

**IN THE SECOND SESSION OF THE SEVENTH  
PARLIAMENT OF THE FOURTH REPUBLIC**

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**REPORT OF THE**

**SPECIAL COMMITTEE TO INVESTIGATE THE  
LEVY AND COLLECTION OF SUMS OF  
MONEY BY THE MINISTRY OF TRADE AND  
INDUSTRY FROM EXPATRIATE BUSINESSES  
AND RELATED MATTERS DURING THE  
RECENTLY HELD GHANA EXPATRIATE  
BUSINESS AWARDS (GEBWA) IN ACCRA**

*FEBRUARY, 2018*

**REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE THE LEVY AND COLLECTION OF SUMS OF MONEY BY THE MINISTRY OF TRADE AND INDUSTRY FROM EXPATRIATE BUSINESSES AND RELATED MATTERS DURING THE RECENTLY HELD GHANA EXPATRIATE BUSINESS AWARDS IN ACCRA.**

**1.0 INTRODUCTION**

The Special Committee to investigate the levy and collection of sums of money by the Ministry of Trade and Industry (MoTI) from expatriate businesses and related matters during the recently held Ghana Expatriate Business Awards in Accra was established on Friday 5<sup>th</sup> January, 2018 in accordance with Order 191 of the Standing Orders of the Parliament of Ghana (November 2000 Revised)

**2.0 REFERENCES**

The Committee referred to and was guided *inter alia* by the following documents:

- The 1992 Constitution of the Republic of Ghana;
- The Parliament Act, 1965 (Act 300);
- The Public Financial Management Act, 2016 (Act 921);
- Financial Administration Regulations 2004 (L.I.1802);
- The Evidence Act, 1975 (NRCD 323);
- Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 24<sup>th</sup> Edition, 2011;
- The Standing Orders of the Parliament of Ghana; and
- Parliamentary Debates of Friday 5<sup>th</sup> January 2018

**3.0 BACKGROUND**

At an Emergency Sitting of Parliament held on Friday 5<sup>th</sup> January, 2018 pursuant to article 112(3) of the 1992 Constitution and Order 38 (1) of the Standing Orders of the House, the **Hon. Minority Chief Whip and Member of Parliament for the Asawase**

**Constituency, Alhaji Mohammed-Mubarak Muntaka** moved a motion in the following terms:

*“That this Honourable House investigates the levy and collection by the Ministry of Trade and Industry of the Ghana Cedi equivalent of various sums of money in United States of America Dollars, from expatriate businesses and related matters during the recently held Ghana Expatriate Business Awards (GEBA) in Accra.”*

In moving the Motion, Hon Muntaka alleged that people had to pay money to sit close to the President and expressed worry over same. He also stated that he had a document which stated that the moneys *“had to be paid”*.

Indeed, he stated, among other things, as follows:

*“Mr. Speaker, I said that it was very worrying not only for me but many Ghanaians, both home and abroad, to wake up to the news that it was possible in our country Ghana today that sitting in proximity to the President cost money. Mr. Speaker, the document available to me, which I am ready to tender in, says: “Meeting of 23<sup>rd</sup> October 2017”. It was signed by my Hon Colleague, Mr. Carlos Kingsley Ahenkorah.*

*Mr. Speaker, that document clearly states that these sums of money, ranging from US\$15,000 to US\$100,000, would have to be paid –*

*Mr. Speaker, the sum had to be paid for attendees to have access to sit in “proximity to the President.”*

Hon. Muntaka further opined that the allegation, to him, raised serious ethical issues if they were to be established and proven. On this he stated:

*“Mr. Speaker, this is a very worrying situation. For me, if it is established and proven, it could be a very difficult ethical issue for us as a country.*

*Mr. Speaker, it is unethical to even imagine such a thing would happen. So, even if it is proven, it would be a very interesting one”*

The Hon. Member referred the House to article 175 of the 1992 Constitution, the Public Financial Management Act, 2016 (Act 921) and the Financial Administration Regulations 2004 (L.I.1802). He referred specifically to Regulations 16 to 18 of L.I. 1802, and Section 7 of Act 921 and maintained that: *“If we look at the interpretation of*

*“public resources”, it is beyond doubt that the monies that were collected by the Ministry form a part of our public resources”.*

