

**IN THE FIRST SESSION OF THE SEVENTH
PARLIAMENT OF THE FOURTH REPUBLIC OF
GHANA**

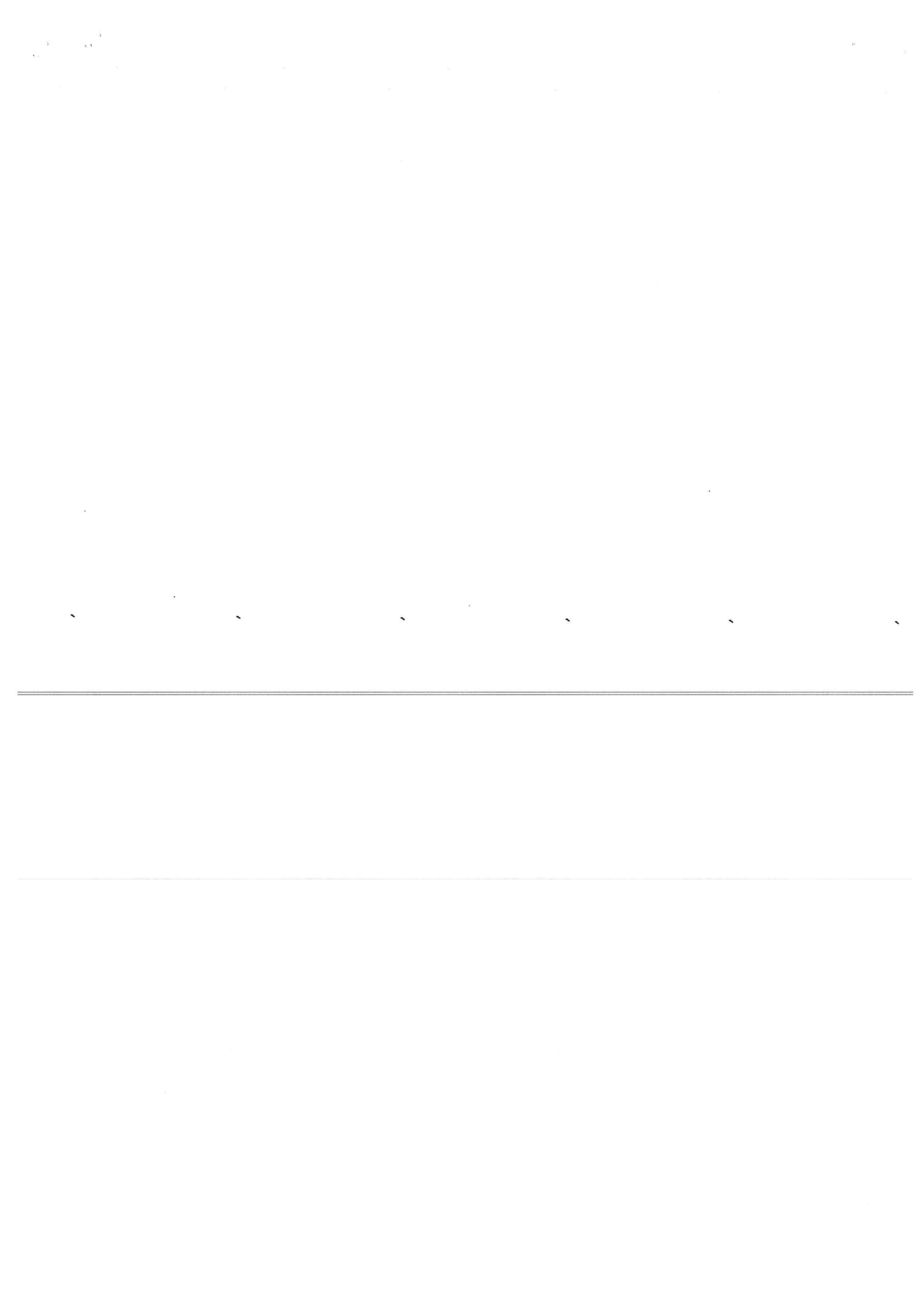
**THIRTEENTH REPORT OF THE
APPOINTMENTS COMMITTEE**

ON

**HIS EXCELLENCY THE PRESIDENT'S
NOMINATION OF MS. IRENE NAA TORSHIE
ADDO FOR APPOINTMENT AS THE
ADMINISTRATOR OF DISTRICT ASSEMBLIES'
COMMON FUND**



21 JUNE, 2017



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1.0 INTRODUCTION

In accordance with Article 252 (4) of the 1992 Constitution and the Local Governance Act 2016 (Act 936), H. E. the President of the Republic of Ghana, exercising his due prerogative and after prior consultation with the Council of State communicated to Parliament on Tuesday, 6th June 2017 the nomination of Ms. Irene Naa Torshie Addo for appointment of the new Administrator of the District Assemblies Common Fund.

