

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

**REPORT OF THE COMMITTEE ON
EDUCATION ON THE
GHANA COMMISSION FOR UNESCO
BILL 2022**

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1.0 INTRODUCTION

The Ghana Commission for UNESCO Bill 2022 was presented to the House on 31st May 2022 by the Minister for Parliamentary Affairs and Majority Leader, Hon. Osei Kyei Mensah-Bonsu, on behalf of the Minister for Education.

In accordance with Article 103 of the 1992 Constitution of Ghana and Orders 125 and 186 of the Standing Orders of the House, the Rt. Hon. Speaker referred the Bill to the Committee on Education for consideration and report.

2.0 CONSIDERATION OF THE BILL

In considering the referral, the Committee met with the Chief Director and officials of the Ministry of Education and the Ghana Commission for UNESCO. In attendance at the meeting were officials of the Drafting Division of the Attorney-General Department. The Committee is grateful for their input and support during the deliberations on the Bill.

3.0 REFERENCE DOCUMENTS

In examining the Bill, the Committee referred to the under listed documents:

- i. The 1992 Constitution of the Republic of Ghana
- ii. The Standing Orders of the Parliament of Ghana
- iii. Charter of the National Commission for UNESCO
- iv. The Ghana Commission for UNESCO Bill, 2022

4.0 BACKGROUND

The Ghana National Commission for UNESCO (Ghana NATCOM) started as a Committee for UNESCO Affairs in 1953 when Ghana became an Associate Member of UNESCO. Ghana attained full membership of UNESCO on 11th April 1958. Cabinet then approved the reconstitution of the Committee under the new name “Ghana National Commission for UNESCO”.

The Bill seeks to fulfil the requirements of Article VII of the Constitution of UNESCO and Article IV.1 of the Charter of the National Commissions for UNESCO by providing the Ghana National Commission for UNESCO with a legislative framework, to establish the Commission as a body corporate and enhance its efficiency, to streamline the administration and functions of the Commission and to outline the responsibilities of Government, Ministries, Departments and Agencies, Civil Society Organisations and individuals interested in the activities of UNESCO.

5.0 OBJECT OF THE BILL

The object of the Bill is to establish the Ghana Commission for UNESCO to carry out the aims and objectives of the United Nations Educational, Scientific and Cultural Organisation (UNESCO). The aim of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) is to contribute to the building of peace, the eradication of poverty, sustainable development, and intercultural dialogue.

In order to achieve its aims and objectives among the Member States, UNESCO uses national co-operating bodies known as National Commissions. Article VII of the Constitution of UNESCO mandates each Member State to make arrangements for associating principal bodies interested in educational, scientific and cultural matters with the work of the Organisation, preferably by forming a National Commission broadly representative of the Government and the principal bodies.

Furthermore, Article IV.1 of the Charter of the National Commissions for UNESCO requires each Member State to provide the National Commission of the Member State with the status, structure, and resources necessary to discharge its responsibilities to UNESCO and the Member State effectively.

6.0 SUMMARY OF PROVISIONS

The Bill consists of a total of forty-six clauses.

Clause 1 of the Bill establishes the Ghana Commission for UNESCO as a body corporate.

The object of the Commission, as specified in **clause 2**, is to carry out the aims and objectives of UNESCO in the country.

Clause 3 outlines the functions of the Commission.

Under **clause 4** of the Bill, the organs of the Commission are the General Assembly, the Executive Committee, the Secretariat of the Commission, the Permanent Delegation of Ghana to UNESCO, Programme Specialised Committees, the National Committees for Intergovernmental Programmes and any other organ the General Assembly may consider appropriate.

Clause 5 establishes the General Assembly of the Commission as the highest decision-making body responsible to the President.

The functions of the General Assembly are provided for in **clause 6**.

Standard provisions on the tenure of office, meetings, disclosure of interest and establishment of committees are applied to the General Assembly **under clauses 7 to 10**, respectively.

Clause 11 establishes an Executive Committee responsible to the General Assembly.

Clause 12 enumerates the functions of the Executive Committee.

Clause 13 empowers the Executive Committee to establish sub-committees to perform a function of the Executive Committee.

