

**IN THE THIRD MEETING OF THE SECOND SESSION OF THE FIFTH
PARLIAMENT OF THE FOURTH REPUBLIC**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE 2011 DRAFT ANNUAL ESTIMATES OF
THE MINISTRY OF JUSTICE**

1.0 INTRODUCTION

1.1 In compliance with article 179(1) of the Constitution, the Minister for Finance and Economic Planning, Dr. Kwabena Duffuor on the authority of H.E. the President of the Republic presented to Parliament the Budget Statement and Economic Policy of Government for the 2011 Financial Year on Thursday, 18th November, 2010.

1.2 Pursuant to Standing Orders 140(4) and 179 of the House, the 2011 Draft Annual Estimates of the Ministry of Justice was referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.

2.0 ACKNOWLEDGEMENT

2.1 The Committee met on Thursday, 9th December 2010 to consider the Estimates. The Attorney-General and Minister for Justice, Hon. Mrs. Betty Mould-Iddrisu and the technical team from the Ministry were in attendance at the invitation of the Committee to assist in deliberations on the Estimates. Officials from the Departments and Agencies under the Ministry of Justice and the schedule Officer from the Ministry of Finance and Economic Planning were also in attendance. The Committee is grateful to the Attorney-General and Minister for Justice and her team

and the schedule Officer for their attendance and input in the Committee's deliberations.

3.0 **REFERENCE**

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

- The 1992 Constitution of the Republic;
- The Standing Orders of Parliament;
- The Budget Statement and Economic Policy of the Government for the 2011 Financial Year, and
- Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the 2010 Annual Estimates of the Ministry of Justice.

4.0 **THE MINISTRY OF JUSTICE**

4.1 **Mission Statement**

The Ministry of Justice exists to ensure a fair, efficient and transparent legal environment by promoting:

- (i) the entrenchment at the core of the body politic, an abiding respect for the rule of law and a constant observance of human rights,
- (ii) equality of access to justice and equality of treatment before the law for all citizens,
- (iii) social justice through the initiation and enforcement of law,
- (iv) the operation of a fair, efficient and transparent legal system,
- (v) a culture of due process and legality,
- (vi) investment prospects of the national economy

The Ministry in pursuit of the above mandate fosters good governance, social peace and national cohesion in furtherance of economy development.

4.2 **Departments and Agencies of the Ministry**

The Main Agencies and Departments of the Ministry include:

- Headquarters of the Ministry of Justice and the Attorney-General's Office,
- Registrar-General's Department,
- Law Reform Commission,
- Ghana School of Law,
- Council for Law Reporting,
- Legal Aid Board,
- Economic and Organised Crime Office, and
- Office of the Copyright Administrator.

5.0 **REVIEW OF 2010 BUDGETARY ALLOCATION AND PERFORMANCE**

Within the year under review, the Ministry concentrated on increased access to justice without additional cost to the State and capacity building. In this regard, the Ministry facilitated the provision of special training sessions for 100 Prosecutors in new and emerging crimes such as money laundering and cyber offences. The Ministry also trained forty (40) Attorneys in Oil & Gas Arbitration.

Various bills have become law, such as the Alternative Dispute Resolution Act, 2010 (Act 798), Economic and Organised Crime Office Act, (Act 804), Minerals and Mining (Amendment) Act, (Act 794), and the Mutual Legal

Assistance Act. The Companies Act which has been under-going a review by a 5-Member Committee of Experts is progressing steadily.

The Committee observed that the Departments and Agencies under the Ministry had made momentous efforts to embedded the rule of law in Ghanaian society. It took note of the fact that the Registrar-General's Department has established an office in Tamale to provide services to the Northern Sector. Registration of business can now be carried out in all of its branch offices across the country in a bid to facilitate inter-branch and intra-branch work. The Department has also been able to build an efficient cooperation with the Revenue Agencies Governing Board (RAGB) regarding Tax Identification Number (TIN) processing. Information for generation of TIN can now be sent electronically to the TIN Centre and TIN generated for a business is also sent via the same medium to the Department.

The Committee also observed that the Economic and Organised Crime Office investigated at least 40% of all reported cases brought before it with the view of reducing fraud and combating corruption. The Office has also completed works on the first floor of its 3-storey office complex building which office space is being utilized by its staff.