Consequently, the nomination was referred to the Appointments Committee by the Rt. Hon. Speaker for consideration and report pursuant to Order 172 of the Standing Orders of the House.

2.0 REFERENCE DOCUMENTS

The Committee referred to the under-listed documents during its deliberations:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. The Curriculum Vitae of the Nominee; and
- iv. The Local Governance 2016 Act (Act 936)

3.0 CONSIDERATION OF THE REFERRAL

3.1 Pursuant to Order 172 (3) of the Standing Orders of the House, the Committee in the first instance caused to be published in newspapers of national circulation, the name of the nominee and notice of the Committee’s Public Hearing for the attention of the general public. The publication further requested Memoranda from the general public if any, on the nominee.

3.2 The Committee subsequently obtained Confidential Reports on the nominee from the Ghana Police Service and the Bureau of National Investigations (BNI) as part of its background checks. A Tax Status Report was also obtained from the Ghana Revenue Authority (GRA).

- 3.3 A Public Hearing was thereafter held to consider the nomination. At the commencement of proceeding, the nominee subscribed to the Oath of a Witness and subsequently answered questions relating to her Curriculum Vitae, matters relating to her eligibility, issues pertaining to the offices to which she has been nominated and other issues of national concern.
- 3.4 The Committee has duly considered the nomination and report as follows:

4.0 BACKGROUND

Ms. Irene Naa Torshie Addo was born in Accra on 30th September 1970. She attended Achimota Primary School from 1976 to 1982 and proceeded to St. Mary's Secondary School from 1982 to 1990, where she obtained both her Ordinary and Advanced Level Certificates. She enrolled in the University of Ghana in 1991 and was awarded an LLB in 1994. She subsequently proceeded to the Ghana School of Law in 1994 and was called to the Ghana Bar in 1996. She holds an LLM in Law and Development from the University of Warwick, UK and an Executive Certificate in Leadership in Development from the Harvard Kennedy School, USA. She also holds an Executive Masters in Conflict, Peace and Security from the Kofi Annan International Peace Keeping Centre, Accra.

Ms. Irene Addo worked as a Teaching Assistant in Community 5, Tema No.1&2 for her National Service from 1990 to 1991 and then at the Legal Directorate of the Ghana Armed Forces from 1996 to 1997. She joined Akufu-Addo, Prempeh and Co. Law Firm as an Associate Lawyer from 1996 to 2006. She then proceeded to Zoe, Akyea and Co. Law Firm as a Partner from 2006 to 2012. She was appointed Deputy Head of Mission to the Ghana Embassy Washington DC, USA from 2006 to 2008. She became the Member of Parliament in the 6th Parliament of the 4th Republic and represented the Tema West Constituency from 2009 to 2017. She is a member of the Ghana Bar Association, FIDA and ZONTA Club.

Ms. Irene Naa Torshie has held a number of leadership positions including First Deputy Minority Whip (2009 - 2017), as an MP she served as Deputy Ranking Member of the Gender and Children Committee (2009 - 2017) and also was a Member of the Committee on Roads and Transport (2013 - 2016), Foreign Affairs Committee (2009 - 2013) and the Committee on Lands and Forestry (2009 - 2013).

The nominee was also an Executive Board Member of Parliamentarians for Global Action (2012 - 2016) and the Vice President of the Parliamentary Network

on the World Bank and IMF (2014 - 2016). The Nominee is a member of the National Council of the New Patriotic Party (2014 till date) and a member of NPP manifesto Committee on Governance (2016).

From 2005 to 2009, she was a member of the National Finance Committee of the NPP.

RESPONSE TO QUESTIONS

Sources of Revenue for District Assemblies Common Fund (DACF)

Responding to a question on the source of funding for the DACF, the Nominee informed the Committee that the various sources of funding for the District Assembly Common Fund (DACF) are monies from Government of Ghana Coffers, Internally Generated Fund's (IGF's) from the assemblies, Urban Development Fund, District Development Fund and World Bank Donor support among others.

Distribution of the DACF Formula

The Nominee in response to how the DACF formula was arrived at, informed the Committee that there are four criteria in prescribing the formula for the DACF. She explained that there is the Needs Factor such as health, water and the sanitation needs of the Assembly. There is also the Service Pressure Factor which constitutes the Rural-Urban Migration trend of a district. The Quality Factor and the Response Factor that is, the internally generated funds a District generates. Consequently, funds are allocated to each District based on the severity of the Factors.

