

PARLIAMENT OF GHANA LIBRARY

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

THIRD REPORT OF THE APPOINTMENTS COMMITTEE

ON THE

**NOMINATIONS OF HIS EXCELLENCY THE
PRESIDENT FOR MINISTERIAL
APPOINTMENTS**

ACC NO : 3418 C2
Class NO : CR/m/13

1.0 INTRODUCTION

His Excellency President John Dramani Mahama communicated to Parliament for prior approval, the nomination of the following persons, among others, for appointment as Ministers pursuant to article 78(1) of the 1992 Constitution:

1. **Hon. Dr. Benjamin Bewa-Nyog Kunbuor – Minister-Designate in Charge of Government Business in Parliament.**
2. **Hon. Haruna Iddrisu - Minister-Designate for Trade and Industry.**
3. **Mrs. Marietta Brew Appiah-Opong - Minister-Designate for Justice and Attorney-General.**
4. **Hon. Emmanuel Armah-Kofi Buah - Minister-Designate for Energy and Petroleum.**
5. **Hon. Dzifa Aku Attivor - Minister-Designate for Transport.**

The nominations were referred to the Appointments Committee on Tuesday, 29th of January, 2013 for consideration and report in accordance with Order 172 of the Standing Orders of the House.

The names of the persons nominated were subsequently published in the media in accordance with Order 172(3) of the Standing Orders of the House and memoranda were invited from the public on the nominees.

2.0 REFERENCE DOCUMENTS

The following served as reference documents to the Committee during its deliberations and public hearing of the nominees:

- a. The 1992 Constitution of the Republic of Ghana.

- b. The Standing Orders of the Parliament of Ghana.
- c. Curriculum Vitae of the nominees.

3.0 **PROCEDURE**

On appearing before the Committee, the nominees subscribed to the oath of a witness and answered questions relating to their records of office, the positions to which they have been nominated and issues of general national concern.

4.0 **HON. DR. BENJAMIN BEWA-NYOG KUNBUOR – MINISTER-DESIGNATE IN CHARGE OF GOVERNMENT BUSINESS IN PARLIAMENT**

Background

Dr. Benjamin Bewa-Nyog Kunbuor, a Barrister-at-Law, was born on 15th July 1957. He holds an LL.M (Law in Development) and a PhD in Law from the University of Warwick in the United Kingdom. He was a Member of Parliament (MP) from 6th January 2001 to 7th January 2009 and served as the Ranking Member of the Committee on Finance and Committee on Defence and Interior. He was also a Member of the Committees on Constitutional, Legal and Parliamentary Affairs, Subsidiary Legislation, Judiciary and Standing Orders. Between 2002 and 2008, he was a part-time lecturer at the Ghana School of Law. He was appointed Deputy Minister for Health in April 2009 and later in that year he became the Minister for Health. He was appointed Minister of the Ministry of the Interior in 2011 and the Minister for Justice and Attorney-General in 2012.

He is currently the Member of Parliament for Nandom Constituency, Majority Leader and Leader of the House.

Minister responsible for Government Business and Parliamentary Independence

In response to a question on whether or not the positions of Leader of the House and a Minister of State would not compromise the independence of Parliament, the nominee acknowledged that the African Peer Review Mechanism (APRM) report on Ghana recommended that the position of Minister for Parliamentary Affairs should be proscribed to conform with the principle of separation of powers and parliamentary independence.

According to the nominee, the Constitution creates separation of powers but also envisages complementarity among the various arms of government. He described the position of “Minister in Charge of Government Business in Parliament” as a vehicle that facilitates the business of Government in the House. He promised to apply himself to the appropriate rules when performing any of the dual roles.

