CONSTITUTING COMMITTEES IN THE EIGHTH PARLIAMENT: HARNESSING THE OPPORTUNITIES INHERENT IN A HUNG PARLIAMENT
Regina Oforiwa Amanfo Tetteh

INTRODUCTION

Since the inception of the 4th Republic, governments in power have enjoyed majority, and in some cases, overwhelming majority in parliament, the only exception being the current parliament after the 2020 elections. The first parliamentary election of the 4th Republic which the New Patriotic Party (NPP) boycotted, the National Democratic Congress (NDC) won 189 out of the 200 seats. The remaining 11 seats were picked by the National Convention Party, 8 seats, Every Ghanaian Living Everywhere (EGLE) Party, 1 seat and independent MPs, 2 seats. The 1996 parliamentary election produced an outcome that again gave majority to the ruling party (i.e. NDC, 131 seats; NPP, 63 seats; CPP, 5 seats; and PNC, 1 seat. This trend of majority MPs generally getting elected on the tickets of ruling parties continued through to the 7th Parliament of the 4th republic, even though in some cases it was a slim majority (e.g. 3rd parliament). In instances where there was a slim majority for the governing party, the practice whereby MPs elected on the ticket of smaller political parties and those who contested the parliamentary election as independent candidates decide to do business with the majority side gave governments the numbers.

The December 7 2020, parliamentary election, produced a legislature that departed from the norm. The main opposition NDC garnered 137 seats, exactly the same as what the governing party, NPP obtained with an independent candidate picking the remaining single seat. As usual, the independent MP, who is a die in the wool NPP but went independent because of some challenges with the party prior to the elections pitched camp with the governing NPP. The outcome of the 2020 parliamentary election is therefore historic and very significant for the 4th Republic, especially as the country works towards strengthening and consolidating its young parliamentary democracy. Nevertheless, a number of Ghanaians and organizations involved in parliamentary monitoring work may be wondering what this equal numerical strength means for parliamentary work, especially the substantive work at the Committee level.

COMMITTEES OF PARLIAMENT

The critical work of Parliament takes place at the committee level rather than the Chamber. It is at Committees' level that Bills introduced to Parliament are critically examined, international loan agreements and annual budgets of
In practice, every Member of Parliament, in accordance with clause (4) of article 103 of the Constitution, has the opportunity to serve on at least one of the Standing Committees and one of the Select Committees. The composition of members on both committees standing and Select must reflect the shades of opinion in the Legislature. The size of Standing and Select Committees ranges from fifteen (15) to thirty-one (31)

**CONSTITUTING COMMITTEES IN THE EIGHTH PARLIAMENT: THE DYNAMICS AND THE OPPORTUNITY TO STRENGTHEN PARLIAMENT**

In general, there are two kinds of committees in parliament, the Standing and Select Committees, respectively. The establishment of Standing Committees is grounded in clause (2) of article 103 of the Constitution, which mandates such committees to investigate and inquire into activities and administration of Ministries, Departments and Agencies (MDAs) of government, Parliament, the Judiciary (subject to article 127 of the Constitution), independent constitutional bodies such as the Electoral Commission (EC), the Commission for Human Rights and Administrative Justice (CHRAJ), the National Commission for Civic Education (NCCE), and other relevant professional bodies as provided for under article 109 of the Constitution. The Select Committees are appointed at the beginning of each Parliament and assigned functions relating generally to the internal workings of Parliament and these include the following: Standing Orders Committee; Business Committee; Committee of Privileges; Public Accounts Committee; House Committee; Finance Committee; Education Committee; Appointments Committee; Committee on Members Holding Office of profit; and Committee on Government and Parliamentary Assurances; Committee of Selection; and Subsidiary Legislation.

Standing Committees are permanent and once constituted, they cannot be disbanded. The Standing Committees enjoy the powers, rights and privileges of a High Court or a Justice of the High Court in respect of enforcing an order for a witness to attend hearing sessions and be examined on oath, affirmation or otherwise, compelling persons to produce documents deemed important to a case under consideration, and issuing commissions or requests to examine a witness abroad. They include the following: Communications; Constitutional, Legal and Parliamentary Affairs; Defence and Interior; Employment, Social Welfare and State Enterprises; Gender, Children and Social Protection, Environment, Science and Technology; Food, Agriculture and Cocoa Affairs; Foreign Affairs; Health; Lands and Forestry; Local Government and Rural Development; Mines and Energy; Roads and Transport; Trade, Industry and Tourism; Works and Housing; and Youth, Sports and Culture. As and when necessary, the legislature may also constitute ad hoc committees.

