

OPENING STATEMENT BY THE RT. HON. SPEAKER AT THE THIRD
PUBLIC FORUM - "PARLIAMENT IN RETROSPECT" - AT THE
NATIONAL THEATRE ON THURSDAY, 11TH JANUARY, 1996

HONOURABLE MINISTERS

EXCELLENCIES

DISTINGUISHED LADIES AND GENTLEMEN:

On behalf of Honourable Members of Parliament, I wish, once again, to welcome you to this "Public Forum" which has been planned as one of the events to commemorate the Third Anniversary of the Fourth Republic of Ghana which fell on 7th January, 1993.

We wish to record our thanks to the Minister of Information and the staff of the Information Services Department for the arrangements made to organise this Public Forum in the splendid facilities of the National Theatre. We are also grateful to all, who behind the scenes, have assisted in making this event possible.

Distinguished Ladies and Gentlemen, the theme of this forum is "Parliament in Retrospect". Those of you who were present at the last forum would recall the enthusiasm and serious motivation with which Parliament accepted to "Meet the People" for the second time on 4th January, 1995 to give account of its stewardship to the nation. In agreeing to organise the second public forum, Parliament was fully aware that as an institution of democracy it must engage in actions that are of tremendous significance for the directive principles of good governance that strike at the very heart of democracy. Thus the Legislature, as one of the three branches of Government succeeded right from the beginning of the Fourth Republican Constitution to foster the public awareness of these principles of the democratic process.

Today is the third occasion that Parliament is being afforded the opportunity to meet the people in a public forum outside the precincts of Parliament House. During the two previous occasions Honourable Ministers and Parliamentarians spoke directly to the public and the press and answered questions in order to assist the public to assess, in some depth, the role and functioning of our Legislature. The public thus had another occasion to be well informed of how Parliament operates as an Institution, its structures, its committee system, the role of the officials and staff of the Parliamentary Service and parliamentary practice and procedure. The public have been informed publicly about such Parliamentary Instruments such as statements, motions, questions, and the process of Legislation (how Bills become Acts of Law).

Distinguished Ladies and Gentlemen, I propose on this occasion to introduce some 'visual aids' that will deepen the understanding and interest of the public on the structures, systems, procedures and processes and other working tools of Parliament by mounting a small exhibition in a room adjoining this where there will be a display for inspection of the public such Parliamentary Instruments as Statements, Motions, Questions, Resolutions, Process of Legislation and official Parliamentary Reports. Arrangements have been made for inquiries relating to the processing and utilisation of these documents to be addressed by staff of the Parliamentary Service.

And now, let me speak briefly about the human resources available in our Parliament. It is a fact that the achievement or otherwise of the expected results of any organisation is through the calibre and responsiveness of its human resources. In this regard, I wish to assure

you that there exists in our current Parliament men and women endowed with diverse talents and experiences and who are quick to learn and grapple with the challenges of their calling. The average Parliamentarian has demonstrated youthful dynamism and enthusiasm and an intelligent political awareness. These qualities are evidenced in the performance of a large number of MPs who have gained experiences over the past three Sessions of the current Parliament. What is becoming increasingly obvious is the growing confidence and political awareness which our average MP has been showing in responding to the peoples' aspirations. Our MPs have, over the past three Sessions, laid a good foundation of critical evaluation and intelligent appreciation of the legitimate demands and expectations of the people and their constituents in particular. The ingenuity with which Members seized every debating opportunity to raise constituency concerns and the very fundamental issues Members raised during debates meant a lot and depict Members steady mastery of the art of conflict resolution through words.

In the past Session Parliament put its procedural rules, the Standing Orders to the test by examining and reviewing their practical effectiveness and relevance to the day to day ordering of the proceedings of work. In the process Parliament decided to amend some of the existing rules in order to facilitate the effective discharge of its duties. On 30th November, 1995, the House adopted a motion on the Revised Standing Orders and also approved that the ORDERS come into effect the same day.