Upper Limit for Districts/Parliamentary Constituencies

The nominee disagreed to a suggestion that the creation of additional parliamentary constituencies is a form of “gerrymandering” to favour ruling Governments. He indicated that evidence from the two instances when additional constituencies were created showed that on each occasion, the ruling Governments won less number of the newly created constituencies at the parliamentary elections compared to the Party in opposition. He noted that a small unitary country like Ghana cannot afford to continue with such fragmentation and therefore urged Metropolitan, Municipal and District Assemblies (MMDAs) and their sub-structures to enhance their performance in delivering services to the local communities. This, in the view of the nominee, would help reduce the persistent calls by various communities for the creation of new districts/constituencies. The nominee further disclosed that the Constitution Review Commission has made recommendations to streamline the creation of districts and constituencies.

Review of the Standing Orders

The nominee informed the Committee that he was aware of the existence of a draft report on the review of the Standing Orders and that with new developments and in view of the constitutional review exercise it is important to have a second consideration of the draft report. He promised to work with the Speaker and the House to complete the review exercise.

Recommendation

The Committee recommends that the House approves *by consensus*, the nomination of Hon. Dr. Benjamin Bewa-Nyog Kunbuor as Minister in Charge of Government Business in Parliament.

5.0 HON. HARUNA IDDRISU – MINISTER-DESIGNATE FOR TRADE AND INDUSTRY

Background

Hon. Haruna Iddrisu was born on 18th September, 1970. Between 1984 and 1988, Hon. Iddrisu attended Tamale Secondary School where he obtained his G.C.E. Ordinary level certificate. He later attended Navrongo Secondary School from 1990 to 1991 where he obtained his G.C.E. Advanced Level certificate. He proceeded to the University of Ghana, Legon, where he was awarded a Bachelor of Arts (Hons.) degree in Sociology in 1997. In 1998, he enrolled in the Ghana School of Law and obtained a Barrister at Law certificate in 2002 and was called to the Ghana Bar in the same year.

Hon. Haruna Iddrisu taught at Karaga Primary School in 1992; was a teaching Assistant at the University of Ghana between 2002 and 2003 and a Lecturer at the Institute of Professional Studies between 2003 and 2005. He also served as the Programme Officer

for the Ghana Committee on Human Rights in 1997. Hon. Iddrisu worked with Law Trust as a legal practitioner from 2002 to date.

Hon. Haruna Iddrisu is currently the Member of Parliament for the Tamale South Constituency, a position he has held since January 2005. As a Member of Parliament, he served on several Parliamentary Committees including the Committee on Mines and Energy and Committee on Judiciary.

Hon. Iddrisu has held several positions including the President of the National Union of Ghana Student (NUGS) from 1996 to 1997 and National Youth Organizer of the National Democratic Congress between 2002 and 2008. He was also the Chairman of the Board of Trustees, Ghana Investment Fund for Electronic Communications (GIFEC) and Chairman of Brand Ghana Council. In February, 2009 he was appointed Minister for Communication where he served until 6th January, 2013.

Economic Partnership Agreements

Commenting on the status of the Economic Partnership Agreements (EPA), the nominee informed the Committee that, the Agreements were a response to continuing criticism to the non-reciprocal and discriminatory preferential trade agreements offered by the European Union to other countries. The Agreements have been criticised as not being compatible with World Trade Organisation (WTO) rules. He indicated that the Agreements were to come into effect in 2008 but as at the end of 2012, negotiations were still ongoing.

The nominee assured the Committee that he would not sign any Agreement that will be inimical to the economic interest of Ghana.

Foreigners in Retail Trade

In response to a question on the involvement of foreign nationals in the retail business sector in Ghana, the nominee acknowledged the importance of protecting the business interests of indigenous Ghanaian entrepreneurs. He promised to undertake a review of the

Ghana Investment Promotion Council (GIPC) Law, if his nomination is approved, to provide leverage and advantage to local businesses. He assured the Committee that this would be done in accordance with the ECOWAS Protocols on the Free Movement of People, Goods and Services.

The Ghana Trade Fair Company

In response to a petition on how to revive the Ghana Trade Fair Company, Hon. Iddrisu called for a public private partnership in the management of the company. The nominee acknowledged that the company has a number of challenges including payment of compensation to land owners. He however had a strong conviction that the company was viable and that the injection of private capital and efficiency can turn-round the fortunes of the company.