The procedure for meetings of the Executive Committee is stated in **clause 14**.

The Secretariat of the Commission is established under **clause 15**.

Under **clause 16**, the Secretariat is required to advise the State on policies in respect of UNESCO and programmes of UNESCO, to serve as a liaison agency between a Ministry, Department or Agency of Government and UNESCO, among others.

Clause 17 provides for the appointment of the Secretary-General of the Commission by the President in accordance with article 195 of the Constitution, and **clause 18** sets out the functions of the Secretary-General.

Clause 19 provides for the appointment of two Deputy Secretaries-General for the Commission, and a Deputy Secretary-General's functions are dealt with under **clause 20**.

Clause 21 provides the appointment of other staff of the Secretariat of the Commission.

Clause 22 requires the Secretariat of the Commission to develop a Code of Conduct for the Commission. The establishment of the Permanent Delegation to UNESCO, the functions of the Permanent Delegation and the Permanent Delegate of Ghana as the permanent representative of Ghana to UNESCO are provided for under **clauses 23 and 25**.

Clause 26 provides for the appointment of the Deputy Permanent Delegate of Ghana to UNESCO not below the rank of a Deputy Secretary-General.

The Deputy Permanent Delegate of Ghana to UNESCO is required to head the Secretariat of the Permanent Delegation under **clause 27**.

Clause 28 provides for the Secretariat of the Permanent Delegation, and under **clause 29**, the General Assembly is mandated to appoint other staff of the Permanent Delegation.

Clause 30 empowers the General Assembly to establish programme specialised committees whilst the membership of the Programme Specialised Committee is dealt with under **clause 31**.

The functions of the Programme Specialised Committees are listed in **Clause 32**.

Clause 33 mandates the Commission to establish national committees for inter-governmental programmes of UNESCO.

The functions of each national Committee are provided for **under clause 34**.

Clause 35 empowers the General Assembly to grant an institution in a field of competence of UNESCO the right to host any national committees established under clause 33.

Provision is made in **clause 36** for the payment of allowances to members of the General Assembly, Executive Committee, Programme Specialised Committees and any other committee of the General Assembly.

Clause 37 deals with the Internal Audit Unit of the Secretariat of the Commission in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

Clause 38 provides for the funds of the Secretariat of the Commission whilst **clause 39** provides for the moneys for the Secretariat of the Commission to be paid into a bank account opened for that purpose with the approval of the Controller and Accountant-General.

The standard provisions on accounts and audits, annual reports, and other reports are dealt with in **clauses 40 and 41**.

Miscellaneous matters are provided for under **clauses 42 to 46**. Under **clause 42**, a public institution or a private institution is obliged to co-operate with the Authority in the performance of their functions. **Clause 43** empowers the Minister to make Regulations by a Legislative Instrument in consultation with the General Assembly.

The interpretation of words and expressions used in the Bill is provided for under **clause 44**.

Clause 45 deals with the consequential amendment of the Bill, and **clause 46** deals with transitional provisions.

7.0 OBSERVATIONS

7.1 Establishment of the Ghana Commission

The Committee was informed that UNESCO is the only UN Agency with a global network of national cooperating bodies known as National Commissions for UNESCO. The National Commissions constitute part of the overall constitutional architecture of UNESCO. The National Commissions are established by the respective governments in accordance with Article VII of the UNESCO Constitution. The National Commissions operate, on a permanent basis, for the purpose of associating their governmental and non-governmental bodies in education, sciences, culture and communication with the work of UNESCO.

The Committee was informed that presently, there are 199 National Commissions for UNESCO worldwide. They constitute a truly global family with an authoritative network of stakeholders,

partners and experts and offer a comparative advantage to UNESCO within the United Nations system. This network plays a significant role in liaising with partners, coordinating activities and promoting UNESCO's visibility at the country level.

The requirements of Article IV.1 of UNESCO's Charter of National Commissions "provide its National Commission with the status, structure and resources necessary to enable it effectively discharge its responsibilities to UNESCO and to the Member State". This includes a legal status, a permanent Secretariat and a budget.

To fulfil the requirements of Article VII of UNESCO's Constitution and Article IV of UNESCO's Charter for National Commissions is to provide the Commission with a legislative framework.

