

IN THE FIRST SESSION OF THE EIGHTH PARLIAMENT OF THE FOURTH  
REPUBLIC OF GHANA

REPORT OF THE JOINT COMMITTEE ON  
FOREIGN AFFAIRS AND DEFENCE AND  
INTERIOR

ON THE

NATIONAL CENTRE FOR THE COORDINATION  
OF EARLY WARNING AND RESPONSE  
MECHANISM BILL, 2021

Acc No : 2041 Co

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29<sup>TH</sup> JULY, 2021

**REPORT OF THE JOINT COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE  
AND INTERIOR ON THE NATIONAL CENTRE FOR THE COORDINATION OF  
EARLY WARNING AND RESPONSE MECHANISM BILL, 2021**

**1.0 INTRODUCTION**

The National Centre for the Coordination of Early Warning and Response Mechanism Bill 2021 was presented and read for the first time in Parliament on Tuesday, 27<sup>th</sup> July 2021, by the Minister for Defence, Hon. Dominic Nitiwul, on behalf of the Minister for National Security, Hon Albert Kan Dapaah.

Pursuant to Article 106(4) of the 1992 Constitution and Orders 181 and 158 of the Standing Orders of Parliament, the Rt. Hon Speaker referred the Bill to the Joint Committee of Foreign Affairs, and Defence and Interior for consideration and report.

The Committee met on Wednesday, 28<sup>th</sup> July 2021 and examined the Bill. Present at the meeting were the Hon. Minister for National Security, Hon Albert Kan Dapaah, the Deputy Minister for Foreign Affairs and Regional Integration, Hon Kwaku Ampratwum-Sarpong, the Chief Director of the Ministry of National Security, Col. Serebuor Ababio (rtd), Officers of the Ministry of Foreign Affairs and Regional Integration and Draftspersons from the Attorney General's Department. The Committee is grateful for the invaluable contributions from the Ministers and the Officials at the meeting.

The Committee was directed to determine whether or not the Bill is of an urgent nature to be taken through all the stages in one day. The Committee considered the directive and it was determined that the Bill was of an urgent nature. The Committee accordingly recommends that the Bill be taken through all the stages in one day.

**2.0 REFERENCES**

The Committee referred to the following documents:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament, 2000
- iii. The Memorandum of Understanding between the Economic Community of West African States (ECOWAS) Commission and the Republic of Ghana relating to the Implementation of the National Early warning and response mechanism.

### **3.0 BACKGROUND**

The Republic of Ghana ratified the Treaty establishing the Economic Community of West African States (ECOWAS), signed on 28<sup>th</sup> May 1975 in Lagos and revised on 24<sup>th</sup> July 1993 in Cotonou. Articles 58(f) of the Revised ECOWAS Treaty (1993) provide for the establishment of a regional peace and security observation system and peacekeeping forces where appropriate.

Chapter IV of the 1999 Protocol on Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security lays down the framework for the establishment of a Sub-regional peace and security system. The Supplementary Act adopting the Strategic Framework for Establishing the National Early Warning and Response Mechanism was signed by the Heads of States and Government in a communique at the 45<sup>th</sup> Ordinary Session held in Accra on 14<sup>th</sup> July 2014.

A delegation from the ECOWAS Commission conducted an advocacy mission to Ghana from 11<sup>th</sup> to 13<sup>th</sup> March 2020 on the modalities for the implementation of the National Centre for the Coordination of Early Warning and Response Mechanism in Ghana. The Bill, therefore, seeks to establish the National Centre for the Coordination of Early Warning and Response Mechanism.

### **4.0 OBJECT OF THE BILL**

The Object of the Bill is to establish the National Centre for the Coordination of Early Warning and Response Mechanism to assist the ECOWAS Commission in the timely identification and implementation of an improved crisis response mechanism.

### **5.0 DIVISIONS OF THE BILL**

The Bill has 21 clauses grouped into five (5) parts and a schedule. Clauses 1 to 4 provide for the establishment of the National Centre for the Coordination of Early Warning and Response Mechanism. Clause 1 establishes the Centre within the Office of the President. The objects of the Centre are provided for in clause 2. The functions of the Centre are stated in clause 3. Clause 4 provides for the headquarters of the Centre to be in Accra.