BASIC STRUCTURES AND MECHANISMS NEEDED BY PARLIAMENT TO FUNCTION

Members of the public who attended any of the two previous fora must have acquired some knowledge of the current structure and processes

of Parliament. I am, however providing the information again for the benefit of those attending the forum for the first time and also to refresh the memory of old participants - especially as visual aids relating to them are being provided for the first time.

Since 7th January, 1993 we have had a Parliament composed of 200 Members (188 NDC, 1 Egle, 8 NCP, 3 Independent) with a Speaker, 2 Deputy Speakers, a Majority Leader (NDC Member) who is the Cabinet Minister of Parliamentary Affairs, a Minority Leader (representing 8 Members of the NCP). There are 26 Committees (10 Standing and 16 Select) the areas of responsibilities of most of which correspond to the work of various Ministries, Departments of Government and the public sector. Each Committee has a Chairman. A Parliamentary Service Act is in force. Under the overall authority of the Speaker, the administration of Parliament is headed by a Clerk with a number of Deputies and Assistants, an Editor of Debates and Parliamentary Reporters as well as other administrative and clerical staff.

VISITS TO AND FROM OVERSEAS COUNTRIES

Distinguished Ladies and Gentlemen, Ghana has, over the past three Sessions, taken its rightful place among the world community of Legislators. Since then Ghana has joined other Parliaments throughout the world in fostering a climate in which freedom of speech will flourish and co-operation will get impetus. This consolidation of the democratic outlook and aspirations has underlined the important role of Parliamentarians across the globe and has paved a fertile ground for international co-operation. The apex of this co-operative effort is the Inter-Parliamentary Union (I.P.U) of which Ghana is an active Member

and has been attending its Conferences since its return to democratic rule in 1993. Ghana is also an active Member of the Commonwealth Parliamentary Association (CPA), and the Union of African Parliaments. In spite of limited financial resources Parliament was adequately represented at the annual conference of the inter-Parliamentary Union in Bucharest Romania and the Commonwealth Parliamentary Association in Colombo, Sri Lanka. Ghana's Parliament has been chosen as a venue for the CPA seminar in 1997 and tentatively the CPA African Region Meeting in 1998. The Speaker has also just returned from the Commonwealth Speakers Conference in Cyprus, and a bilateral Programme with the Parliament of Greece.

Distinguished Ladies and Gentlemen, Ghana has been gender-sensitive in the selection and approval of membership of delegations to international conferences and seminars. A woman Parliamentarian was one of the delegates who attended the International Parliamentary Union (IPU) annual conference in Bucharest last Session. During the same period, one woman MP represented Ghana at the pre-Beijing seminar in Tokyo and two women the Beijing Conference on Women affairs itself. Two women also attended the CPA Conference in Colombo, Sri Lanka. Indications are that women Parliamentarians would be adequately represented in future delegations to international fora.

During the Third Session of the First Parliament of the Fourth Republic foreign Parliamentary delegations visited the House from the Republic of South Africa, Commonwealth Parliamentary Association (U.K. Branch) and Togo. On 8th November, 1995, the Speaker welcomed to the House the Prime Minister of the Republic of India Rt. Hon. P.V. Narasimha Rao who during the visit invited the Speaker to visit the Parliament

of India at a future date. Other delegations from the Republic of Uganda and the Gambia visited Parliament during the Session. These visits have opened up opportunities for wide contacts, exchange of information and experiences in Commonwealth Africa and Asia.

THE FUNCTIONS OF PARLIAMENT

Effective management of the machinery of Government is necessary for the attainment of steady progress in any nation. To achieve progress in Ghana the three arms of Government provided for in our current Constitution, namely the Executive, Legislature (Parliament) and the Judiciary should be made to function efficiently and in harmony, so as to complement one another in the supreme national interest.