Hon. Muntaka further alleged that the issue was denied by the Ministry of Trade and Industry (MoTI) when it was first raised at the Parliamentary Committee on Trade, Industry, and Tourism and also on the 15<sup>th</sup> December 2017 on the floor of Parliament. He further alleged that *“On the 17<sup>th</sup> of December, 2017 the Ministry issued a statement; paragraph 5 of that statement categorically stated that the Ministry of Trade and Industry had nothing to do with resource mobilisation.”*

He said there was, however, a subsequent interview on *Joy FM* with him and Hon. Carlos Ahenkorah in which the latter had made an admission that they collected monies but every pesewa from that money they collected was transferred to MEF.

Hon. Muntaka further stated: *“Mr. Speaker, on 21<sup>st</sup> December 2017 there was another statement from the Ministry of Trade and Industry that they did not have anything to do with resource mobilization. However, they moved from that denial to acceptance that they collected GH¢2.6 million and they spent GH¢2.3 million”.*

To him, the said statement of 21<sup>st</sup> December 2017 had admitted that official receipts were issued for the monies collected and *“once they issue official receipts, these become part of our public resources. So, in spending it, they had to go through the laid down structure for spending. Mr. Speaker, all these were not done.”*

According to the Hon. Member for the Asawase Constituency, he was most worried that the 21<sup>st</sup> December 2017 Statement had said that the Presidency had nothing to do with what happened as he felt that position was inconsistent with a 17<sup>th</sup> December 2017 press release by the Ministry on the matter.

He finally called for a public inquiry into the matter, saying: *“necessary image”*. He delivered himself thus:

*“Mr. Speaker, in conclusion, let me say, it is important that these matters are properly investigated. This should be done in the public view to create the necessary image. Once again, Parliament has the biggest opportunity to prove to the people of this country that as a House, we would do what is right to establish, if there is any doubt, how finances are used in this country.”*

In seconding the Motion, the Hon. Member of Parliament for North Tongu Constituency, Mr. Samuel Okudzeto Ablakwa thanked the Rt. Hon. Speaker for the opportunity to second the Motion and expressed the conviction that the matter was one which satisfied the requirements of the law for the establishment of a Committee to investigate it.

He stated, inter alia, that:

*“Mr. Speaker, this is a matter that I am convinced satisfies the requirement in article 103(1) and (3) of the Constitution of Ghana, and if I may quote with your permission;*

*“(1) Parliament shall appoint standing committees and other committees as may be necessary for the effective discharge of its functions”.*

*Clause 3 says;*

*“(3) Committees of Parliament shall be charged with such functions, including the investigation and inquiry into the activities and administration of ministries and departments as Parliament may determine; and such investigation and inquiries may extend to proposals for legislation”.*

The Hon. Member was convinced that the Motion satisfies Standing Order 191, which he stated *in ter-alia* as:

*“The House may at any time by motion appoint Special or Ad Hoc Committee to investigate any matter of public importance...”* The Hon. Member was also convinced that this *“cash for seat scandal”* which had engaged the nation’s attention met the criteria of public importance as outlined by Erskine May in his *Parliamentary Practice Book*.

He stated further that leading anti-corruption crusaders like Ghana Integrity Initiative, which is the local chapter of Transparency International, Mr. P.C. Appiah-Ofori, Hon Kennedy Agyapong and Dr. Kojo Asante of the Centre for Democratic Development (CDD) had called for an inquiry into what was being referred to as *“cash for seat scandal”*. He expressed optimism that it was *“a matter that the House has a locus and which also falls very much within its purview”*.

He informed the House further that:

*"The Presidency attempted earlier to investigate this matter per a statement issued on 21<sup>st</sup> December, 2017, but clearly, this would have been the Presidency becoming a judge in their own court (sic), and it would not generate the confidence that we need to delve into these matters."*

He alleged that there had been "so many inconsistencies" and prayed the House to set up a Committee to look into the matter. He stated further that in the opinion of the Minority several laws have been breached. He stated thus:

*"Mr. Speaker... I wish to submit that in our opinion, several sections of the Public Financial Management Act have been breached, as well as the Financial Administration Regulations, and article 284 of the Constitution of Ghana. That is why I second the Motion which has been ably moved by the Hon Muntaka."*