The Committee noted that the Ghana Commission lacks a legal framework comparable to similar institutions in other countries. When established as a corporate body, the Ghana Commission for UNESCO will serve as the Government's liaison body with respect to UNESCO matters.

Establishing the Ghana Commission for UNESCO will enable the Ghana Commission for UNESCO to gain credibility among partner States, enhance its efficiency, and streamline its administration to suit the effective performance of its functions. The Committee believes, therefore, that the Government must provide the Ghana Commission for UNESCO with adequate status and sufficient Authority to ensure that the Commission works to its full potential.

7.2 Permanent Delegation to UNESCO

Another crucial issue that the Committee noted was the establishment of the Permanent Delegation of Ghana to UNESCO under clause 23. The Committee noted that the position of the Permanent Delegation has traditionally been under the Ministry of Foreign Affairs and Regional Integration because the Permanent Delegations are headed by a person having the diplomatic status of the rank of an Ambassador. When a Permanent Delegate is appointed to the Organization, the appointment is the subject of an official communication addressed to the Director-General of UNESCO.

The Committee observed that the ability to take someone to Paris to man the office over the years has been quite difficult, so the Ministry of Foreign Affairs and Regional Integration has had no choice but to assign the Ambassador to Paris as the head of the Permanent Delegation to UNESCO.

The Permanent Delegation to UNESCO is the liaison between Member States' Governments and the Organization's Secretariat. At present, 186 Member States have established Permanent Delegations to UNESCO. In addition, there are two Permanent Observers and ten intergovernmental organisations with Permanent Observer Missions to UNESCO.

7.3 Funding for the Ghana Commission for UNESCO

The Committee noted that when the Bill is passed, the Ghana Commission for UNESCO will become a fully-fledged government agency and be fully funded from the Consolidated Fund and other sources of funds identified under Section 38 of the Bill.

As an agency of Government, financing of the Commission's activities and programmes is expected to be used for the payment of annual UNESCO assessed contributions which are mandatory contributions from the Member States by virtue of the country's membership. The scale of assessments is based on the United Nations (UN) contributions, with suitable adjustments considering the differences in membership between the two organisations.

The Committee was informed that apart from the annual subscription, funds must be provided for the cost of running the Secretariat of the Permanent Delegation to UNESCO in France, which entails renting office space at UNESCO, payment of compensation and other related goods and services and capital expenditure. The Committee also noted adequate funding must be provided for building capacity and orientation of government agencies on UNESCO matters and initiatives, implementing projects in line with UNESCO's biennial programme roll-out and for costs for Ghanaian Delegations attending UNESCO statutory and intergovernmental meetings.

The Committee believed that for the country to fulfil its international obligation under the UNESCO convention, funding to the Commission must be prioritised and ring-fenced.

8.0 PROPOSED AMENDMENTS

The Committee, after careful consideration of the Ghana National Commission for UNESCO (Ghana NATCOM) Bill, recommends the following amendments:

Clause 2 – Amendment proposed: line 3, after “alleviation” insert a comma.

Clause 3 – Amendment proposed: paragraph (f), line 1, delete “corporation” and insert “cooperation”.

Clause 3 – Amendment proposed: paragraph (i), line 1, delete “objects” and insert “object”

Clause 5 – Amendment proposed: subclause (3), delete paragraph (c) and insert a new paragraph (c) as follows:

“(c) the Chief Director of the Ministries responsible for the following areas, or a representative of the Chief Director not below the rank of a director of an Agency, with expertise in the relevant subject matter of the Ministry:

- (i) Science;
- (ii) Culture;
- (iii) Information;
- (iv) Communication;
- (v) Gender;
- (vi) Youth and Sports; and
- (vii) Foreign Affairs.”

Clause 5 – Amendment proposed: subclause (3), paragraph (f), line 2, after “and” insert “Programme Specialised”

Clause 5 – Amendment proposed: subclause (3), delete paragraph (l) and insert a new paragraph (l) as follows:

“(l) a representative of the National House of Chiefs, nominated by the President of the National House of Chiefs; and”;

Clause 5 – Amendment proposed: subclause (3), insert a new paragraph after paragraph (l) as follows:

“(…) not more than five representatives nominated by the Executive Committee and drawn from among the following:

- (i) non-Governmental institutions;
- (ii) professional unions;
- (iii) eminent scientists;
- (iv) eminent journalists or artists;
- (v) youth organisations or women organisations; and

(vi) persons with expertise in an area of competence of UNESCO.”