The Committee took note of the fact that, the Legal Aid Scheme carried out public education to create awareness nationwide. Community Mediation Centres under the Scheme are in operation in all Regional Offices with sixteen (16) out-stations in three (3) regions. The Scheme has also represented numerous clients in court and mediated in, and settled many cases.

During the year under review, the Committee also took note that, the Ministry chalked considerable success in the justice for all programme to improve access to justice at no cost. In this connection, 18 prisoners had been tried and sentenced and 19 others granted bail by the end of September 2010. Over a hundred prisoners were also released on the 4th of November 2010 at a sitting in Nsawam.

5.1 The breakdown of the 2010 approved budget and the actual expenditure under the various items as at November 2010 are indicated below:

EXPENDITURE ITEMS	APPROVED BUDGET	ACTUAL EXPENDITURE
Personnel Emoluments	GH¢ 10,370,820.00	GH¢ 7,517,553.10
Administration Expenses	GH¢ 1,938,583.00	GH¢ 4,020,267.03
Service Activity Expenses	GH¢ 600,000.00	GH¢ 792,393.24
Investment Activity Expenses	GH¢ 3,960,000.00	GH¢ 541,069.73
Internally Generated Fund (IGF)	GH¢ 2,206,790.00	GH¢ 812,130.80
Donor	GH¢ -	GH¢ -
Total	GH¢ 19,076,193	GH¢ 13,683,413.90

6.0 KEY ACTIVITIES EARMARKED FOR THE 2011 FINANCIAL YEAR

6.1 The Committee was informed that for the 2011 financial year, the Ministry and its Agencies would continue with the implementation of uncompleted programmes and embark on new projects including:

1. Review of a number of legislations currently in force such as:
 - Ghana Contract Act, 1960 (Act 25)
2. Completion of work on some draft legislations including:
 - Contracts Bill
 - Extradition Bill
 - Enforcement of Foreign Judgment Bill
3. Continuation of work on the Law House Project
4. Continuation of the ongoing capacity building and specialisation for Attorneys.
5. Decentralisation of the Registrar Generals Department to the Brong Ahafo, Eastern and Volta Regions.
6. Continuation of the Review of the Companies Act and Subsidiary Legislations under the Statute Law Revision Project.

7.0 **BUDGETARY ALLOCATION FOR THE YEAR 2011**

7.1 The Committee observed that for the 2011 financial year, a total sum of twenty million, nine hundred and fifty four thousand, five hundred and thirty eight Ghana Cedis (GH¢20,954,538.00) has been proposed for the recurrent and development expenses of the Ministry of Justice together with its Departments and Agencies. The breakdown of this amount is indicated below.

7.2	No.	Expenditure Item	Amount in GH ¢
	1.	Personnel Emoluments	- 10,681,945.00
	2.	Administrative Expenses	- 2,151,453.00
	3.	Service Activity Expenses	- 293,380.00

4.	Investment Activity Expenses	-	3,980,000.00
5.	I. G. F. Allocations	-	3,847,760.00
6.	HIPC	-	-
7.	Donor	-	-
	TOTAL	-	20,954,538.00

This total figure indicates an increase of one million eight hundred and seventy eight thousand three hundred and forty five Ghana cedis one Ghana pesewa (GH¢1,878,345.00) over the allocation for the 2010 financial year.

7.3 ANALYSIS OF MOFEP'S 2011 APPROVED FIGURES AGAINST 2010 EXPENDITURE

ITEM	2010 ALLOCATION	2011 ALLOCATION	VARIANCE	(%)
P.E	GH¢ 10,370,820	GH¢ 10,681,945	GH¢ 311,125	+0.33
ADMIN.	GH¢ 1,938,583	GH¢ 2,151,453	GH¢ 212,870	+ 10.98
SERVICE	GH¢ 600,000	GH¢ 293,380	GH¢ - 306,620	51.10
INVEST.	GH¢ 3,960,000	GH¢ 3,980,000	GH¢ 20,000	0.51
IGF	GH¢ 2,206,790	GH¢ 2,790,271	GH¢ 583,481	+ 26.44
TOTAL	GH¢19,076,163	GH¢ 19,897,049	GH¢ 820,856	+4.30