### **3.1 Contributions to the Motion**

In contributing to the Debate on the Motion, the Hon Minority Leader, Mr. Haruna Iddrisu stated that the matter was of public importance and called on the Rt. Hon. Speaker to set up a Committee of Five Members to investigate the matter pursuant to Order 191 of the Standing Orders of the House. He stated thus:

*"Mr Speaker, undoubtedly, this is a matter of public interest and importance, that the highest office of the land was engaged in some transaction to which there are questions relating to payments of certain amounts of money, ranging from US\$75,000.00 to US\$100,000.00, whether a person was seated on the right hand side or the left hand side of the President, which is the highest office of the land.*

*Mr. Speaker, for us to set up an Ad hoc Committee, I believe, pursuant to Order 191, it should be a Committee of five (5) members."*

Also contributing to the Motion, the Hon Majority Leader, Mr. Osei Kyei-Mensah-Bonsu affirmed Parliament's responsibility to oversee Executive performance and stated that; "So, if anything untoward happens, it should be within the remit of Parliament to investigate any infractions."

The Hon. Leader, however, indicated that; "Mr. Speaker, ordinarily, a Motion relating to extortion of funds, as it has been put out there, must be supported. Except that, I

*believe that in this particular instance, the resort by Hon Colleagues amounts to a gross abuse of the process of the House."*

Whilst agreeing in principle that Parliament could investigate matters within the realm of the Executive, he took issue with the competence of the Motion and the Memorandum requesting the Speaker to summon the House under article 112(3) and called for the correction of the Motion.

#### **4.0 ESTABLISHMENT OF THE SPECIAL COMMITTEE**

After considerable deliberation on the Motion and also having regard to the public importance of the matter, the Rt. Hon. Speaker, remarked that:

*"... since I do not want this to become a political football in the political arena – he says; she says; – which we do not want in the development of democracy in our Republic, I direct that we proceed further.*

*Ghana, our good nation cannot be allowed to sink into confusion and insecurity. That kind of society is what one great political scientist, Huntington, who was a great researcher on military intervention on political stability described in politics as a praetorian society. A praetorian society is one in which there is always some confusion or the other. People cannot develop that way, and military adventurers take advantage of this. A calm socio-political system is crucial for the development of our democracy and our nation as a whole.*

*Earlier, the Leaders were inclined to have a special committee for this purpose. I am in support of it. So, we would have a five-member Committee to fully investigate this matter and report to the House as soon as possible. This would happen a day after recall of Parliament on the 24<sup>th</sup> of January, 2018."*

Accordingly, the Special Committee to investigate the levy and collection of sums of money by the Ministry of Trade and Industry from Expatriate Businesses and related matters during the recently held Ghana Expatriate Business Awards (GEBA) in Accra was duly constituted.

## **5.0 MEMBERSHIP OF THE COMMITTEE**

**5.1** The Committee comprised the following Honourable Members:

- i. Mr. Kwasi Ameyaw-Cheremeh (Sunyani East) – Chairman
- ii. Dr. Mark Assibey-Yeboah (New Juaben South) – Member
- iii. Mr. Yaw Buaben Asamoah (Adentan) – Member
- iv. Mr. James Klutse Avedzi (Ketu North) – Member
- v. Dr. Dominic Akuritinga Ayine (Bolgatanga East) - Member

In addition to the Members, the Committee was privileged to have had the following Honourable Members in attendance at its meetings:

1. Hon. Osei Kyei-Mensah-Bonsu – MP for Suame constituency
2. Hon. Moses Anim – MP for Trobu Constituency
3. Hon. Ato Panford – MP for Shama Constituency
4. Hon. Fuseini Issah – MP for Okaikwei North Constituency
5. Hon. Collins Owusu Amankwah – MP for Manhyia North Constituency
6. Hon. Alhassan Sayibu Suhuyini – MP for Tamale North Constituency
7. Hon. Cassiel Ato Forson – MP for Ajumako-Enyan-Esiam Constituency
8. Hon. Martin Oti Gyarko – MP for Techiman North Constituency
9. Hon. Ras Mubarak – MP for Kumbungu Constituency
10. Hon. Anthony Effah – MP for Asikuma-Odoben-Brakwa Constituency
11. Hon. Evans Opoku Bobie – MP for Asunafo North Constituency
12. Hon. Kwaku Asante-Boateng – MP for Asante-Akim South Constituency

The Committee acknowledges all the Honourable Members who made time to attend its sittings.