Clause 5 – Amendment proposed: Delete subclause (5).

Clause 7 – Amendment proposed: subclause (2), after “Secretary-General”, insert “and any other person who is a member of the General Assembly by virtue of office of that person”.

Clause 8 – Amendment proposed: subclause (2), line 3, delete “the” and insert “a”.

Clause 8 – Amendment proposed: subclause (3), line 1, delete “fifteen” and insert “one-third of the”.

Clause 8 – Amendment proposed: subclause (5), line 2, after “members”, delete “present and”.

Clause 9 – Amendment proposed: insert a new subclause after subclause (2) as follows:

“(…) Without limiting any further cause of action that may be instituted against a member, the General Assembly shall recover any benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.”

Clause 10 – Amendment proposed: subclause (2), line 2, after “Assembly”, insert “as determined by the General Assembly”.

Clause 11 – Amendment proposed: subclause (2), delete paragraph (d) and insert a new paragraph (d) as follows:

“(d) two other persons with the requisite legal and financial expertise, nominated by the Minister, at least one of whom is a woman.”

Clause 11 – Amendment proposed: Insert a new subclause after subclause (4) as follows:

“(…) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Executive Committee.”

Clause 13 – Amendment proposed: delete the headnote and insert “Establishment of sub-committees”.

Clause 14 – Amendment proposed: delete clause 14 and insert the following new clauses:

“Tenure of office of members of the Executive Committee

..... (1) A member of the Executive Committee shall hold office for a term of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Secretary-General and any other person who is a member of the Executive Committee by virtue of office.

(3) A member of the Executive Committee may, at any time, resign from office in writing addressed to the President through the Minister.

(4) A member of the Executive Committee, who is absent from three consecutive meetings of the Executive Committee without sufficient cause ceases to be a member of the Executive Committee.

(5) The President may, by letter addressed to a member, revoke the appointment of the member.

(6) Where a member of the Executive Committee is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability of the member to act would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4), (5) or subsection (2) of section 9,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint another person to fill the vacancy for the unexpired term of the member in accordance with this Act.

Meetings of the Executive Committee

(1) The Executive Committee shall meet at least once every three months for the conduct of business at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Executive Committee, convene an extraordinary meeting of the Executive Committee at a time and place determined by the chairperson.

(3) The chairperson shall preside at meetings of the Executive Committee and in the absence of the chairperson, a member of the Executive Committee, other than the Secretary-General, elected by the members present from among the number shall preside.

(4) The quorum at a meeting of the Executive Committee is one-third of the members of the Executive Committee.

(5) A matter before the Executive Committee shall be decided by a simple majority of the members voting, and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Executive Committee may co-opt a person to attend a meeting of the Executive Committee but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Executive Committee shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Executive Committee may determine the procedure for meetings of the Executive Committee.

(9) Section 9 applies to a member of the Executive Committee.”

Clause 16 – Amendment proposed: paragraph (k), line 1, after “may” insert “, with the prior approval of the General Assembly,”.

Clause 18 – Amendment proposed: subclause (1), insert a new paragraph after paragraph (d) as follows:

“(…) the performance of any other function assigned by the General Assembly”.

Clause 19 – Amendment proposed: subclause (1), line 2, after “Commission” insert “, one in charge of Programmes and the other in charge of General Operations”.

Clause 20 – Amendment proposed: delete clause 20 and insert a new clause 20 as follows:

“Functions of Deputy Secretary-General

20. (1) The Deputy Secretary-General in charge of Programmes

- (a) shall advise the Secretary-General on the execution of the general programmes of the Secretariat of the Commission;
- (b) shall coordinate the preparation of reports and country position papers for conferences and other inter-governmental meetings of UNESCO;
- (c) is responsible for the development of the programme implementation plan of the Secretariat of the Commission;
- (d) shall have oversight responsibility over programmes in the areas of competence of UNESCO;
- (e) shall perform any other function that may be assigned by the Secretary-General.

