



MINORITY CAUCUS

Parliament House - Accra (Ghana)



REPUBLIC OF GHANA

In case of reply, the number and date of this letter should be quoted.

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PRESS STATEMENT

MINORITY CAUTIONS MINISTER-DESIGNATES TO STOP MISREPRESENTING THEMSELVES AS SO-CALLED REPRESENTATIVES OF THE PRESIDENT.

The Minority in Parliament takes strong exception to the purported creation of new appointments by the Chief of Staff that temporarily appoints beleaguered Minister-designates waiting for parliamentary approval as so-called 'Representative of the President'.

Yesterday, the Minority in Parliament and the Ghanaian public at large were utterly shocked to see the Minister-designate for Health going on an announced inspection tour of health facilities as though his appointment is complete as a Minister and justifying what was obviously a misrepresentation that he had received a Nicodemus letter from the Chief of Staff purporting to have appointed him as the Representative of the President to the Ministry of Health.

First and foremost, there is no provision in the 1992 constitution that supports the creation of representatives of the President in Ministries of State. Therefore, for a highly regulated power centre such as the Presidency, it is ultra vires for the Chief of Staff who derives all her powers from the President as prescribed by the 1992 constitution to be creating new offices alien to the constitution.

For all intents and purposes, a Minister in addition to the power and authority granted same by the constitutional instrument of office and legislations passed and assented is the representative of the President in whichever ministry he/she finds him/herself. It is therefore ultra vires for the Chief of Staff to ascribe a primary function of a Minister to a person not so appointed.

Article 78(1) of the 1992 constitution states, "Ministers of State shall be appointed by the President with the prior approval of Parliament....". This clearly indicates that the appointment process can only occur after approval of Parliament. Therefore, Minister-designates are at most nominees whose presence in government institutions should amount to nothing more than a visit of an ordinary citizen and that is without Ministerial privilege or authority whatsoever.

It is therefore illegal for any person to hold himself out as a Representative of the President to a Ministry exercising any form of executive authority of superintending, overseeing, directing, or controlling state institutions in the name of the President. It is for this reason that where a substantive appointment has not been made to a specific ministry, a Minister appointed to another ministry and clothed with the constitutional instrument of office is directed by the President to act as 'caretaker' Minister for the ministry.

As we speak, the President's Representative to the Ministry of Health clothed with the authority and power of the President to represent him in the Ministry of Health is Hon. Ursula Owusu Ekuful, the Minister for Communications and Digitalization who is currently acting as the caretaker-Minister for the Ministry of Health and not Dr. Bernard Okoe Boye.

The Minister-designate who is only a nominee of the President has no authority whatsoever to instruct or direct, implement or propose policy changes for agencies within a sector ministry and therefore under what power or authority does he/she summon CEOs and other heads of institutions, who may be busy with their official schedules, to grant him audience or presentations on their management of state institutions?

The Minority in Parliament would therefore like to advise the Chief of Staff to revoke all illegal appointments appointing Minister-designates as Representatives of the President. We further caution persons so appointed to stop holding themselves out as Representatives of the President to designated Ministries. We urge all members of the public, particularly public sector workers not to extend any privilege reserved for Ministers to such persons.

Thank you.

Kwabena Mintah Akandoh

(Ranking Member on the Parliamentary Select Committee on Health and MP for Juaboso)