**5.2** In accordance with Order 198(1) of the Standing Orders of the House, the Clerk to Parliament appointed the following Officers to serve the Committee:

- i. Mrs. Rosemary Arthur Sarkodie - Clerk to the Special Committee**
- ii. Mr. Louis Boakye - Assistant Clerk to the Special Committee.**

**5.3** In addition, Mr. Ernest Daffour – An Assistant Clerk and officers from the Hansard Department were co-opted to assist the Secretariat in its duties.

The Secretariat provided essential administrative, logistical and research support to the Committee and worked effectively in arranging and managing hearing sessions,



preparing materials and drafting documents and reports for the consideration of the Committee.

The Committee is grateful to the Clerk and her team for their invaluable service to the Committee.

## **6.0 TERMS OF REFERENCE**

The Terms of Reference (TORs) of the Special Committee were as follows:

- i. To investigate the alleged levy and collection of sums of money by the Ministry of Trade and Industry from expatriate businesses during the recently held Ghana Expatriate Business Awards event in Accra;
- ii. To inquire whether any payments were made and received and, if so, how disbursement was effected and whether any such disbursement offended any law;
- iii. To investigate any relevant related matters; and
- iv. To recommend appropriate measures aimed at redressing violations, if any, that may have occurred and the prevention of any such violations; and to report to Parliament on the 24<sup>th</sup> Day of January 2018.

## **7.0 METHODOLOGY**

### **7.1 Proceedings of the Committee**

The Committee held its first meeting on Monday, 8<sup>th</sup> January, 2018 to determine the modalities and procedures for regulating its deliberations and executing its mandate.

The Committee was particularly mindful of Order 197, which states among others, that:

*“The deliberations of the Committee shall be confined to the matter referred to it by the House and any extensions or limitations to it made by the House....”*

However, for transparency, openness, and integrity of the deliberations and processes, the Committee decided to hold all its sittings in public but reserved the right to take evidence in-camera should the circumstances and public interest so dictates.

For purposes of its public sittings, the Committee identified the following key witnesses:

- i. Mover of the Motion - Hon. Alhaji Mohammed-Mubarak Muntaka;
- ii. Seconder of the Motion – Hon. Samuel Okudzeto Ablakwa;

- iii. The Ministry of Trade and Industry;
- iv. The Millennium Excellence Foundation (MEF);
- v. Representatives of the Expatriate Businesses; and
- vi. The Controller and Accountant-General (CAGD)

The Committee's sittings were generally held in public and were covered live on TV and Radio stations. However, at the request of the expatriate business, the evidence of the representatives of the expatriate business was taken in-camera.

## 7.2 Materials/evidence tendered before the Committee

The Committee received documents from the various witnesses who appeared before it. The Committee also took oral evidence from the witnesses by examining them on oath, affirmation or otherwise. Thus in investigating the matter, the Committee examined the following, *inter alia*:

- Audio recordings and transcripts of interviews granted by witnesses;
- Material evidence in relevant media publications; and
- Written and oral submissions/evidence adduced witnesses

## 7.3 Public Evidence Sessions

A total of fourteen (14) witnesses appeared and provided evidence, out of which five (5) were examined in public and nine (9) in-camera. All these Witnesses were examined on oath and had the opportunity to be legally represented. They were given the opportunity to correct the transcript.

The public evidence sessions of the Committee were held on 11<sup>th</sup>, 12<sup>th</sup> and 15<sup>th</sup> and 25<sup>th</sup> January, 2018 to which the media and the general public were invited. The witnesses that appeared during these hearing included the under-listed:

- i. Hon. Alhaji Muhammed-Mubarak Muntaka – MP for Asawase;
- ii. Hon. Samuel Okudzeto Ablakwa - MP for North Tongu;
- iii. Hon. Alan John Kwadwo Kyerematen - Minister for Trade and Industry;
- iv. Ambassador James Victor Gbeho - Chairman, Millennium Excellence Foundation;
- v. Ambassador Ashim Morton - President, Millennium Excellence Foundation; and

vi. Mr. Eugene Asante Ofosuhene – The Controller and Accountant General.