The governance of the Centre is provided for in clauses 5 to 11. The governing body of the Centre is provided for in clause 5. Clause 6 deals with the functions of the Board which are to oversee the activities of the Centre, approve the work plan and budget of the Centre and

perform any other function that is necessary for the attainment of the objects of the Centre. The standard provisions on the tenure of office of members of a Board, meetings of a Board and disclosure of interest are provided for in clauses 7, 8 and 9 respectively. Clause 10 provides that members of the Board are not to be paid allowances. Clause 11 empowers the President to issue directives for the efficient and effective implementation of the objects of the Centre.

Administrative matters of the Centre are dealt with in clauses 12 to 16. Clause 12 provides for the President to appoint a Director for the Centre in accordance with article 195 of the Constitution. The Director is responsible for the day-to-day administration and management of the Centre and is required to monitor the operational activities of the Centre in response to an early warning received (clause 13). The submission of reports is dealt with in clause 14. Clause 15 provides for the President to appoint staff of the Centre in accordance with article 195 of the Constitution, for the efficient and effective performance of the functions of the Centre. Clause 16 provides for the Secretariat of the Centre to be headed by the Director of the Centre.

Clauses 17 and 18 deal with financial matters of the Centre. The Government of Ghana is to provide the budget for the Centre which is part of the budget of the Office of the President. Clause 18 provides for other funds of the Centre which includes donations and contributions received from donors and international organisations in accordance with existing enactments.

Clause 19 to 21 deal with miscellaneous provisions. Clause 19 mandates a public institution or a public institution of a Member State of ECOWAS to cooperate with the Centre. Clause 20 deals with confidentiality. A member of the Board or a staff of the Centre shall not disclose any information obtained by the Centre except to enable the Centre to carry out the functions of the Centre. Finally, clause 21 deals with the interpretation of words and phrases used in the Bill.

## **6.0 OBSERVATIONS**

### **6.1 The Importance of Early Warning and Response Mechanism Centre**

The Committee noted that the passage of the National Centre for the Coordination of Early Warning and Response Mechanism Bill, 2021, would improve the early warning capacity of the country and the ECOWAS Sub-region as a whole. When the Centre is established, ECOWAS member states can now share information, implement conflict prevention mechanisms, and manage crises while protecting human security at the regional and national levels. The early warning and response programme addresses human security threats that

ECOWAS member states face. Furthermore, the country would be able to access other facilities and support from the ECOWAS Commission and other international partners.

## **6.2. The Object and Functions of the Centre**

The Committee observed that the object and functions of the Centre as provided for in clauses 2 and 3 were found to be similar to other existing security and intelligence gathering agencies such as the National Security Council (NSC) established under Articles 83 and 84 of the Constitution, the National Signals Bureau established under the National Signals Bureau Act, 2020 (Act 1040), and the Ministerial Security Coordinating Committee established under Section 11 of the Security and Intelligence Agencies Act, 2020 (Act 1030).

Some Members of the Committee argued that establishing another institution to coordinate security and intelligence in the country may amount to a duplication of efforts and resources. The Members argued that the existing security and intelligence architecture could be made to collate and share intelligence with the ECOWAS Commission instead of establishing a separate Centre.

However, the Committee was informed that the mandate of the Centre is to harmonise, standardise, and coordinate data and information provided by State parastatals, local authorities, civil society organisations, the ECOWAS Regional Early Warning and Response Centre and propose options after an in-depth analysis of challenges or threats to human security and collaborate with relevant public institutions.

Although the Committee was worried about the duplicity of functions, particularly the Centre's working relationship with the NSC, the Committee was assured that the Centre would complement the efforts of the existing security and intelligence agencies to ensure that the country is able to deal with impending security threats effectively within the Sub-region.

## **6.3 Governing Body of the Centre**

The governing body of the Centre is provided for under clause 5 of the Bill. It was observed that the Governing Board consists of a chairperson nominated by the President and key Ministers responsible for the security and intelligence, including National Security, Defence, Interior, Foreign Affairs and Regional Integration, Finance, Health, Attorney General and Environment, Science and Technology.

