

Ghana

National Centre for the Coordination of Early Warning and Response Mechanism Act, 2021

Act 1070 of 2021

Legislation as at 1 September 2021

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National Centre for the Coordination of Early Warning and Response Mechanism Act, 2021 (Act 1070 of 2021)

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National Centre for the Coordination of Early Warning and Response Mechanism Act, 2021 Act 1070 of 2021

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AN ACT to establish the National Centre for the Coordination of Early Warning and Response Mechanism to assist the ECOWAS Commission in the timely identification of an emerging crisis in the West African sub-region and the implementation of an improved crisis response mechanism and to provide for related matters.

The National Centre for the Coordination of Early Warning and Response Mechanism

1. Establishment of The National Centre for the Coordination of Early Warning and Response Mechanism

- (1) There is established by this Act, the National Centre for the Coordination of Early Warning and Response Mechanism in the Office of the President.
- (2) The Centre shall operate as
 - (a) a national agency for strategic research; and
 - (b) a unit with a public interest mandate.

2. Objects of the Centre

The objects of the Centre are to assist the ECOWAS Commission in the

- (a) timely identification of an emerging crisis in the West African sub-region; and
- (b) implementation of an improved crisis response mechanism.

3. Functions of the Centre

To achieve the objects of the Centre, the Centre shall

- (a) monitor, collect, collate, analyse and maintain data or information provided by
 - (i) State parastatals;
 - (ii) local authorities;
 - (iii) civil society organisations;
 - (iv) the ECOWAS Regional Early Warning and Response Centre; or
 - (v) any other relevant person;

- (b) recommend response options following an in-depth analysis of challenges or threats related to human security; and
- (c) collaborate with relevant public institutions in matters related to human security.

Governance of the Centre

4. Governing body of the Centre

- (1) The governing body of the Centre is a Board consisting of
 - (a) a chairperson nominated by the President;
 - (b) the Ministers responsible for
 - (i) National Security;
 - (ii) Defence;
 - (iii) the Interior;
 - (iv) Foreign Affairs and Regional Integration;
 - (v) Finance;
 - (vi) Health;
 - (vii) Environment, Science, Technology and Innovation;
 - (viii) Transport; and
 - (ix) Communications;
 - (c) the Attorney-General;
 - (d) the Minister; and
 - (e) the Director of the Centre.
- (2) The President shall appoint the chairperson and other members of the Board in accordance with article 70 of the Constitution.

5. Functions of the Board

The Board shall

- (a) oversee the activities of the Centre;
- (b) approve the work plan and budget of the Centre; and
- (c) perform any other function that is necessary for the attainment of the objects of the Centre.

6. Tenure of office of members of the Board

- (1) The chairperson and the Minister shall hold office for the period specified in the letter of appointment.
- (2) The chairperson may, at any time, in writing, addressed to the President, resign from office.
- (3) Where the chairperson is absent from three consecutive meetings of the Board without sufficient cause, the chairperson shall cease to be a member of the Board.
- (4) The President may, by a letter addressed to the chairperson, revoke the appointment of that chairperson.

- (5) Where a member of the Board is, for sufficient reasons, unable to act as a member, the chairperson shall determine whether the inability would result in the declaration of a vacancy.
- (6) For purposes of subsection (5), “sufficient reasons” include
 - (a) stated misbehaviour or incompetence;
 - (b) inability to perform the functions of office by reason of infirmity of body or mind; and
 - (c) wilful violation of the Official Oaths specified in the Schedule.
- (7) Where there is a vacancy
 - (a) under subsection (2) of section 8,
 - (b) as a result of a declaration under subsection (5), or
 - (c) by reason of the death of a member,the chairperson shall notify the President of the vacancy and the President shall appoint another person for the unexpired term in accordance with this Act.
- (8) Where the vacancy is in respect of the chairperson, the members of the Board shall elect a person from among their number to notify the President of the vacancy and the President shall appoint another person for the unexpired term in accordance with this Act.

7. Meetings of the Board

- (1) The Board shall meet at least once every month for the conduct of business at a time and place determined by the chairperson.
- (2) Where the exigencies of the circumstances require, the chairperson shall convene an extraordinary meeting of the Board at a time and place determined by the chairperson.
- (3) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board nominated by the President shall preside.
- (4) The quorum at a meeting of the Board is seven members of the Board.
- (5) Matters before the Board shall be decided by the majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.
- (6) The Board may co-opt a person with the relevant expertise on a matter before the Board to attend a meeting of the Board but that person shall not vote on a matter for decision at the meeting.
- (7) The proceedings of the Board 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 Board may determine the procedure for the meetings of the Board.

8. Disclosure of interest

- (1) A member of the Board who has an interest in a matter for consideration
 - (a) shall disclose in writing the nature of that interest and the disclosure shall form part of the record of the consideration of the matter, and
 - (b) is disqualified from being present at or participating in the deliberation or determination of the Board in respect of that matter.
- (2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and
 - (a) fails to disclose that interest, or

- (b) is present at or participates in the deliberations of the Board in respect of that matter.

9. Presidential directives

The President may issue directives for the efficient and effective implementation of the objects of the Centre and the Board shall comply.

Administrative provisions

10. Appointment of the Director of the Centre

- (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director for the Centre.
- (2) The Director shall be a person of proven integrity and shall have the requisite knowledge and experience.
- (3) The Director shall hold office on the terms and conditions specified in the letter of appointment.
- (4) The Director shall be removed from office for incapacity, malfeasance, incompetence or for other stated reasons.