The main function of Parliament is to make laws in accordance with the provisions of the constitution. In addition to the Legislative function Parliament also exercises powers and functions that are deliberative, investigative and regulatory and each set of functions has a conceptual or functional linkage direct or indirect with other constitutional authorities and bodies such as the Executive, Judiciary, the Council of State, political parties, professional, trade and business organisations, Bank of Ghana, Departments of state, Commission on Human Rights and Administrative Justice, the National Media Commission, the National Commission for Civic Education, among others. It follows from this that if even Parliament's primary function is legislative in character when it makes laws, it does so in the context of a much broader framework of responsibilities that affect practically all major areas of national importance and the national interest.

In its deliberative function which is sometimes called its function of criticism, Parliament considers a range of domestic and foreign policies and actions. In its investigative function, Parliament has constitutional authority and duty through its Standing and Select Committees to investigate and inquire into the activities and administration of Ministries and departments as may be necessary from time to time. Through the Committee System Parliament examines and assesses legislative proposals, policies and financial matters in detail. A very critical aspect of Parliament's investigative function is located in the Appointments Committee which examines and assesses persons nominated by the President for appointments as Ministers of State, Chief Justice and Justices of the Supreme Court and other public offices. With respect to its Regulatory role, Parliament is called upon by Constitutional provision to make Laws to regulate the establishment and functioning of political parties and professional, trade and business organisations and a wide range of institutions.

How then, Distinguished Ladies and Gentlemen, has Parliament related to the Executive in the performance of its assigned role and functions over the past three Sessions?

It was Amery who said "the main task of Parliament is "to secure full discussion and ventilation of all matters" and "to hold Government to account". This implies that it is in the Parliamentary process that the tenets of accountability, probity, open government and transparency are upheld in promoting the common welfare.

In conformity with the provisions of our Constitution, Parliament has not been directly involved in the process of governing the country although it has had the secondary task of sustaining the Government of

the day in office. Our MPs other than Ministers have responded and reacted to Government proposals and actions and so influenced the Government. But governing of the country has not been their responsibility.

It is pertinent to note that Governments, by nature must constantly be urged or prodded to open up their policies, plans and programmes. The more that is known of what Government intends the greater is the scope for criticism which is the prime function of Parliament. Our MPs have through questions, statements and other means obtained important information from the Executive to enable them to perform their assigned functions of making the Government accountable. Debates in Parliament have also been known to be only the part that surfaces of a considerable discussion with affected interests that bring pressure to bear on Ministers, Civil Servants and Parliamentarians. And this discussion has further been carried on in the press, television, in books, in articles and in public. All this is known but the success of our democracy has been judged by the extent to which it has ensured that the Government has been publicly accountable. In fact, our MP's have been seeking on a continuing basis to ensure the accountability and probity of Government during the past three Sessions. In the process the vital privilege of the MPs has been their freedom of speech in Parliament.

LEGISLATIVE AGENDA

During its Third Session Parliament debated, considered, amended and passed fourteen (14) Bills. One of these bills, the Value-Added Tax (Amendment No.2) bill was repealed by the House within three months after its passage and replaced by the Service Tax Bill which was passed on 13th June, 1995.

The public would recall that the original VAT Bill was passed late in 1994 but its implementation was to commence from 1st March, 1995. The implementation of this tax, however, did not go down well with the people. The bill was suspended and later repealed by Government. In brief, the repeal of the Value-Added Tax was in response to the expressed dissatisfaction of the people and Government's action in this regard reflects, in practical terms the true meaning of the concept of democratic accountability to which our Government is irrevocably committed. Other important bills passed during the Session were the Free Zone Bill, Export and Import Bill, Public Holidays Amendment Bill and the Ghana Education Service Bill. The majority of these Bills have received the Presidential Assent and so have the force of Law.

FINANCIAL MEASURES/ISSUES

Distinguished Ladies and Gentlemen, Parliament concerns itself with various aspects of public finance most of which relate to the Annual Budget authorisation, execution, monitoring and accountability. Among these concerns are the raising of revenues, appropriation of moneys collected, issue of money to the spending authorities, monitoring and evaluation of achievements or non-achievement of sectoral performance targets, the performance auditing of government financial transactions by the AuditorGeneral and the role of the Public Accounts Committee.