The Committee also sat in-camera and on the 23<sup>rd</sup> January 2018 and took evidence from representatives of the under-listed expatriate businesses:

1. Gopal Vasu - MD, M&G Pharmaceutical
2. Joe Mensah - CEO, Kosmos
3. Salem Kalmoni - MD, Japan Motors
4. S. Ramella - MD, Consar Ltd
5. Mukey Thakwani - MD, B5 Plus
6. Amar Deep S. Hari - CEO, IPMC
7. Saeed Fakhry - Interplast
8. Roshi Motman - Airtel-tigo

The Committee further received written submissions from the following expatriate businesses who were unable to appear before the Committee due to prescheduled assignments or the absence of the respective CEO from the jurisdiction. :

- 1) Unilever Ghana Limited
- 2) Zenith Bank (Ghana) Ltd
- 3) Aviance Ghana Limited
- 4) Melcom Group of Companies
- 5) Barry Callebaut
- 6) De Simone Ltd.
- 7) Mohinani Group
- 8) Queiroz Galvao

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- 9) Sunon Asogli Power
- 10) M & K Ghana Ltd.
- 11) Amandi Ltd.
- 12) Geodrill Ltd.

## 8.0 SUMMARY OF EVIDENCE

### FIRST COMMITTEE WITNESS: ALHAJI MUHAMMED MUBARAK MUNTAKA-MP FOR ASAWASE AND MINORITY CHIEF WHIP. – (CW1)

1. In his evidence, Alhaji Mohammed Muntaka Mubarak (CW1) informed the Committee that as part his oversight role over Government and its Agencies, he had information relating to *“the levy and collection by the Ministry of Trade and Industry of the Ghana cedi equivalent of various sums of money in United States of America dollars from expatriate businesses. During the recently held Ghana Expatriate Business Awards in Accra”* on 4<sup>th</sup> December 2017.
2. According to CW1, when the attention of the Hon. Deputy Minister of MoTI, Mr. Robert Ahomka Lindsey and the Chief Director of MoTI were drawn to the allegation by his colleague [Hon. Ato Forson], they denied knowledge of the matter. However, when documents relating to the issue were shown to them, the Chief Director said he should be given the opportunity to search for other information to enable them properly brief Members.
3. However after he waited without any response from MoTI, he again raised the matter at plenary during the consideration of the Budget Estimates of MoTI.
4. According to CW1, two things crossed his mind when he was told that the Chief Director was not aware of the event. First, either he was lying to the Committee of Parliament, or truly he was not aware and it happened on his blind side. This prompted him to raise the issue on the floor for further clarification.
5. Subsequently, in an interview on *Kasapa* FM, Honourable Ahenkorah, confirmed the event and stated that although the event happened, MoTI did no wrong. The Ministry only supported and assisted the MEF, the event organisers, in the organisation of the event. According to Honourable Ahenkorah, the Ministry did not mobilise the funding for the event.
6. Paragraph 5 of a press statement published by the Ministry on 17<sup>th</sup> December, 2017( Exhibit 1) states

*“The Ministry consequently signed the MoU with the Foundation that spelt out the roles of both parties. Resource mobilisation to ensure that the event was organised at no cost to the taxpayer was the sole responsibility of the Foundation.”*

According to CW1 this clearly shows that the Ministry was not involved in the resource mobilisation for the event.

7. CW1 stated that he was shocked, when Honourable Ahenkorah admitted in an interview on Joy FM that MoTI collected money but every pesewa was returned to the organisers of the event. He indicated that the position of MoTI on the matter kept changing from the Committee meeting, where Mr. Robert Ahomka Lindsey (Deputy Minister) and the Chief Director both denied having knowledge of the issue to the admission by Honourable Ahenkorah that the Ministry indeed collected the money but returned every pesewa to the MEF. CW1 referred to Paragraph 6 of the 21st December, 2017 Press Statement from the Ministry (Exhibit 2) as follows:

*“Following the event, the Ministry in collaboration with the event organizers have audited the account for the event and can confirm that an amount of GH¢2,667,215.00 was raised against an expenditure of GH¢2,367,426.06. It is acknowledged that the event organizers, as private sector commercial operators are entitled to a fair return for their efforts in organizing the event. However, it was also agreed with the organizers that a portion of the additional funds realized from the event in excess of expenditure, would be retained to support the organization of the next Awards event.”*

