

**REPORT OF THE COMMITTEE ON DEFENCE AND INTERIOR ON THE
NATIONAL SIGNALS BUREAU BILL, 2020**

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1.0 INTRODUCTION

On Wednesday, 4th November, 2020, the **NATIONAL SIGNALS BUREAU BILL, 2020**, was presented and read the first time in the House by the Hon. Majority Leader and Minister for Parliamentary Affairs, Mr. Osei-Kyei-Mensah Bonsu on behalf of the Hon. Minister responsible for National Security in accordance with Article 106 of the 1992 Constitution.

Consequently, the Hon. First Deputy Speaker referred the Bill to the Committee on Defence and Interior for consideration and report pursuant to Order 158 of the Standing Orders of the House.

2.0 DELIBERATIONS

The Committee met with the Hon. Minister responsible for National Security, Mr. Albert Kan Dapaah, the Hon. Deputy Minister for National Security, Mr. Henry Quartey and the Technical team of the Ministry of National Security to consider the Bill.

The Committee is grateful to the Hon. Minister, the Hon. Deputy Minister and the officials of the Ministry of National Security for attending upon the Committee.

3.0 REFERENCE DOCUMENTS

The Committee referred to and was guided by the following documents during the deliberations on the Bill:

- i. The 1992 Constitution
- ii. The Standing Orders of the Parliament
- iii. The Interpretation Act, 2009 (Act 792)
- iv. The Security and Intelligence Agencies, Act 1996 (Act 526)
- v. The Security and Intelligence Agencies, Act 2020 (Act 1030)
- vi. The National Signals Bureau Bill, 2020

3.0 BACKGROUND

The Bureau of National Communications was established in 2007 in furtherance of a Cabinet directive to provide for a dedicated integrated secured communication system for security and intelligence agencies. The Bureau has existed as a department under the Ministry of National Security since its inception.

The security, intelligence and emergency services in Ghana previously, had separate independent communication systems that were mostly inefficient, ineffective, expensive to maintain, difficult to operate and has become an obsolete technology. With the increasing sophistication in the commission of crime and emerging security threats, the speed with which crimes are committed as well as terrorism and related emergencies and threats in the world, it is imperative that the security and intelligence agencies deploy sophisticated integrated systems to carry out efficient and effective operations.

As pertains in other developed countries, the national security and intelligence agencies of Ghana, require a more secured and reliable signals system for efficient and effective operations. Such reliable signals system can be a force multiplier, where a few people can operate and perform tasks ordinarily carried out by many persons.

Currently, the Bureau of National Communications forms part of the national security intelligence agencies but its existence does not have the requisite legal backing. The Bill therefore seeks to address this challenge by establishing the National Signals Bureau to manage an integrated communications system for national security and intelligence agencies. Furthermore, the Bureau will form part of the architecture of the national security regime and replicate the current functions under a new name to connote the mandate of the Bureau.

4.0 OBJECT OF THE BILL

The object of the Bill is to establish the National Signals Bureau to provide integrated secure signals systems for the national security and intelligence agencies for the purpose of the security of the State and for protecting and preserving the unity and stability of the State.

5.0 SUMMARY OF PROVISIONS OF THE BILL

The National Signals Bureau Bill, 2020 contains forty (40) clauses:

- i. Clauses 1 to 5 provides for the National Signals Bureau.
- ii. Clauses 6 to 13 deals with the Administrative provisions such as appointment of Director-General, functions of the Director-General, Deputy Director-General, Appointment of other staff, secondment of public officers, transfer of public officer and directorates of the bureau
- iii. Complaints tribunal is provided for under clauses 14 to 22 and consists of investigation of complaints, complaints tribunal, examination of complaints, proceedings at investigation, representation before tribunal, decision of the tribunal, use of internal grievance procedure and appeal to the Court of Appeal..
- iv. Clauses 23 to 25 make provision for warrants includes application for warrant, matters to be specified in an application for warrant and effect of warrant.
- v. Financial provisions consisting of expenses of the bureau, accounts and audit and annual report and other reports are provided for in clauses 26 to 28.
- vi. Clause 29 relates to the power to use arms.
- vii. Indemnity for an act or omission in good faith is provided for under Clause 30.
- viii. Clauses 31 to 40 deals with miscellaneous matters such as swearing of oath of office, disclosure of information, rights and powers, regulations, interpretation and transitional provisions.