Promoting Industrial Growth

On what the nominee intends to do to promote the expansion of the industrial sector, the nominee promised to collaborate with other actors to implement policies and programmes that would specifically nurture and promote indigenous Ghanaian entrepreneurs. He promised to implement the Industrial Service Support Programme developed by his predecessor. The nominee gave the assurance that he would use the Export Development and Agricultural Investment Fund to create a new manufacturing base in Ghana.

Small-Scale Enterprises

On the promotion of small-scale industries in Ghana, the nominee indicated that he would work with the National Board for Small Scale Industries (NBSSI) to ensure that small-scale businesses get access to cheaper credit. He further intends to promote domestic trade through the development of model markets in the regions and districts across the

country. According to the nominee, enterprise development centers will be established to give technical support to small-scale enterprises throughout the country.

Recommendation

The Committee recommends that the House approves *by consensus*, the nomination of Hon. Haruna Iddrisu as Minister for Trade and Industry.

6.0 MRS. MARIETTA BREW APPIAH-OPONG – MINISTER-DESIGNATE FOR JUSTICE AND ATTORNEY-GENERAL

Background

Mrs. Marietta Brew Appiah-Opong was born on 19th October, 1968 in Kumasi in the Ashanti Region. She attended Tema Parents' Association International School for her primary education and St. Roses' Secondary School, Akwatia, for her secondary education from 1980 to 1987. She obtained a Bachelor of Laws (LLB) Degree from the University of Ghana, Legon in 1991 and was called to the Bar in 1994. Mrs. Appiah-Opong also attended the Institute of Social Studies in The Hague and obtained a Graduate Diploma with Merit in Law and Development in 1999.

The nominee started her legal career as Associate Lawyer in Fugar & Company from 1995 to 2000. She is currently a Senior Partner with Lithur, Brew & Company. Mrs. Appiah-Opong has extensive litigation experience in the Superior Courts of Ghana representing a wide range of clients in diverse areas of legal practice ranging from corporate and commercial law to family law issues.

Decoupling Attorney-General's Department from the Ministry of Justice

Responding to the question as to whether she supports the view that the Attorney-General's Department should be decoupled from the Ministry of Justice, the nominee indicated that the current arrangement should remain. She noted that the proponents for

the decoupling of the two have not provided sufficient and convincing argument to support their position. According to her, the appointment of the Attorney-General by the President does not mean the Attorney-General would be biased in the discharge of his/her prosecutorial discretion as stipulated in article 88 of the 1992 Constitution.

She indicated that her view was supported by majority of Ghanaians as captured in the Constitution Review Commission's report.

Death Penalty

In answer to a question on whether or not the death penalty should be abolished, the nominee supported the abolition of same. She noted that supporters of the proposition that the death penalty should be retained argued that it serves as a deterrent to like-minded persons from committing similar offences while others point out that the penalty brings relief and satisfaction to victims of the offence. In the opinion of the nominee, the death penalty only has a retributive value and that research had shown that the implementation of the death penalty had not deterred people with criminal intents from committing similar offences. She therefore agreed with the recommendation by the Constitution Review Commission that the death penalty should be commuted to life imprisonment without parole.

Access to Justice

When asked about her plans of making justice accessible to many Ghanaians especially the poor and vulnerable, the nominee indicated that it was important that all persons were given access to justice irrespective of their status, gender or location. She mentioned that the Legal Aid Board is poorly funded and as such has not been functioning as expected. She was of the opinion that the Legal Aid Board should be made an independent body with special powers to enable it deliver legal services to all persons especially the vulnerable in society.

Mrs Opong-Appiah further indicated that the Judicial Council had taken a number of actions to increase access to justice for many more Ghanaians. She noted that two branches of the Court of Appeal had been established in Kumasi and Cape Coast to serve the northern and western sectors of the country respectively. The Judicial Council also plans to provide court houses all over the country. She promised to liaise with the Judicial Council to ensure the speedy implementation of the plan, if her nomination is approved by Parliament.