In determining the amounts to be raised as revenue, the way in which it should be done and the purpose for which the revenue is to be spent, Parliament is guided by the Executive which formulates financial policy and submits to Parliament proposals for raising revenue and for

spending it and steers measures through the legislature until they receive the assent of the President. The initiative in financial matters, as in other policy areas, is taken by the Ministry. Parliament's function is to debate, criticise, cut where necessary and finally approve what Cabinet and Parliament agree to. In his efforts to reach decisions on financial policy, the Minister of Finance must bear in mind that Parliamentary sentiments, Party policy, and public opinion must be taken into account in such considerations.

The role of Parliament in Finance particularly in relation to its role in the Budget process has always whetted the interest of ordinary citizens on financial issues of Government as they affect each of them. Today the ordinary citizen wherever dispersed is interested to know whether purchase taxes will be increased and how much of levy is going to be added to the prices of beer, minerals and cigarettes. The Report of the Public Accounts Committee of Parliament on the Auditor-General's report completes the cycle of Parliamentary involvement in financial matters. The Report of the Public Accounts Committee enables Government and the general public to ensure, in future, that money is spent as Parliament has voted it and that economy has been practised. The Public Accounts Committee is particularly concerned with spending in excess of estimates, misapplication of funds and non-compliance with statutory administrative procedure.

The Third Session of the Fourth Republic afforded Parliament a second opportunity to scrutinise another draft budget for the year 1995. First in the Finance Committee, the various Select Committees and then on the floor of the House. The Finance Committee was greatly assisted in its work by the evidence of a number of witnesses from a broad

cross-section of the public. The main concern of the Finance Committee and the other Select Committees as in previous years, was the need for raising enough revenue to meet mounting financial demands and how expenditure and waste could be brought under effective control and management in order to relieve the tax payer's burden. The debate in the House on the draft 1995 Budget also revealed the concerns and expectations of the constituency against the real financial constraints of national policy.

Members of Parliament have now gained enough experience and expertise to once again undertake a meaningful debate on the 1996 Budget. In November, 1995 the Government laid estimates of its Revenues and Expenditures for 1996 fiscal year before Parliament in compliance with constitutional requirement. The House now awaits the Government's Financial Policy, due to be read by the Minister of Finance early in the Session. An informed and lively debate is therefore expected in Parliament on the 1996 Budget.

Deliberative Agenda

The deliberative function of Parliament is exercised in the main by substantive motions which lead to debate.

During the Third Session, Parliament deliberated on a number of major domestic and foreign policy issues. In all, one hundred and three (103) Motions were adopted by the House. The Parliamentary mechanism of Members Questions was used with increasing efficacy by MPs to take on Cabinet Ministers of State on matters mostly at constituency level. Parliamentary Questions are used to obtain information or press for action. Policy issues may be canvassed at Question time, in ministerial

statements and exchanges and questions that follow such statements. The true purpose of Members in tabling oral questions today is to secure an opportunity to make a political point - to criticise or to praise a Minister, to urge action here or to discourage action there; to draw attention to a politically damaging situation or to highlight governmental successes; or simply to publicise, especially to fellow Members or constituents, the questioner's own skills, activities or beliefs in regard to an issue of his own choosing. Questions are also used to assure constituents that their concerns are being addressed by government.

During the Third Session various Ministers of State attended upon the House to answer Parliamentary Questions, covering issues such as education, trade and industry, health, mines and energy, transport and communication, youth and sports, food and agriculture, employment and social welfare, interior, local government and rural development, international matters, information, works and housing, public utilities and number of others.

Throughout the 1995 Session a total of NINETY-SEVEN (97) statements were made in Parliament of which forty-two (42) were made by private Members, that is, Members of Parliament who are not Ministers. The parliamentary mechanism of Members statement was popular with our MPs who have gained expertise in its use over the past three Sessions to make pertinent comments on statements. These statements ranged from National Security, Health, Agriculture, Mining, Poor Water supplies, Sea Erosion, Education, Family Planning, Sanitation, Refugees, National Holidays, Press, Communications, Petroleum products, Youth, Unemployment, Foreign Affairs, Disasters, Banking, Tourism to Natural Resources and Border issues.