The Committee is of the considered view that some of the emerging threats within the Sub-region are in respect of cyber security and threats in the transport sector, both aviation and sea transport. Accordingly, the Ministries of Communication and Transport may be responsible for critical security and intelligence infrastructure and information in the country that can support the work of the Centre. The Committee is therefore of the view that it was important that the Ministers responsible for Communication and Transport should be part of the governing Board of the Centre. The Committee believes that for the Centre to benefit from the happening in the cyber-security and aviation sphere, these Ministries should be made part of the governing Board. The Committee is accordingly proposing an amendment to clause 5 of the Bill to include the two Ministers.

#### **6.4 Financial Impact of the Bill**

On the possible financial impact of implementing the proposed legislation, the Committee was informed that the implementation of the law would place some financial responsibilities on the state.

The Committee was informed that the Government of Ghana is expected to provide office accommodation for hosting the Centre and bear the overhead expenses such as utility bills, stationery, cost of repair/maintenance of office premises and other incidental cost that would be incurred in running the Centre. Other responsibilities placed on the Government include the payment of emoluments and incentives for staff of the Centre.

However, the Committee observed that the ECOWAS Commission, with funding from the German International Development Agency (GIZ) and other partners, would support the initial take-off of the National Centre in Ghana. More specifically, the ECOWAS Commission would be providing office furniture, one vehicle, IT logistics (computers, printers, photocopiers, fax, video conferencing facility and internet connectivity), capacity-building support and assist in the development and implementation of a monitoring and evaluation framework to assess the effectiveness of the operations of the Centre.

The Committee was assured that the Centre when established, would continue to be supported by the ECOWAS Commission and its international partners, and this would relatively lower the cost of implementing the legislation when passed. The Committee also noted that the Bill under clause 10 does not seek to pay allowances to the Board members as part of the cost-saving measures.

## **6.5 Submission of Annual Reports to Parliament**

The Committee noted that the Bill did not provide for the submission of annual reports to Parliament. The Committee believes that such a report would assist Parliament in its oversight mandate. The Committee accordingly would seek to introduce a clause to provide for the submission of an annual report to Parliament.

## **6.6 Confidentiality and Offences for the Disclosure of Information**

The Committee observed that clause 20 of the Bill provides for confidentiality of information of the Centre and prohibits members of the Board and staff from disclosing information obtained by the Centre. The members of the Board and staff of the Centre are accordingly required to subscribe to an Oath of Secrecy.

The Committee however noted that the Bill did not provide a penalty for the disclosure of information of the Centre. Although it was explained that the offences and penalties for any disclosure of the information would be dealt with under other legislation, the Committee believes that the standard practice is to provide the offences and penalties for such disclosures as part of the Bill as was done in the Security and Intelligence Agencies Act, 2020, Act 1030 and the National Signals Bureau Act, 2020, Act 1040.

Consequently, the Committee proposes to introduce an amendment at the Consideration Stage with the insertion of a new clause to provide for offences and penalties.

## **6.7 Accounts and Audit**

The Committee further noted that even though the funds of the Centre are from the Consolidated Fund, the Bill did not make provision for accounts and audit as exist in the legislations of similar nature. The Committee is accordingly proposing an amendment with the introduction of a new clause on accounts and audit.

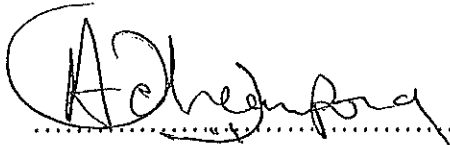
## **7.0 CONCLUSION AND RECOMMENDATION**

After a careful scrutiny of the Bill, the Committee believes that the establishment of the National Centre for the Coordination of Early Warning and Response Mechanism has come at the time the ECOWAS Sub-region is grappling with threats to national and human security. It will definitely enhance the country's ability to provide timely reports and analysis on the happenings in the country and contribute effectively to the Sub-region's responses in preventing terrorism, violent extremism and cross border crimes. The Committee would

however seek to introduce the attached amendments at the Consideration Stage to improve the Bill and strengthen the effectiveness of the Centres.