6.0 OBSERVATIONS

i. CERTIFICATE OF URGENCY

The Committee noted that in view of the upcoming 2020 general elections, it is imperative that the Bill is passed through a certificate of urgency to enable the National Signals Bureau (NSB) obtain the necessary legal authority to consolidate all the security intelligent agencies to ensure that the security of the state is protected and preserved before, during and after the 2020 general elections.

ii. SECURED AND RELIABLE SIGNALS SYSTEM

The Committee observed that the NSB Bill seeks to provide for an integrated signals systems for the national security and intelligence agencies in the country. Thus, clause 3 of the Bill empowers the NSB to among others monitor, collect, analyse and disseminate in a secure manner, information and intelligence from cyberspace, electronic media, electromagnetic signals and other emissions producing such signals to counter threats to security in the country. This would enable the NSB prevent and deter of the commission of a serious offence.

iii. MANAGEMENT OF AN INTEGRATED COMMUNICATIONS SYSTEM

The Committee noted that the national security and intelligence agencies in Ghana are in dire need of a more secured, robust and reliable signals system that would promote effective and efficient operations. The security, intelligence and emergency services in the country have separate independent communication systems resulting in an ineffective and inefficient mode of maintaining optimum security. The passage of the Bill seeks to address this challenge by establishing NSB to manage integrated communication system for national security and intelligence agencies. With the increasing sophistication in the commission of crime coupled with the emerging security threats including terrorism and related offences in Africa and the world it is imperative that the security and intelligence agencies

deploy sophisticated integrated systems to carry out effective and efficient operations

iv. LEGISLATIVE BACKING

The Committee finally observed that the Bureau of National Communications (BNC) has since 2007 been providing dedicated secure communication systems for national security and intelligence agencies in Ghana. However, the Committee noted that despite the critical nature of the BNC, the BNC has no legal framework regulating its operations. The establishment of the NSB by an Act of Parliament therefore will enable the Bureau form part of security architecture of the country and assume the responsibility as the signals intelligence agency in order to address the security threats and commission of crimes.

7.0 AMENDMENTS PROPOSED

The Committee respectfully recommends the following amendments to the Bill:

Clause 5 - Amendment Proposed – line one *delete* "shall" and *insert* "may" and before matters *delete* "all"

Clause 7 - Amendment Proposed – paragraph (d) line 1 before "through" *insert* "shall"

Clause 7 - Amendment Proposed – paragraph (e) line 1 before "perform" *insert* "shall"

Clause 13 - Amendment Proposed – subclause (1) line 1 before "shall" *insert* "in consultation with the Minister" and in line 2 after "excellence" *insert* "of the Bureau"

Clause 14 - Amendment Proposed – subclause (3) paragraph (a) *delete* "period" and *insert* "thirty days"

Clause 16 - Amendment Proposed – subclause (2) paragraph (c) *delete* "national security" and *insert* "the security of the State"

Clause 23 - Amendment Proposed – subclause (2) line 2 *delete* "High"

Clause 26 - Amendment Proposed – line (1) *delete* “provide from public funds” and *insert* “approve” and in line 2 after “Bureau” *insert* “from public funds”

Clause 27 - Amendment Proposed – line (1) after “books” *insert* “of accounts”

Clause 36 - Amendment Proposed – *delete* lines 2 and 3 and *insert* “the functions under this Act, has the same rights, powers and protections as are conferred by law on a police officer”.

Clause 37-Amendment Proposed – subclause (1) line 2 *delete* “in consultation with the supervising body”

Clause 38 - Amendment Proposed – line 1 before “functions” *insert* “the”

Clause 40 - Amendment Proposed – subclause (1) *delete*

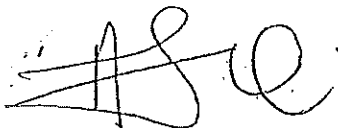
Clause 40 - Amendment Proposed – subclause (3) *delete*

8.0 RECOMMENDATION AND CONCLUSION

The Committee has carefully considered the Bill and is of the view that the **National Signals Bureau Bill, 2020** is of utmost importance to the security of the State.

Accordingly, the Committee recommends to the House to adopt this report and pass **National Signals Bureau Bill, 2020** in accordance with article 106 (13) of the Constitution and subject to the amendments proposed.

Respectfully Submitted.



**HON. SETH KWAME ACHEAMPONG
(CHAIRMAN, C'TTEE ON DEFENCE
AND INTERIOR)**



**MS. EDITH EDILYN ADJEI
(CLERK TO THE COMMITTEE)**