Conditions of Service of State Attorneys

The nominee stated that low remuneration for State Attorneys had been the cause of high attrition rate of lawyers at the Ministry of Justice and Attorney-General's Department. She however indicated that she was aware of the migration of officers of the Ministry and Department unto the Single Spine Salary Structure. This, she indicated, has improved the salaries of the officers. She promised to provide other incentives to enhance the conditions of service for the officers including training programmes, in order to increase the competitiveness of the Department in attracting and retaining high caliber staff.

Homosexuality

The nominee indicated that the Criminal and Other Offences Act, 1960 (Act 29) has clarified Ghana's position on homosexuality. She explained that the Act frowned upon homosexuality in the country by making unnatural carnal knowledge an offence. She further indicated that the 1992 Constitution has no explicit provisions on gay rights. The nominee noted that personally, she does not approve of the act of homosexuality.

Fulfillment of the Justice for all Programme

The nominee explained that with the justice for all programme, measures were in place to have weekend courts. She also indicated that solicitors would be engaged to assist in this regard. She promised that the remuneration and other logistical support would be provided to ensure speedy and efficient implementation of the programme.

Absenteeism of State Prosecutors at Courts

In responding to what she will do to ensure that State Attorneys' prosecute cases to their logical conclusion, the nominee indicated that the current state of affairs is largely due to inadequate staff at the A-G's Department. The nominee assured the Committee that she would develop a comprehensive programme to attract more solicitors to the Department. She further promised to enforce the code of conduct to ensure that State Attorneys' deliver their work to the expected standards.

Recommendation

The Committee recommends that the House approves *by consensus*, the nomination of Mrs. Marietta Brew Appiah-Opong as the Minister for Justice and Attorney-General.

7.0 HON. EMMANUEL ARMAH-KOFI BUAH – MINISTER-DESIGNATE, MINISTRY OF ENERGY AND PETROLEUM

Background

Hon. Emmanuel Armah-Kofi Buah, a native of Ellembelle in the Western Region, was born on 10th May, 1966. He obtained a Bachelor of Arts Degree in Social Science (Law option) from the Kwame Nkrumah University of Science and Technology, Kumasi in August, 1991 and a Master of Science Degree in Management from the University of Maryland UC in the United States of America in June 2000.

Hon. Armah-Kofi Buah has held several positions including Program Manager, Community Services for Autistic Adults and Children (CSAAC), Rockville, Maryland, USA, Postmaster (1995-2003), US Postal Service, Clinton, Maryland USA (2003-2008).

He has been a Member of Parliament for Ellembelle Constituency since 7th January 2009 and served as Deputy Minister for Energy from March 2009 to 6th January 2013.

Hon. Buah participated in several international conferences including the “Ghana-US Conference on Oil and Gas” held in the United States America in August, 2009 and the “Africa-EU Energy Partnership” held in Vienna, Austria in September, 2010.

Fuel De-regulation

The nominee informed the Committee that the policy of deregulation was introduced in the downstream sector with the aim of achieving full cost recovery. Whilst maintaining that the policy was still in force, he explained that Government was still subsidising fuel products as part of efforts to support some sections of the economy. Hon. Buah acknowledged that the subsidised products were not reaching the targeted population and therefore called for a national discussion on the way forward.

Transmission of Power

Hon. Buah indicated that the Government had built several bulk electricity supply points and constructed additional supply lines to improve upon efficiency in the evacuation of power from the generation points. He cited Tumu-Wa-Han transmission line and the Kadjebi and Kumasi bulk supply points as examples.

He informed the Committee that the Governments of Ghana and United States of America have identified reliable power supply as one of the major challenge to industrial development in Ghana. The energy sector was therefore being targeted as a primary beneficiary in the second Compact of the Millennium Challenge Authority.