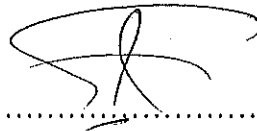
The Committee, therefore, recommends that the House adopts the Motion for the Second Reading of the National Centre for the Coordination of Early Warning and Response Mechanism Bill, 2021.

Respectfully submitted.



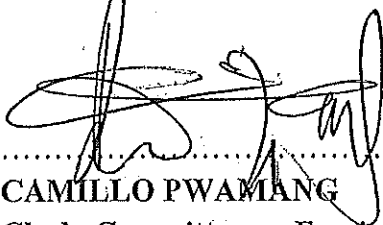
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**HON. BRYAN ACHEAMPONG**

Chairman, Committee on Foreign Affairs



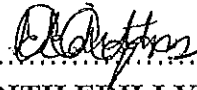
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**HON. KENNEDY OHENE AGYAPONG**

Chairman, Committee on Defence & Interior



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**CAMILLO PWAMANG**

Clerk, Committee on Foreign Affairs



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**EDITH EDILLYN ADJEI**

Clerk, Committee on Defence & Interior

29<sup>th</sup> July 2021



**PROPOSED AMENDMENTS TO THE NATIONAL CENTRE FOR THE**  
**COORDINATION OF EARLY WARNING AND RESPONSE**  
**MECHANISM BILL, 2021**

**1. Clause 2 – Objects of the Centre**

In paragraph (a), insert “an” before “emerging”.

**2. Clause 3 – Functions of the Centre**

In paragraph (a), delete “centralise” and insert “collate”.

**3. Clause 5 – Governing body of the Centre**

Add the following to paragraph (b) of subclause (1):

“(viii) Transport;

(ix) Communications”

**4. Clause 7 – Tenure of office of members of the Board**

Insert a subclause (8) after subclause (7) as follows:

“(8) Where the vacancy under subsection (7) is in respect of the chairperson, the members of the Board shall elect a person from among their number to notify the President of the vacancy and the President shall appoint another person for the unexpired term in accordance with this Act.”

**5. Clause 12 – Director of the Centre**

Delete subclause (2) of clause 12 and insert the following:

“(2) The Director shall be a person of proven integrity and shall have the requisite knowledge and experience.”

**6. Clause 13 – Functions of the Director**

In paragraph (b) of subclause (1), insert “direct and” before “monitor”.

**7. Insert the following new clauses:**

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**“Accounts and audit**

19. (1) The Centre shall keep books of account, records, returns and any other document relevant to the accounts in the form approved by the Auditor-General.
- (2) The Board shall submit the accounts of the Centre to the Auditor-General for audit at the end of the financial year.
- (3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and
  - (a) submit the report to Parliament; and
  - (b) forward a copy of the audit report to the Minister.
- (4) The financial year of the Centre is the same as the financial year of Government.

**Annual report and other reports**

20. (1) The Centre shall, within thirty days after receipt of the audit report, submit an annual report to Parliament.
- (2) The annual report shall include
  - (a) a report on the activities and operations of the Centre;
  - (b) the report of the Auditor-General; and
  - (c) any other report that the Minister may consider necessary.”

**8. Insert a new clause after clause 20 as follows:**

**“Offences for disclosure of information**

21. (1) Subject to the Constitution and section 20, a person shall not disclose any information obtained by that person or to which that person had access in the performance of functions under this Act or to which that person had access in the administration or enforcement of this Act and from which there can be inferred the identity of
- (a) any other person who is or was a confidential source of information or assistance to the Centre; or
  - (b) a person who is or was an employee engaged in operational activities of the Centre.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.”

**9. Clause 21 – Interpretation**

- (a) In line 3 of the definition of “emerging crisis”, insert “security and” before “the” and in line 4, delete “Africa” and insert “African”;
- (b) Insert the following definitions in alphabetical order:

““Early Warning Directorate of the ECOWAS Commission” means the administrative entity set up under the Political, Peace and Security Department of the ECOWAS Commission;

“ECOWAS Regional Early Warning and Response Centre” means the centre that coordinates the activities of the centres and analyses the early warning reports submitted by the Early Warning Centres in Member countries;

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“Minister” means the Minister assigned responsibility for an emerging crisis.”

**10. Long Title**

In line 3 of the Long Title, insert “an” before “emerging”.