(2) The Deputy Secretary-General in charge of General Operations shall

- (a) assist the Secretary-General to direct the operations of the Secretariat of the Commission to achieve the goals of the Secretariat of the Commission;
- (b) ensure the effective implementation of the operational policies and plans of the Secretariat of the Commission;
- (c) have oversight responsibility over specific internal operational areas, including Finance, Administration, Monitoring and Evaluation, Public Relations and Procurement;
- (d) advise the Secretary-General on the financial and administrative matters of UNESCO;
- (e) perform any other function that may be assigned by the Secretary-General.

(3) In the absence of the Secretary-General, the Deputy Secretary-General who is more senior shall act as Secretary-General.

(4) A Deputy Secretary-General is answerable to the Secretary-General in the performance of functions under this Act.”

Clause 23 – Amendment proposed: in the heading, after “*Delegation*”, insert “*of Ghana*”.

Clause 23 – Amendment proposed: headnote, after “Delegation”, insert “of Ghana”.

Clause 23 – Amendment proposed: Delete subclause (1) and insert a new subclause (1) as follows:

“ (1) There is established by this Act, the Permanent Delegation of Ghana to UNESCO situated at the headquarters of UNESCO in France.”

Clause 23 – Amendment proposed: delete paragraph (b) of subclause (3).

Clause 25 – Amendment proposed: delete clause 25 and insert a new clause 25 as follows:

“Permanent Delegate of Ghana

25. The Permanent Delegate of Ghana

- (a) is the Ambassador of Ghana to France and the head of the Permanent Delegation of Ghana to UNESCO;
- (b) is the permanent representative of Ghana to UNESCO;

- (c) shall, in the absence of the chairperson of the General Assembly, act as the head of any delegation from Ghana attending meetings of UNESCO at the headquarters of UNESCO;
- (d) is accountable to the General Assembly through the chairperson of the General Assembly; and
- (e) is accountable to the Minister responsible for Foreign Affairs.

Clause 30 – Amendment proposed: line 1, delete “The” and insert “Without limiting subsection (1) of section 10, the”.

Clause 31 – Amendment proposed: delete subclauses (2) and (3).

Clause 32 – Amendment proposed: subclause (1), paragraph (c), line 1, delete “technical”.

Clause 33 – Amendment proposed: delete subclause (2) and insert the following:

“(2) Each national committee shall consist of persons with expertise in the subject matter of the committee.”

Clause 38 – Amendment proposed: delete clause 38 and insert a new clause 38 as follows:

“Sources of funds of the Secretariat of the Commission

38. The sources of funds of the Secretariat of the Commission are

- (a) moneys approved by Parliament;
- (b) donations, grants and loans;
- (c) moneys realised from fundraising activities of the Commission and any other internally generated funds; and
- (d) any other sources of funds approved by Parliament.

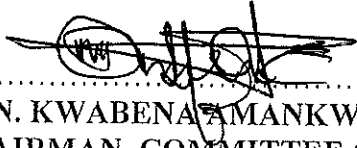
Clause 46 – Amendment proposed: subclause (1), line 7, delete “Commission” and insert “Ghana National Commission for UNESCO”.

Clause 46 – Amendment proposed: subclause (2), line 1, delete “Commission” and insert “Ghana National Commission for UNESCO”.

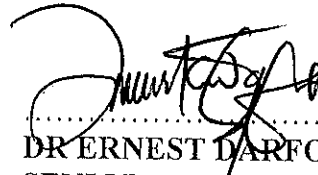
Clause 46 – Amendment proposed: subclause (3), line 3, delete “Commission” and insert “Ghana National Commission for UNESCO”.

9.0 CONCLUSION

The Committee having examined and satisfied itself with the provisions of this Bill, recommends the passage of the Ghana National Commission for UNESCO subject to the proposed amendments.



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HON. KWABENA A. MANKWA ASIAMA
CHAIRMAN, COMMITTEE ON EDUCATION



.....
DR ERNEST DARFOUR
SENIOR ASSISTANT CLERK
FOR CLERK TO COMMITTEE