Ministers of State also made a total of Eight (8) statements in which they explained Government policies on education, environment, security, health, roads, foreign affairs and many others. The Foreign Minister spoke on visits he proposed to make or had made to other countries and on emergencies that had arisen in the ECOWAS sub-region and particularly on the traumatic situation that existed in Liberia for such a long time. There were statements from the Ministry of Interior on the serious Floods that afflicted the country; the uproar that attended the introduction of the Value-Added Tax and the resurgence of the Nanumba area crisis. The impasse over the salaries of the University Teachers Association of Ghana (UTAG) also elicited statements from the Minister of Education and the Chairman of the Cabinet Committee. Most of these statements were immediate responses to events and were followed by full-scale debates initiated by Government.

The President delivered his Third Sessional address during the year in which he gave Parliament a comprehensive report of the state of the nation. Parliament took time to debate the several issues raised in the Address and at the end the entire House by a motion expressed its thanks to the President for the frank and open manner in which he had confided in and shared with the House his concerns for democracy, good governance and development, peace, national stability and unity.

INVESTIGATIVE AGENDA

Investigations carried on by Committees of Parliament in the Third Session related, as in previous years, to the bills that were placed on the agenda mostly by constitutional requirement. Given its critical role in examining candidates for political, judicial and administrative offices, the Appointments Committee at the instance of the President

examined and recommended for appointment His Lordship the current Chief Justice and a number of Judges of the Supreme Court. Generally, our Committees invited witnesses to participate in their deliberations.

The third Session of Parliament witnessed a demonstration of the experience, expertise and ability acquired by Members to handle details of the policies, activities and administration of Ministries, departments and other government agencies. These functions were examined critically by looking closely at sectoral and departmental matters. Heads of Government Agencies have generally been placed on the alert in the formulation of their policies and in the preparation and execution of annual plans, programmes and budgets.

REGULATORY AGENDA

Parliament may by Law regulate professional, trade and business organisations and the establishment and functioning of political parties. Since there are policy issues involved in this function Parliament continues to look to the Executive branch of government as well as the bodies concerned to propose policy proposals for Legislation for consideration and debate in Parliament. So far no proposals have been put forward.

As has already been stated, Parliament devotes a great part of its time to the debate and passage of legislation. Its authority in this respect is well established. In modern times, however, the initiative in proposing legislation has largely passed from the hands of non-ministerial Members of Parliament into the hands of Governments. Consequently, measures that Parliament debates and passes are, with a few exceptions, those introduced by Ministers and sponsored by the Government of the day.

Twenty (20) Legislative, Constitutional and Executive Instruments were passed during the Third Session of Parliament. These included the Value-Added Tax Regulations (L.I. 1598) on 3rd March, 1995, the Parliamentary Service (Staff) Regulations, C.I. 11 on 25th May, 1995 and the Minimum Wage Regulation, 1995 (L.I. 1610).

PARLIAMENT AND THE ORGANS OF OPINION

I wish once again to acknowledge the vital role that can be played by the Parliamentary Press Corps and the media in general in rendering useful service not only to Parliament but also to all the people of Ghana. In that role, the Press should seek to foster a positive relationship between the public and Parliament through objective reporting and creation of awareness in the minds of the public about the tremendous influence Parliament wields on our people. Through their efforts the Press can also strengthen the impressions the public form on the relevance and role of Parliament in our united efforts to stabilise true democracy in Ghana. I think I can say that during the Third Session the Parliamentary Press Corps and the media in general have usually sought to ensure that the information fed to the public was assembled, edited and presented in a manner that in general upheld the image and function of Parliament. I believe however that there is room for improvement especially in keeping the people abreast of what actions and decisions emanate from Parliament. Let me repeat a sentiment I have expressed before. And it is that even if by normal values in the newsroom actions and speeches in Parliament are not "newsworthy" in the ordinary meaning of that expression the public have a right to be informed about what debates, statements, questions and other issues one raised in Parliament and the Press have the duty

so to inform them. I look forward to the credible example set by radio in this respect being followed more effectively by other media, especially the private media.

