

EIGHTEENTH REPORT OF THE
APPOINTMENTS COMMITTEE ON H.E THE
PRESIDENT'S NOMINATION FOR DEPUTY
MINISTERIAL APPOINTMENT

1.0 INTRODUCTION

His Excellency President J.E.A. Mills communicated to Parliament for prior approval of the nomination of Hon. Mahama Ayariga for appointment as Deputy Minister of Trade and Industry pursuant to article 79(1) of the Constitution.

In accordance with Order 172(2) of the Standing Orders of the House, the nomination was on Tuesday 26th January 2010 referred to the Appointments Committee alongside other nominations for consideration and report.

The nomination was subsequently published in the media in accordance with Order 172(3) and memoranda were invited from the public on the nominee.

REFERENCE DOCUMENTS

The following served as reference documents to the Committee during deliberations and public hearings of the Committee:

1. The 1992 Constitution of the Republic of Ghana
2. Standing Orders of the Parliament of Ghana
3. Curriculum Vitae of the nominee

PROCEDURE

On appearing before the Committee, the nominee subscribed to the oath of a witness and answered questions relating to his record of

Acc.No: 2366

Class No: CR/DM/10

office, the position to which he has been nominated and issues of general national concern.

4.0 OBSERVATIONS & RECOMMENDATIONS

4.1 HON. MAHAMA AYARIGA - DEPUTY MINISTER- DESIGNATE OF TRADE AND INDUSTRY

Background

Hon. Mahama Ayariga, a Barrister and Solicitor of the Supreme Court of Ghana, was born on 12th May 1974. He obtained his Bachelor of Law (LL.B) degree from the University of Ghana, Legon in 1997. He proceeded to the Ghana School of Law where he was awarded a professional Certificate for law practice in Ghana. In 2002, he was awarded an LL.M Degree by the Harvard Law School.

Hon. Ayariga has worked in a number of institutions including the Faculty of Law, University of Ghana as a Teaching Assistant and Ghana Institute of Management and Public Administration, as an Adjunct Consultant. He also held the position of the Executive Director of the Legal Resources Center from 1997 to 2004.

Between 2005 and 2009, he was the Member of Parliament for the Bawku Central Constituency. Prior to his nomination to the Ministry of Trade and Industry, he was the Spokesperson for H.E. the President.

Outlook

The nominee informed the Committee that he brings to the Ministry his youthfulness and energy which he will diligently apply to assist his Minister to steer the affairs of the Ministry. He

acknowledged the belief that the Minister is competent and diligent.

CHRAJ Petition

In an answer to a request by the Committee for the nominee to explain the matter (of abuse of office) based on which a petition had been filed against him at the Commission on Human Rights and Administrative Justice (CHRAJ), the nominee explained that sometime in the year 2009, he put in an application for some tractors to be made available for use by farmers in his constituency. His application for 2 tractors was, further to discussions he had with the Minister for Food and Agriculture concerning the establishment of an Agricultural Mechanization Centre, converted to an application for 5 tractors based on which he paid GH¢10,000 as deposit. He said he used the tractors to set up a mechanization center which is currently providing services to his constituents. Subsequent to this, a group petitioned CHRAJ against him alleging that he had abused his office to acquire the tractors. He noted that CHRAJ examined the allegation and cleared him of any wrongdoing.

As to why the tractors were in Navrongo and not Bawku and whether it was due to the Bawku conflict, the nominee explained that the tractors were currently in Navrongo not because there is conflict in Bawku but that it is the dry season. He added that Navrongo has irrigation scheme on which the use of tractors will be required for dry season land preparation.

On the performance of the tractor service, the nominee explained that beneficiaries have expressed elation at the service and the opportunity to mechanize their farming activities.

As to why the terms of his acquisition of the tractors were different from all other beneficiaries, the nominee maintained that if the Ministry of Food and Agriculture provides tractors to other clients at terms different from his own, then it would be a matter for the MOFA to answer and not him. He however agreed

that it is not ordinary for a person to want to commit to a debt of GH¢90,000 to enable his people get access to tractor service.

Scrapping of the Position of Presidential Spokesperson

Hon. Ayariga indicated that he could not remember describing the post of Presidential Spokesperson as “repugnant”. He however explained that the President felt the concurrent existence of that office and that of the Minister of Information was a bit problematic. The President therefore decided to abolish that post following his (Ayariga’s) nomination as Deputy Minister-Designate of Trade and Industry.