7.4 Personnel Emoluments (PE)

As indicated in the table above the PE votes for 2011 records an upward review of 0.33% in the sum of GH¢311,125.00. The Committee was informed that the increase in this allocation is amongst others in anticipation of salary adjustments for 19 Principal State Attorneys who are due to be promoted to Chief State Attorneys. It is also to provide for the recruitment of some categories of staff including:

- 20 newly recruited attorneys in the Ministry
- Attorneys for the regions for both Attorney-General's Office, Registrar-General's Department and Legal Aid Scheme
- Company inspectors for the Regional Offices of the Registrar Generals Department

7.5 Administration Expenses

The Committee observed an upward review of the allocation under administrative expenses from GH¢1,938,583.00 in 2010 financial year to GH¢2,151,453.00 for the 2011 financial year. The Committee further observed that the key factor of the estimated expenditure under this item covers the running cost and maintenance of the increased fleet of vehicles of the Ministry, its and Departments and Agencies as well as fuel allowance for 180 Attorneys currently at post. Maintenance of office equipment including the cost of professional cleaning of the Head Office, Head Office Annex and Offices of the Prosecutions Division are required to be met from this vote.

7.6 Service Expenses

Per the table above, a sum total of two hundred and ninety three thousand, three hundred and eighty Ghana Cedis (GH¢293,380.00) has been

earmarked for service expenses, indicating about fifty one percent decrease over the 2010 allocation. The allocation will be consigned to research and training both foreign and local for Legal Officers and administrative staff by the Ministry. These research programmes will serve as a basis for the review of outdated laws of the Country. The Ministry will also represent the State in arbitrations, negotiations and litigations both locally and abroad.

The Committee therefore observed that the drastic shortfall in the 2011 service allocation would occasion a big challenge in the effective prosecution of the Ministry's mandate in the coming year.

7.7 Investment Expenses

The Committee noted that for the 2011 financial year, the sum of three million, nine hundred and eighty thousand Ghana Cedis GH ₵3,980,000.00 has been allocated for the Ministry's development expenditure which records a decrease of about 0.51% over the allocation for 2010. The Committee also noted that the functions of the Ministry and some of its Departments and Agencies impose on them the obligation to extend coverage to a large proportion of the population countrywide. This requires the creation of offices in virtually all regions and districts.

Some of the major development projects to be undertaken by the Ministry include the completion of the construction of a 4-storey building for the Economic and Organised Crime Office; continuation of the Law House Project, and the construction of a 6-storey classroom and library complex for the Ghana School of Law. It is also expected that construction works on

offices and residential buildings for the Departments and Agencies of the Ministry in the regions would be completed.

8.0 SPECIFIC OBSERVATIONS AND RECOMMENDATIONS

The Committee observed that the budgetary allocation to the Ministry has appreciated over that of the 2010 fiscal year yet the allocation is way below the actual projected expenditure to enable the Ministry implement its plans for 2011. Some of these activities include provision of infrastructural facilities to provide space for the increasing number of law graduates turned out of our Universities to pursue the professional law course at the Ghana School of Law; executing the Legal Aid Scheme project in the districts and the need for Attorneys to prosecute some cases.

8.1 Ghana School of Law

The Committee took note of the fact that; an amount of six hundred thousand Ghana Cedis (GHC 600,000.00) has been allocated to the General Legal Council to commence work on the construction of a Lecture-Hall-and-Lecture-Office Complex for the Ghana School of Law. The School however continues to be under extreme pressure to better the state of academic infrastructure and other complementary facilities on the campus. This academic year even though the University of Ghana, Legon campus and the Kwame Nkrumah University of Science and Technology, Campus of the Ghana School of Law were commissioned about 250 LLB graduates were however denied admission due to lack of space. Students on the Legon campus attend lectures on borrowed premises of the Chartered Institute of Accountants. The Ghana Institute of Management and Public Administration (GIMPA) which was granted accreditation to offer the LLB programme has commenced and

would be turning out LLB graduates soon to add to the already huge numbers. The Committee therefore considers the issues in reference a crisis situation which requires urgent redress.

The Committee therefore recommends that Government should make a conscious effort to source funding, possibly from external sources by way of a loan or grant on behalf of the General Legal Council for the Ghana School of Law project. It came to the notice of the Committee that the Ghana School of Law is willing and would be able to pay for a loan procured by Government for that purpose. The Committee maintains that in the absence of a clear indication of funding from Government sources for the Law School project, the above recommendation is the most appropriate intervention Government should consider.