ADMINISTRATION IN PARLIAMENT

I am happy to note that the stage is now set for the Parliamentary Service to render effectively the Services required by Parliament. The Regulations of the Service including the conditions of Service were approved by Parliament during the Third Session and the appointment and placement of staff have been completed. The Speaker, leadership of the House and staff of the Service have occupied the offices at the new Parliament House Complex and the basic equipment needed for the performance of their duties have been provided. The House naturally expects these developments to result in a brisk conduct of Parliamentary business in future. The remaining problems of accommodation for Committees of Parliament and other critical logistical support are also being addressed. Work is expected to commence this year on the Second Phase of the Rehabilitation of the Kwame Nkrumah Conference Centre in the scheme to convert that Centre into a modern functional Complex which provides a permanent home for Parliament and equally manifests our unwavering commitment to democracy and good governance.

THE END PRODUCT OF DEMOCRATIC GOVERNANCE

And now Distinguished Ladies and Gentlemen, I wish to share with you a few thoughts that relate to the above subject which indicate what our ultimate goal should be in the pursuit of the process of democratic governance. There has been much talk of late on the relative emphasis that should be placed on civil and political rights of the individual

or group on the one hand, and economic, social and cultural rights on the other. To me, much can be said for the view that in the context of our developing societies, the most realistic approach would be to place both categories of rights on an equal footing since they complement each other. In the final analysis, democracy is about the development of man in society, and it is important that the true objectives of socio-economic development are not lost sight of or devalued in a policy that places more emphasis on the one set of rights to the detriment of the other. Article 36(2) of our Constitution also recognises in clear terms that the most secure democracy is the one that assures the basic needs of life for its people as a fundamental duty.

Certainly, the institutional framework is vital - namely, the Constitution, political parties, free and fair elections, the estates of the Realm and the Council of State. But this framework cannot be an end in itself. It necessarily must be a means to an end. I agree that these Institutions must be protected and defended and the Constitution squarely places that responsibility on all of us in Article 3.

But the reality is that the surest protection or defence for the institutions of democracy must be their ability to deliver on the promise of development. Given the potential for development that is inherent in the democratic way of life for us in the Fourth Republic, socio-economic development must be seen as the END PRODUCT OF DEMOCRACY.

PROSPECTS FOR DEMOCRATIC RULE IN GHANA

Distinguished Ladies and Gentlemen, We have taken time to take stock of our performance, achievements and shortcomings over the Third

Session of the First Parliament of the Fourth Republic. It is up to us now to assess the prospects we have for sustaining our democratic governance, political and economic stability and progress in the country.

One clear and happy development discernible all over the world now is the universal attraction of the concept of democracy and a surge for it as a focus on human rights all over the globe. For Ghana, democracy as a system of government has re-asserted its primacy. This new thrust of democratic experiment has brought into sharper focus the relevance of parliamentary institutions in further promoting the cause of representative democracy, notwithstanding the transitional difficulties and hurdles which are inevitable in any resurgent society. Ghana can now look forward to unity, development and stability as the basic ingredients of good governance.

Finally, I wish to repeat my call to all Ghanaians that Parliament is a premier publicly accessible institution open to all our people^{to} come forward to participate in our work by listening to debates, liaising with MPs and submitting petitions to Parliament for consideration. For all of us in future therefore Parliament should stand for unity in diversity be it in religion, political affiliation or ethnic issues. Parliament should also protect the socio-political infrastructure for the achievement of socio-economic development of all our people.

DEPARTMENT OF CONSTITUTIONAL
LAW AND PUBLIC ADMINISTRATION
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