DACF's Allocation for Persons Living with Disabilities

As regards to how people living with disabilities are allocated funds by the District Assemblies, the Nominee informed the Committee that the rationale for the allocation of monies to Persons living with disabilities in the Districts is to train those persons to acquire a skill and where possible set them up in a trade. She stated that she would collaborate with Parliament to ensure that those persons receive the monies that have been allocated to them, adding that she would recommend to Parliament to structure the disbursement of the monies in a manner similar to what pertains in the LEAP system where each individual would register and open a bank account for the allocation.

One Million Dollar One Constituency Promise

In response to whether the one million United States dollars one constituency promise of Government would affect the DACF allocation formula, the Nominee assured the Committee that the One Million United States Dollar for the development of each Constituency Policy of the Government would not affect the DACF formula at the initial stage. However, in the long term it may affect the formula if the demand for basic needs of the said districts should increase. Districts with more basic needs would still receive more allocations and those with less needs would invariably receive less.

Approval of the Administrator of DACF

The Committee enquired from the nominee where the power of Parliament to approve the nomination of the Administrator of the DACF emanated from. The Nominee stated that Article 252 (4) of the 1992 Constitution provides that there shall be appointed by the President with the approval of Parliament, a District Assemblies Common Fund Administrator. Invariably, it is imperative that the Administrator is subjected to Parliamentary approval.

Responsibilities of the DACF Administrator

The Nominee was asked of the responsibilities of the Administrator of the DACF. In response, the Nominee stated that pursuant to Article 252 (5) of the 1992 Constitution, Parliament shall by law prescribe the functions and tenure of office of the Administrator in such manner as would ensure the effective and equitable administration of the DACF. She indicated that her functions are to propose to Parliament a formula for the disbursement of funds to the various districts and ensure that the districts utilize the funds for the intended purpose. She also indicated that her functions require her to report to Parliament on how the monies are utilized and to also avail herself for any other assignment from the President.

Experience in Managing Funds

In attesting to what experience she possesses to manage the District Assemblies Common Fund, the Nominee informed the Committee that as a lawyer she is trained to find solutions to problems and that is a quality she would utilize when approved by the Committee.

She also indicated that the responsibilities of the Administrator is to manage the fund subject to Parliamentary approval and that the Administrator only distributes the allocations and report to Parliament on the disbursements. She added that she would lobby the Minister of Finance as well as the Controller and Accountant General for the timely release of funds for onward disbursement in a timely manner.

Delays in the Releases of Funds to Newly Created Districts

Responding to questions on the late release of funds to newly created district assemblies, the Nominee informed the Committee that there is a general delay in the release and allocation of funds to all districts. She added that she would lobby Parliament to ensure that the funds are released timeously to all districts.

Acting as Administrator of the District Assembly Common Fund (DACF)

On a question as to when she started acting as the Administrator of District Assembly Common Fund, the nominee informed the Committee that she started working at the office of the Administrator of DACF from the first week of April, 2017 as the Representative of the President.

On a question of whether the immediate past Administrator finished his term, the Chairman ruled that the nominee cannot comment on that.

The Committee enquired from the nominee whether as part of her functions as Acting Administrator, she had signed cheques. The nominee answered in affirmative, explaining that she had to do that to enable MP's share of the fund which were in arrears to be paid.

Preference for newly created Districts to access funds under the Reserved Fund

On the question of the disbursement of the reserved fund, the nominee responded that the Reserve Fund is under the direction and control of the President. She however, indicated that she would recommend to the President to give special preference to assist such newly created districts in the country.

She recommended that newly created districts through their assemblies and Members of Parliament should submit applications for assistance from the fund. She assured the Committee that she would follow up on these applications to ensure that they receive favourable consideration.



Mobilization of Resources by Assemblies

The Committee enquired from the nominee what measures she would take to ensure that the Assemblies mobilise the needed revenue. The nominee responded that she would advise them to use the necessary means including the use of consultants to assist them come up with innovative ways to increase their Internally Generated Fund (IGF).

She added that increase in the IGF would position the Assemblies to even qualify them to access the funds under District Development Fund (DDF), which would lead to an increase in resources available to the Assemblies.

The nominee said that she would encourage the Assemblies to be more transparent so that the residents would be committed to pay their fair share of taxes, duties, rates and levies to the Assemblies to facilitate the development of the Assemblies.

Inadequate allocation to the District Assemblies Common Fund (DACF)

The nominee drew the Committees' attention to a situation where allocations received by DACF in past years are less than that stipulated under Article 252 (2) of the Constitution and recommended that Parliament should put in place a Committee that would ensure the DACF receives what is specified in the Constitution.

The Committee assured the nominee that Parliament and the Appointments Committee would follow-up on the inadequate release of allocated funds to the DACF.