Local Involvement in Upstream Petroleum Operations

The nominee noted that the Ministry of Energy has developed a Local Content Regulation to operationalise and regulate activities in the upstream sector of the petroleum industry. The object is to increase local participation in the sector to ensure that the country derives maximum benefits from the oil discovery. He however noted that Ghana would require the expertise of foreign nationals during the initial stages of operations in the sector thereby ensuring knowledge transfer in the long run. He indicated

that Ghanaians should look forward to more jobs from allied sectors such as the salt industry, fertilizer manufacturing, agriculture and the petrochemical industries.

Rural Electrification

The nominee stated that the principle of “Universal Access to Electricity” as contained in the President’s vision requires that there should be 100% electricity coverage by the year 2016. He agreed that facilities such as schools, clinics and community centres in rural areas must be connected to electricity as part of the Self-Help Electrification Programme (SHEP) since these facilities provide general benefits to the rural communities. He promised to work to provide metres to households and other consumers in rural communities connected to the national grid but yet to enjoy the service.

Power Outages

The nominee informed the Committee that the frequent power outages that have bedeviled the country were a source of worry to Government. He stated that Government had consistently worked to add to the power generation capacity of the country. Measures have also been put in place to reform the utility companies to make them more effective and efficient in delivering services to customers. He hinted of a plan to establish subsidiaries or Strategic Business Units (SBUs) of the distribution company to manage electricity distribution in specific locations in Ghana to ensure efficiency and better accountability.

Recommendation

The Committee recommends that the House approves *by consensus*, the nomination of Hon. Emmanuel Armah-Kofi Buah as Minister for Energy and Petroleum.

8.0 HON. DZIFA AKU ATTIVOR – MINISTER-DESIGNATE, MINISTRY OF TRANSPORT

Background

Hon. Dzifa Aku Attivor was born on 22nd February, 1956. She attended E.P. Primary School, in Abutia Teti in the Volta Region from 1960 to 1970. She then attended Peki Secondary School and Kpedze Secondary School where she obtained a G.C.E. Ordinary Level in 1975. She also obtained a Certificate as a Stenographer Secretary from the Government Secretarial School in 1987. In 1989, she obtained the Private Secretary Certificate from the same institution. Mrs. Attivor was awarded a Secretarial Silver Diploma in 1996 from Pitman College in the United Kingdom. She further obtained a B.Sc Administration, (Distant-learning Program) and an MBA in Human Resources Management (online programme) from the American Century University in 2007 and 2012 respectively.

Between 1976 and 2003 Mrs Attivor handled several portfolios in the Bank of Ghana such as a Personal Assistant to the Head of Treasury and a Personal Assistant to three successive Deputy Governors. Between 2003 and 2009, Hon. Attivor left the services of the Central Bank of Ghana to manage her private business. In 2009, the nominee was appointed Deputy Minister for Transport, a position she held until 6th January 2013.

Shortcomings in the National Road Safety Commission Act

In a response to a question regarding shortcomings pertaining to the National Road Safety Act, 1999 (Act 567) as contained in a memorandum received by the Committee from the Road Safety Advocacy Consortium, the nominee stated that the National Road Safety Commission Act does not empower the National Road Safety Commission to demand compliance of safety regulation by road users. The Commission is also not mandated by the Act to arrest and prosecute offenders. Consequently, she would ensure

that the Commission is elevated to an Authority to empower it to arrest and prosecute offenders as is being practiced in other jurisdictions.

The nominee informed the Committee that she would ensure that the National Road Safety Commission is empowered to retain a percentage of the funds it collects on behalf of the Ghana Road Fund for the effective and efficient discharge of its mandate.

Growth in the Aviation Industry

The nominee informed the Committee that, the Aviation Industry has seen a lot of growth over the past four years especially with regards to domestic flights. Currently, there are daily flights from Accra to Kumasi, Takoradi, Sunyani and Tamale. She further informed the Committee that the Ministry of Transport has initiated plans for the construction of airports and aerodromes in the Central, Eastern, Upper West and Volta Regions to execute the government agenda in ensuring that all regional capitals have airports. She indicated that if the Ministry is empowered to retain 100% of Airport Passenger Service Charges (APSC) instead of the 30 % retention, the Ghana Airports Company Limited (GACL) would be able to undertake the construction of these additional airports.

