IN THE THIRD SESSION OF THE SEVENTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA

REPORT OF THE COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS

ON THE

GHANA COCOA BOARD (AMENDMENT) BILL, 2017

DECEMBER 2019
1.0 INTRODUCTION

1.1 The Ghana Cocoa Board (Amendment) was laid in Parliament on the 27th February, 2018 by the Hon. Minister for Monitoring and Evaluation, Mr. Akoto Osei on behalf of the Hon. Attorney-General and Minister for Justice in accordance with Article 106 of the 1992 Constitution.

1.2 Consequently, the Rt. Hon. Speaker referred the Bill to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to Orders 179 of the Standing Orders.

1.3 The Rt. Hon. Speaker further directed the Leadership of the Committee on Food, Agriculture and Cocoa Affairs to join the Committee to consider the Bill.

2.0 DELIBERATIONS

The Committee together with the Leadership of the Committee on Food, Agriculture and Cocoa Affairs met with Officials of the Office of the Attorney-General and Ministry of Justice and the Ghana Cocoa Board to consider the Bill.

The Committee expresses its profound gratitude to the Officials for assisting in the deliberations.

3.0 REFERENCE DOCUMENTS

The Committee referred to the following documents during its deliberations:

i. The Constitution, 1992;

ii. The Standing Orders of Parliament; and


4.0 BACKGROUND INFORMATION

4.1 The Ghana Cocoa Board (COCOBOD) was established in March 1984 by PNDCL 81 to formulate appropriate policies to facilitate the production, processing and marketing of cocoa, coffee and shea in the country.
4.2 The functions of the COCOBOD include production, research, extension, internal and external marketing and quality control of cocoa, coffee and shea.

4.3 Per PNDCL 81, the Minister for Trade exercises ministerial responsibility over the COCOBOD. However, the Government considers it necessary to transfer the ministerial responsibility to the Hon. Minister responsible for Agriculture.

4.4 In this regard, it has become imperative to amend PNDCL 81 to achieve that effect. Per Section 39 of PNDCL 81, the Minister responsible for matters referred to in P.N.D.C.L. 81 is the Minister responsible for Trade.

4.5 The ministerial responsibilities under the Law include the following:

i. Approval of prices of cocoa, coffee and shea to be paid to farmers;

ii. Issuance of general directions to the COCOBOD relating to the performance of its functions; and

iii. The making of Regulations to ensure the effective performance of the functions of the COCOBOD.

5.0 OBJECT OF THE BILL

The Bill seeks to amend Section 39 of PNDCL 81 to vest ministerial responsibility over the activities of COCOBOD in the Hon. Minister responsible for Agriculture.

6.0 OBSERVATION

The Committee made the following observations during its deliberations:

6.1 Justification for the Amendment

Officials of the Ghana Cocoa Board informed the Committee that the intended change in ministerial responsibility under the Law is to properly focus cocoa production as the foremost function of the Board. In view of the fact that cocoa production is under the remit of the agricultural sector, it is therefore imperative for the Minister responsible for Agriculture to have oversight responsibility over the Ghana Cocoa Board and related matters pertaining to the production of cocoa as an agricultural product.

The Committee is cognisant of the fact that the functions of the COCOBOD go beyond production of the cash crops; the Board is also responsible for the processing and marketing of these crops. However, it
is the majority view that, that production of the crop is the primary or core duty of the COCOBOD and accordingly agrees with the proposal to vest ministerial responsibility over the COCOBOD with the Minister responsible for Agriculture.

6.2 Target to Increase Cocoa Production to 1 Million Tonnes

Per its objects under the Law, the Ghana Cocoa Board is mandated to play an important role in Ghana's economy by employing about 800,000 people and generating about US$2bn annually. Cocoa is also a major contributor to the country's Gross Domestic Product.

It is also believed that the amendment is in line with the objective of Government to achieve the target of One Million Tonnes of Cocoa production annually.

7.0 CONCLUSION AND RECOMMENDATION

Having critically examined the Bill, the Committee takes the view that the amendment is appropriate and would enhance ministerial responsibility of the Ghana Cocoa Board, and reposition the COCOBOD to deliver the target of producing 1 Million tonnes of cocoa annually.

In that regard, the Committee, by majority decision recommends to the House to adopt its Report and to pass the Ghana Cocoa Board (Amendment) Bill, 2017 in accordance with Article 106 of the Constitution, 1992 and the Standing Orders of the House.

Respectfully submitted.

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