Capping of the Allocation to the DACF

Responding to the effect of the capping of the allocation to the DACF and what she would do differently, the nominee indicated that as the Administrator, she would propose the formula for Parliamentary approval and perform the functions expected of an administrator as prescribed by law.

She intimated to the Committee that the DACF was not getting the constitutionally sanctioned allocation. However, most of the social interventions that the DACF used to fund have all been taken away, thereby freeing more of the funds for allocation to the Assemblies.

She informed the Committee that there are instances where the DACF receive only 4.2% of the total Government Revenue instead of the approved 7.5% by Parliament. She was of the view that if the DACF got all their due allocation, they would perform much better than they are currently doing.

She therefore reiterated her earlier appeal that Parliament should take a serious look into the matter and ensure that they curb the situation where most of the interventions are taken away from the Assemblies.

The major challenge facing the DACF, she intimated, is insufficient allocation into the fund.

Supporting Social Interventions

Responding to a question on whether the Fund would support social interventions other than those under Local Government Ministry, should the need arise, the nominee assured the Committee that when Cabinet so directs, she would propose it in the formula for consideration and possible approval by Parliament.

Constitutional Arithmetic of <5% Meaning \geq 7%

Responding to whether not less than 5 percent as specified by Article 252 (2) the Constitution and Section 126 (2) of Act 936 could mean even 7 percent or more, the nominee agreed, stating that the provision of not less 5 percent in the Constitution could translate to 7 percent or more.

Common Fund to Meet New Policy Objectives

Responding to how she intends to use the Common Fund to assist the Minister of Local Government meet the new policy objectives of the Government, the nominee stated that, the policy objectives of the Fund is to make sure the assemblies get their due share of resources pursuant to the concept of decentralization to function properly, collect enough Internally Generated Funds (IGF) to supplement the budget and not rely solely on the Common Fund for their developmental needs.

Non-Dependence of Metropolitan, Municipal and District Assemblies (MMDAs) on Government

In response to a question on whether she could envisage a situation where MMDAs would not be dependent on Government, the nominee answered in the affirmative. She however advised that the weaning off should be a gradual process, to the point where some MMDAs could borrow to finance their projects.

She assured the Committee that, should it become a policy approved by Parliament, the Common Fund could be used to bridge the gap between the endowed and poor assemblies by allocating more resources to the latter.

Managing Conflicts

Responding to whether she would be in a position to manage relationship conflicts between Members of Parliament and District Chief Executives, she assured the Committee that she has completed an Executive Masters in Conflict Management at the Kofi Annan International Peace Keeping Centre and is therefore well positioned to manage conflicts.

Informing Members of the Assemblies about Common Fund Allocation

To how she would ensure that Members of the various Assemblies are informed about their Common Fund allocations, the nominee assured the Committee that she would liaise with the Minister for Local Government and Rural Development as well as the Parliamentary Select Committee on Local Government and Rural Development to find a well structured system where Common Fund allocations could be tracked, monitored, transmitted, accessed by Members of the Assemblies. She further suggested a system whereby the Presiding Members of the Assemblies would be informed of the allocation to enable them relay same to the assembly members.

She agreed with a recommendation to publish Common Fund allocations in the media.

Members of Parliament Getting a Bank Statement on the MPs Share of the Common Fund

Answering on how she would ensure that the Members of Parliament get Quarterly Bank Statements on the MPs share of the District Assemblies Common Fund, the nominee assured the Committee that, if approved, she would propose

a system where Members of Parliament would have desk officers at the assemblies to manage their share of the Common Fund, thereby keeping track of their expenditure of their share of the Fund.

5.0 CONCLUSION AND RECOMMENDATION

The Committee noted that Ms. Irene Naa Torshie Addo with her background as a lawyer, a diplomat and a former Member of Parliament, aside from showing in-depth knowledge on issues relating to the administration of the Common Fund, should be a good interface between Government and the Assemblies. Ms. Irene Naa Torshie Addo's grasp of issues in relation to the Fund's administration impressed members of the Committee during her vetting.

The Committee is satisfied that her nomination by His Excellency the President as the Administrator of the District Assemblies' Common Fund is in conformity with the 1992 Constitution and the Standing Orders of the House and is also persuaded by her suitability and, accordingly, recommend, by consensus, the nominee to the House for approval:

Respectfully submitted.



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HON. JOE OSEI-OWUSU
(FIRST DEPUTY SPEAKER,
& CHAIRMAN
APPOINTMENTS COMMITTEE)



.....
ASANTE AMOAKO-ATTA (MR.)
(CLERK TO THE COMMITTEE)

21 JUNE, 2017