Ex-Gratia Matter

Questioned on whether he gave Hon. Moses Asaga the ‘green light’ to approve payment of the MPs ex-gratia, the nominee answered that he could not recall any interaction between himself and Hon. Asaga on the issue of the ex-gratia. He maintained that he never advised Hon. Asaga to effect any ex-gratia payment. The nominee further stated that he did not attend Parliament on the last sitting day of the Fourth Parliament and therefore could not say on authority whether the ex-gratia matter was laid in the House and approved.

Clearance of Goods from Ghanaian Ports

As to what measures he would help put in place to deal with the situation where importers have to engage agents before they can claim/clear their goods from the ports, the nominee stated that he would work with his Minister to employ the use of ICT to quicken the pace of the clearing of goods and to help remove some of the associated bottlenecks.

Asset Declaration

On the mandatory requirement for the declaration of assets by public officers, Hon. Ayariga stated that he duly declared his assets when he was appointed a Presidential Spokesperson in the year 2009.

Opinion on the IMF Arrangement

Asked of his opinion on the current arrangement between Ghana and the International Monetary Fund (IMF), the nominee stated that even though some of the conditions in that arrangement may not be too palatable; it appears to him that without the funds from IMF, a greater economic evil could have befallen the country.

Influx of Cheap Imports into the Country

In a bid to help deal with the problem of the dumping of cheap goods from especially China onto the Ghanaian market, the nominee suggested the institution of measures including a strong legal and regulatory framework to deal with the matter. He further indicated that he would not hesitate to provide any advice he may have to his Minister to help revise the threshold for foreigners trading in Ghana and also use multi-sectoral approach to tighten immigration procedures of the country.

GIPC Rent of Gulf House

Some Members of the Committee wanted to know from the nominee if it was prudent for the Ghana Investment Promotion (GIPC) to relocate from the Gulf House whilst continuing to pay rent of about US\$18,000. To this, the nominee replied that he had not seen the tenancy agreement between GIPC and the owners of Gulf House and therefore could not proffer a legal opinion on whether the sudden relocation of GIPC from that building and the concomitant continuous payment of US\$18,000 rent was prudent management or not.

The Committee's Correspondence with CHRAJ

For the avoidance of doubt, the Committee hereby states that it never at any material moment concerned itself with a review of the findings of CHRAJ in the matter relating to the nominee. Copies of the report which were availed to Members of the Committee were distributed to them just before the public

hearing of the nominee commenced and hence no Member was able to read the contents either before or during the public hearing.

The Committee is mindful of article 218 and 225 of the 1992 Constitution and also the enabling law, Act 456 of 1993 ensuing from article 219 which defines the powers of the Commission and will not do anything to undermine the authority and integrity of the Commission.

However, regarding the ruling of CHRAJ tendered in by the nominee, the Committee wrote to the Commission on Human Rights and Administrative Justice to request a certified true copy of the ruling to ensure that what the nominee presented to the Committee was authentic. The CHRAJ gracefully supplied the Committee with a certified copy of its decision on the matter (Progressive Nationalist Forum [Complainant] Vs. Hon. Kwesi Ahwoi and Hon. Mahama Ayariga [Respondents] for the perusal of the Committee.

Nominee's conduct at the Committee

The Committee has reservations with some of his answers especially with regard to the make/brand, the cost of the specific make, and the application of the tractors supplied him by the Ministry of Food and Agriculture. The Committee wishes to admonish the nominee to be more candid and forthright in all his dealings in the future.

Ministry of Food and Agriculture

Regarding the transaction between the Ministry of Food and Agriculture (MoFA) and the nominee, the Committee was of the opinion that the Ministry could have been more diligent and scrupulous with its own prescribed procedures.

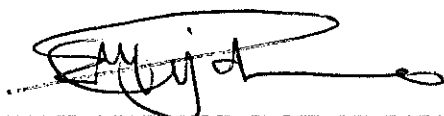
5.0 CONCLUSION

The Appointments Committee has carried out its duty faithfully in accordance with the relevant provisions of the 1992 Constitution, in

particular articles 79(1) and (2), 78 and 94 and the Standing Orders of the House with respect to the nomination of Hon. Mahama Ayariga as Deputy Minister of Trade and Industry.

The Committee is satisfied that the nominee has met the requirements of the Constitution and therefore respectfully recommends by consensus the approval of his nomination to the House.

Respectfully submitted.



HON. EDWARD DOE ADJAHO

FIRST DEPUTY SPEAKER AND CHAIRMAN,

APPOINTMENTS COMMITTEE



ALHAJI IBRAHIM GOMBILLA

DEPUTY CLERK TO PARLIAMENT

9TH MARCH, 2010