8.2 Timely Release of Funds

The Committee further observed that budgetary allocations from the Ministry of Finance and Economic Planning are not released on time. Up to date some departments and agencies were yet to receive their allocations from October to date. The Committee is of the view that such delays in the release of funds by the Ministry of Finance distort the implementation of planned-programme of activities of the Departments and agencies concerned.

8.3 Shortfall in the vote for Administration

The inadequacy of the budgetary allocation for Administrative Expense was also identified as a major concern. Even though the 2011 allocation for Administration expenses experienced an upward review the growing demands of the Ministry makes it difficult for the effective execution of its

mandate using this amount. The considerable increase in the Ministry's fleet of vehicles by reason of new acquisition together with the attendant running costs including fuel and the expansion of services to cover all the regions and districts countrywide poses a great challenge in this regard.

8.4 Internally Generated Fund

The Committee took note of the fact that the Ministry of Justice currently retains fifteen percent (15%) of its Internally Generated Funds (IGF's) which money is used in supplementing its administrative and operational expenses. In view of the frequent constraints posed by shortfall in budgetary allocations for the Justice Sector, it is proposed that this House endorses the Committees recommendations for an upward review in the percentage of IGF's retained by the Ministry to fifty percentage (50%). This recommendation if endorsed would go a long way to supplement the annual budgetary allocation for the Ministry.

8.4 Registrar-General's Department

The Committee also noted that there is the need for an upward review of the Personnel Emolument and Administrative allocations to the Registrar-General's Department. This has been necessitated by the significant challenges to the Department with regards to salaries and other allowances for staff in the newly established Tamale Office and the need to further decentralise to Brong Ahafo, Eastern and Volta Regions.

8.5 The Economic and Organised Crime Office

The Committee observed that with the coming into force of the Economic and Organised Crime Act, the Serious Fraud Office has been transformed into the

Economic and Organised Crime Office. The Office has completed works on the first floor of its 3-storey office complex and requires immediate attention to complete the entire project in order to afford the Office enough work space for the effective discharge of its mandate. This has also necessitated the need of establishing regional offices in the Office's quest to reduce crime and combat corruption which is high on the agenda of Government. In the light of this situation, measures need to be taken to address this.

8.6 **Legal Aid Scheme**

It also came to the attention of the Committee that the Legal Aid Scheme will continually maintain and improve the operation of the eighteen (18) Community Mediation Centers in operation nationwide. Ten (10) Community Mediation Centers would be established in places of need and about forty (40) mediators would be trained to operate the centers. The 2011 Service allocation for the Scheme constitutes just a small percentage of what it requested for, yet it is out of this vote that the private legal practitioners engaged would be paid. It was therefore the view of the Committee that Government makes conscious effort to resource the Scheme in the course of the year to enable it assist in the facilitation of access to justice which constitutes one of the key components of good governance.

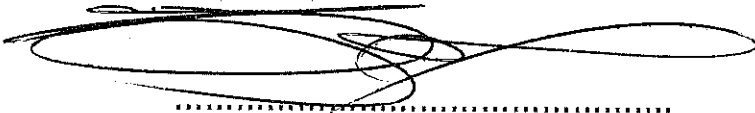
As an oversight Committee over the Ministry of Justice, the Committee observed the need to develop and establish a closer working relationship with the Ministry in furtherance of the attainment of the objectives of the Ministry.

9.0 CONCLUSION


The Committee has examined the Draft Annual Estimates of the Ministry of Justice for the 2011 financial year and considers the allocations under the various expenditure items fully justified in the light of the stated objectives of the Ministry albeit inadequate for the effective and efficient prosecution of its mandate. The Committee accordingly entreats the House to urge the Government to take immediate steps to address the huge shortfalls especially in the Administrative and Service allocations.

In conclusion the Committee recommends that this House approves the total sum of twenty million, nine hundred and fifty four thousand, five hundred and thirty eight Ghana Cedis (GH¢20,954,538.00) for the services of the Ministry of Justice for the 2011 financial year ending 31st December.

Respectfully submitted



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HON. EMMANUEL KWASI BANDUA
CHAIRMAN
COMMITTEE ON CONSTITUTIONAL,
LEGAL & PARLIAMENTARY AFFAIRS



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DECEMBER, 2010

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