11. Functions of the Director

- (1) The Director
 - (a) is responsible for the day-to-day administration and management of the Centre; and
 - (b) shall direct and monitor the operational activities of the Centre in response to an identified emerging crisis or early warning received.
- (2) The Director may delegate a function to an officer of the Centre but shall not be relieved of the ultimate responsibility for the performance of the delegated function.
- (3) The Director is answerable to the Board in the performance of functions under subsection (1).

12. Submission of reports

- (1) The Director shall, not later than the third day of each month, submit to the Board, a monthly report in respect of the immediately preceding month.
- (2) The Board shall, not later than five days after the receipt of the report referred to in subsection (1), consider and approve the report.
- (3) The Board shall, not later than the seventh day of each month, direct the Centre to submit the approved report of the immediately preceding month to the Early Warning Directorate of the ECOWAS Commission.
- (4) The Centre shall submit other relevant reports timeously to the Early Warning Directorate of the ECOWAS Commission.

13. Appointment of other staff

The President shall, in accordance with article 195 of the Constitution, appoint staff of the Centre that are necessary for the efficient and effective performance of the functions of the Centre.

14. Secretariat of the Centre

The Centre shall have a secretariat headed by the Director.

Financial provisions

15. Budget of the Centre

- (1) The Government of Ghana shall provide the budget of the Centre.
- (2) The budget of the Centre is part of the budget of the Office of the President.

16. Other funds of the Centre

The other funds of the Centre include

- (a) donations, and
- (b) contributions

received from donors and international organisations in accordance with existing enactments.

17. Accounts and audit

- (1) The Centre shall keep books of account, records, returns and any other document relevant to the accounts in the form approved by the Auditor-General.
- (2) The Board shall, at the end of the financial year, submit the accounts of the Centre to the Auditor-General for audit.
- (3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and
 - (a) submit the report to Parliament; and
 - (b) forward a copy of the report to the Minister.
- (4) The financial year of the Centre is the same as the financial year of the Government.

18. Annual report and other reports

- (1) The Centre shall, within thirty days after the receipt of the audit report, submit an annual report to Parliament.
- (2) The annual report shall include
 - (a) a report on the activities and operations of the Centre;
 - (b) the report of the Auditor-General; and
 - (c) any other report that the Minister may consider necessary.

Miscellaneous provisions

19. Sub-regional co-operation

A public institution or a public institution of a member State of ECOWAS shall cooperate with the Centre.

20. Confidentiality

- (1) The members of the Board and the staff of the Centre shall, before assuming office, take and subscribe to the Official Oaths specified in the Schedule.
- (2) A person referred to in subsection (1) shall not disclose any information obtained by the Centre.

- (3) Despite subsection (2), a person referred to in subsection (1) may disclose information obtained by the Centre to enable the Centre carry out the functions of the Centre.

21. Offences for disclosure of information

- (1) Subject to the Constitution and section 20, a person shall not disclose any information obtained by that person or to which that person had access in the performance of functions under this Act or to which that person had access in the administration or enforcement of this Act and from which there can be inferred the identity of
- (a) any other person who is or was a confidential source of information or assistance to the Centre; or
 - (b) a person who is or was an employee engaged in operational activities of the Centre.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.

22. Regulations

The Minister may, on the advice of the Board, by legislative instrument, make Regulations for the effective and efficient implementation of this Act.

23. Interpretation

In this Act, unless the context otherwise requires,

"**Centre**" means the National Centre for the Coordination of Early Warning and Response Mechanism established in section 1;

"**civil society organisation**" means a non-State organisation, a non-profit organisation or a voluntary organisation that is distinct from the State including a community-based organisation and a non-governmental organisation;

"**Director**" means the person appointed under section 10;

"**Early Warning Directorate of the ECOWAS Commission**" means the administrative entity set up under the Political Affairs, Peace and Security Department of the ECOWAS Commission;

"**ECOWAS**" means the Economic Community of West African States;

"**ECOWAS Regional Early Warning and Response Centre**" means the Centre that coordinates the activities of the Early Warning Centres in Member countries and analyses the early warning reports submitted by the Early Warning Centres in Member countries;

"**emerging crisis**" means an early stage or manifestation of an anticipated phase of a conflict, a threat or a disruption in the security, economic, political or social stability of the West African sub-region;

"**local authority**" means a group of persons responsible for the governance of a particular area, town or city;

"**Minister**" means the Minister assigned responsibility for an emerging crisis; and

"**State parastatal**" means a company or an agency that is owned or controlled wholly or partially by the State.

Schedule (section 6 (6)(c) and 20 (1))

Official oaths

Oath of office

I _____ do (in the name of the Almighty God (swear) (solemnly affirm) that I will, at all times, well and truly serve the National Centre for the Coordination of Early Warning and Response Mechanism and the Republic of Ghana in the office of _____ and I will uphold, preserve and defend the National Centre for the Coordination of Early Warning and Response Mechanism as by law established (So help me God).

Oath of Secrecy

I _____ holding the office of _____ do (in the name of the Almighty God (swear) (solemnly affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specifically permitted by law. (So help me God).

(To be sworn before the President, the Chief Justice or any other person as the President may designate.)