Creation of a National Carrier

Hon. Attivor informed the Committee that, the Ministry of Transport has submitted a memorandum to Cabinet on the establishment of a national carrier. The Ministry was however advised to stall the process until the Public Private Partnership Policy (PPPP) Regulation was fully operational. She added that, as soon as the policy is operational, government would partner a private sector to establish a national carrier. The nominee noted that, she is completely aware of the challenges the defunct Ghana Airways faced such as political interference. She assured the Committee that she would take steps to avoid a reoccurrence.

Safety at the Kumasi Airport

With regards to safety at the Kumasi Airport, the nominee informed the Committee that the GACL has secured a loan facility for the rehabilitation of the Kumasi Airport. The works would involve the construction of a new runway with the appropriate ground lighting system.

Menace of “Gorro Boys” at DVLA

On the issue of “Gorro Boys” operating as middlemen between customers and the Driver Vehicle and Licensing Authority (DVLA), the nominee stated that she is fully aware that government loses a lot of revenue through their activities. She indicated there is an on-going automation programme being carried out by the Authority. This would eliminate the human element involved in the processes of securing licenses, road worthy certificates, documentation on the change of ownership and all other activities at the Authority.

Decongestion/Cost reduction at the Tema Harbour

The nominee informed the Committee that, a road map has been developed to decongest the Tema Harbour. Ghana Ports and Harbours Authority (GAPOHA) is in the process of introducing weekends to its working hours to facilitate the speedy clearance of goods at the port. She further informed the Committee that she would secure the needed funding for the completion of the Boankra Inland Port which would serve the northern part of the country and the land-locked nations in the sub-region. She also added that in compliance with a policy directive from the International Maritime Organisation (IMO), the clearing processes at the port would be automated to help reduce cost and the human element involved.

Safety on the Volta Lake

Hon. Dzifa Attivor identified over loading of boats as a high contributor to accidents on the Volta Lake. She assured the Committee that under the Volta Lake Enhancement Project, 8000 youth have been trained and deployed along the Lake to ensure that boats ferrying passengers are not over loaded. The project also includes educating passengers on the need to wear life jackets.

The nominee further informed the Committee that, tree stumps in the lake also constitutes a safety hazard. She added that an agreement has been signed with a Canadian company to undertake the second phase of the removal of tree stumps from the lake.

The nominee added that the Ministry of Transport has secured funds for the procurement of safe ferries and fiber glass boats to replace the wooden boats being currently used.

Recommendation

The Committee recommends that the House approves *by consensus* the nomination of Mrs. Dzifa Aku Attivor as Minister for Transport.

9.0 CONCLUSION

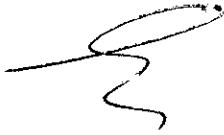
The Appointments Committee has carried out its duty diligently in accordance with the 1992 Constitution and the Standing Orders of the House. The Committee is satisfied that the under-listed nominees have fully met the requirements of the Constitution and therefore recommends to the House for approval by consensus, their nomination:

- 1. Hon. Dr. Benjamin Bewa-Nyog Kunbuor – Minister-Designate in Charge of Government Business in Parliament**

- 2. Hon. Haruna Iddrisu - Minister-Designate for Trade and Industry**

3. **Mrs. Marietta Brew Appiah-Opong** - **Minister-Designate for Justice & Attorney-General**
4. **Hon. Emmanuel Armah-Kofi Buah** - **Minister-Designate for Energy And Petroleum**
5. **Hon. Dzifa Aku Attivor** - **Minister-Designate for Transport**

Respectfully submitted.



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HON. EBO BARTON ODRO
(FIRST DEPUTY SPEAKER AND CHAIRMAN,
APPOINTMENTS COMMITTEE)



.....
ALHAJI IBRAHIM GOMBILLA
(DEPUTY CLERK TO PARLIAMENT)

7TH FEBRUARY, 2013