND RECOMMENDATIONS

The Ghana Legion Decree 1974 (NRCD 85) has become irrelevant and out of tune with the aims and objectives of the founders of the organisation. It is therefore imperative that we seek the welfare of our senior citizens and review existing laws to legitimise the organisation with the view of promoting the welfare of veterans.

These gallant men and women have indeed sacrificed for this nation and the world beyond and deserve our unconditional attention in their days of desperation and want. Because as the saying goes, a country that does not recognise its heroes is not worth dying for.

Subject to the amendments proposed, the Veterans Administration, Ghana Bill, 2010 is hereby recommended for passage by this august House, as it will provides for a more efficient and effective governance, operational and administrative framework for addressing the many challenges affecting the welfare of veterans in Ghana.



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HON ABUKARI SUMANI
CHAIRMAN
COMMITTEE ON DEFENCE & INTERIOR



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GLORIA SARKU
CLERK
COMMITTEE ON DEFENCE & INTERIOR

JULY 2011