These committees are constituted at every first meeting of a new Parliament. The process involved in the establishment of a Committee is the responsibility of the Committee on Selection; comprising the leadership of the House under the chairmanship of the Speaker. This committee takes up the task of preparing lists of chairpersons, vice chairpersons, ranking and other members of the various Standing Committees.

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members chosen by their parties in proportion to their numerical strength in the House. The dependence on numerical strength of political parties in parliament in the composition of these committees is what brings about the need to adopt some dynamics that will yield optimal benefits to parliament in particular and the country at large.

The numerical strength of the current parliament is almost equal, and with a Speaker from a different political party other than the party in government. Though committees are not fully formed, we are already seeing changes in the numbers and formation of the committees. In fact, there has been reductions in the number of MPs on committees from between 15 to 31 to between 13 to 15. Also, the Selection and Appointment Committees had to be composed quickly (with the understanding that they would be dissolved and reconstituted later) to vet the president’s ministerial nominees so that government can function.

One of the many reasons for the previous parliaments' ineffective exercise of their oversight responsibilities is the fact that the government in power always had overwhelming numbers, which the executive use to its advantage. The outcome of the 2020 parliamentary elections brought into being, a hung parliament of equal numerical strength for the two main political parties (National Democratic Congress, 137 seats; New Patriotic Party, 137 seats; and independent, 1 seat) is largely a response of the Ghanaian electorate to the terminal failure of parliamentary oversight over the executives and a clarion call on the current legislature to embrace reforms to transform itself.

The current hung parliament also presents Civil Society Organizations (CSOs), Parliamentary Monitoring Organizations (PMOs), and Development Partners (DP) with an opportunity to rekindle and reignite their interest to work with the legislature to strengthen it to be more assertive, and to improve its performance, particularly its oversight responsibilities.

Indeed, the leadership of the House is in the process of adopting a new and more progressive Standing Orders to regulate the affairs of the House. For PMOs, this is quite encouraging because revising the Standing Orders of parliament is a long-time recommendation to the leadership. As a matter of fact, PMOs and Development Partners such as the Ghana Center for Democratic Development (CDD-Ghana), Strengthening Transparency, Accountability and Responsiveness (STAR-Ghana), United States Agency for International Development (USAID), European Union (EU) among others have over the years invested huge resources into reviewing of the Standing Orders right from the 3rd through to the 7th Parliament.

Considering the nearly equal numerical strength of the two major political parties in the parliament, the new standing orders, when adopted, will ensure effective oversight, openness, responsiveness and accountability. These expectations are grounded in the proposals in the revised Standing Orders below.

- The opportunity for another opposition MP to chair the Government and
Parliamentary Assurances Committee and the committee on post-Legislative Scrutiny aside the traditional ones such as the Subsidiary Legislation and the Public Accounts Committees, thereby broadening the scope and frontiers of opposition demand for openness and accountability

- The establishment of the Committee on Private Members’ Bill will open up parliament for more external influence when crafting and promulgating legislations, particularly those centered on key social issues. This will be an opportunity for CSOs/PMOs to partner Parliamentary Committees and individuals to present bills, particularly those on issues affecting vulnerable/marginalized groups

- The Committee on post-Legislative Scrutiny - This progressive committee will reverse the haphazard and disorganized way the country has implemented laws passed by the legislature, particularly social laws. For instance, almost all social laws (e.g. Disability Act, Domestic Violence Act, Juvenile Justice Act and Children’s Act) enacted several years ago have not been fully implemented to ensure that vulnerable persons in society fully benefit. Additionally, this committee has the potential of promoting accountability as the recommendations of its monitoring reports would likely provide citizens with information they can use to exact accountability in the implementation of laws passed by the House from responsible implementing ministries, departments or agencies

- A Committee on Bills will also assist in some primary work on Bills submitted to Parliament. PMOs/CSOs should be able to offer capacity building support to this Committee so as to enable members to undertake thorough and critical work on Bills at the initial stage before they are presented to responsible Committees for further work prior to their presentation on the floor of the House

- Parliament has the duty to uphold the highest standards of integrity. It is envisaged that the Committee on Ethics and Standards – another key committee is likely going to enable parliament to play its crucial role in the country’s fight against corruption. It will also ensure that MPs perform their functions in an ethical manner, which encompasses the enforcement of a code of conduct and specific ethical rules

Other perceived benefits of the revised Standing Orders when adopted include:

- Deeper and effective collaboration and consultations between the two sides of the House in the handling of parliamentary work

- Improved policies/laws as both sides of the House will now pay much more attention to diligence in their work

- Serious scrutiny of international loans and agreements by both sides of the House thereby ensuring value for money
On the gender front, it is very likely the government will present the Affirmative Action Bill in the 8th Parliament. If this happens, parliament will task the Gender and Constitutional, Legal and Parliamentary Affairs Committees to work on the Bill.

CONCLUSION AND WAY FORWARD FOR PARLIAMENTARY MONITORING ORGANIZATIONS (PMO) AND DEVELOPMENT PARTNERS (DPS)

The emerging dynamics arising from the hung parliament is likely to deepen collaboration and build consensus between the two sides of the House – an outcome that will potentially reduce the high antagonism and the partisanship that characterize the work of committees as witnessed in previous legislatures. In fact, the way business in the House has been conducted over the years would definitely have to change significantly in response to the current nature of Parliament and consequently, strengthen and consolidate Ghana’s parliamentary democracy.

As a way forward, more can be achieved if parliamentary monitoring organizations (PMO) and development partners (DPs) direct their capacity building and enhancement support to key parliamentary committees.

On the gender front, it is very likely the government will present the Affirmative Action Bill in the 8th Parliament. If this happens, parliament will task the Gender and Constitutional, Legal and Parliamentary Affairs Committees to work on the Bill. Obviously, the two committees will need some capacity enhancement to improve the draft Bill before it comes to the floor of the House for discussions.

Similarly, offering capacity enhancement support to the Government and Parliamentary Assurances Committee will help promote the ‘supply’ side of accountability, which is key in ensuring effective accountability and responsiveness on the side of the executive.

In addition, there is a high likelihood that the government will revisit the debate on making the position of metropolitan, municipal, and district chief executives elective with such elections being organized along partisan lines. Also, the government right from the commencement of its second term has shown some resolve to revive the fight against illegal mining (i.e. ‘galamsey’). The Local Government and Decentralization Committee of parliament would be deeply involved in these efforts and members will need some sort of capacity building support, which PMOs/DPs can provide.

The Employment, Social Welfare and State Enterprises committee has oversight responsibility for the Ministry of Gender, Children and Social Protection. This ministry has quite a wider mandate on programs that have impact on marginalized and vulnerable groups. The Ministry has been working on key bills that are likely to come before the committee. These include the Social Protection Bill, the Amendment to the Disability Act, and the Aged Bill among others. PMOs and CSOs should be interested in supporting the committee with some form of capacity

PMOs AND CSOs SHOULD BE INTERESTED IN SUPPORTING THE EMPLOYMENT, SOCIAL WELFARE AND STATE ENTERPRISES COMMITTEE WITH SOME FORM OF CAPACITY ENHANCEMENT TO ENABLE THEM DO DILIGENT WORK ON SOCIAL BILLS.
enhancement to enable them do diligent work on these important Bills.

Given the current dynamics in the eighth parliament and the consequent establishment of the Committee on Private Members Bill, parliament will become more open to external influence during drafting and promulgation of legislations. This will definitely put pressure on committee clerks to produce high quality reports on committee proceedings. It will therefore be quite beneficial to the House if PMOs and DPs offer capacity building programs for committee clerks to prepare them for the tasks ahead.

Information and documentary structure within parliamentary institution provides MPs with the necessary research information and feedback from citizens, which enable them to effectively and efficiently discharge their legislative functions or responsibilities. The information units in Parliament (Research Department, Public Affairs, Hansard, ICT, Library and Open Parliament Task Team) is key in this area as they assist in credible information flow from the legislature to the citizenry among others. PMOs and DPs should therefore pay critical attention to the information units of parliament by offering them the necessary capacity building support to be able to serve MPs in their oversight function and also strengthen the citizen-parliament interface.

Regina Oforiwaa Amanfo is a Senior Programs Officer and Team Lead for CDD-Ghana’s Human Rights, Social Inclusion, and Social Justice; and Legislative Engagement. She is a program specialist with focus on legislative strengthening, human rights and social inclusion, focusing on rights of marginalized groups.

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