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8. According to CW1, while in one breadth the Ministry had nothing to do with resource mobilisation(as shown in Paragraph 5 of Exhibit 1), in another breadth the Ministry acknowledged that it had even raised over GH¢2.6 million(as shown in paragraph 6 of Exhibit 2).
  9. He referred to a letter the Ministry wrote to the expatriate businesses on 23<sup>rd</sup> October 2017 entitled ‘Ghana Expatriate Business Award – A Black Tie Event’ (Exhibit 3) and read paragraph 6 on the second page as follows:

*“Kindly see the attached Criteria and submit your details by the 10<sup>th</sup> of November 2017 to Mr. Kwadwo Boateng at the KPMG’s Office, Abelemkpe in a sealed envelope.”*

10. The CW1 also referred to the paragraph entitled ‘Corporate Partnership’ which reads:  
“We invite you to support the organization and hosting of this laudable initiative with the benefits attached.”

11. CW1 further referred to paragraph 3 of 21<sup>st</sup> December, 2017 Press Statement (Exhibit 2) as follows:

*“The structure, form, content and distribution of the Sponsorship package for the event are solely attributable to the event organizers, and the Ministry had no role in the design of the said package. For the avoidance of doubt, the letter signed by the Hon Deputy Minister of Trade and Industry which has been sighted in the media had **no link** to the sponsorship package.”*

12. According to the CW1, contrary to the suggestion by MoTI that the letter signed by Honourable Ahenkorah had no link to the sponsorship package, the same letter under the heading ‘Corporate Partnership’, clearly made reference to an attachment where it indicates *“with the benefits attached”*.

13. According to him, although the Ministry had stated that the second attachment had no link with the letter signed by Honourable Ahenkorah, the footnote of that attachment directs the individual expatriates where to send their cheques to in the Ministry, which enabled the Ministry to collect what they claimed was over GH¢2.6million. According to CW1, if the second attachment was not part of the letter, how did the expatriates know that they had to send their cheques to Room 308? Without that attachment, they would not have been able to send those cheques to Room 308 for the Ministry to even collect the moneys.

14. CW1 quoted paragraph 3 of Exhibit 1 as follows:

*“Upon the conception of the novel idea, the Foundation informed the government, through the Presidency and further sought partnership with the Ministry of Trade and Industry in the organisation of the first ever award event*

*targeted at recognizing and rewarding the contributions of the expatriate and naturalised expatriate community...*”

15. The above statement shows that this novel event was started by the Government and the Presidency. Yet in the statement that was issued on 21<sup>st</sup> December, 2017 by the Ministry of Trade and Industry, paragraph 1 says:

*“Neither His Excellency, the President nor any official of the Presidency directly or indirectly, or even remotely was connected with the said event.”*

He contended that while in one statement, the whole idea started from the Presidency, in another the Presidency had no remotest connection with the event.

16. According to CW1, paragraph 7 of Exhibit 2 states:

*“For the avoidance of doubt, none of the individuals/companies who sat on the Presidential High Table at the event made a contribution of US\$100,000.00 prior to the event as being alleged.”*

17. Relying on an online news report of an interview granted by Mr Prince Boakye Boateng of MoTI on Star FM to Mr Francis Abban on Morning Star (Exhibit 4). Quoting from the online report, CW1 stated as follows:

*“The Government partnered the Foundation so that the private sector would know that the Government is in full support of the event. We wanted to make sure that moneys paid did not influence who won an award. The moneys were paid into the Ministry of Trade and Industry account because we did not want post-event challenges. Mr Saeed Fakeries (SIC), Chief Executive Officer of Dream Realty and Inesfly also paid US\$100,000.00 to sit at the table with the President.”*

18. According to CW1, while the Ministry in paragraph 7 of Exhibit 2, informed the public that no one paid US\$100,000.00, the PRO who was a member of the Planning Committee stated that somebody had paid US\$100,000.00.

19. According to CW1, if the Committee listened attentively to the voice recording that he had submitted, it would realise that both Mr Prince Boakye Boateng and Honourable Ahenkorah, kept emphasising that they wanted the expatriates to trust and have confidence in MEF.

20. CW1 further informed the Committee that from the package, those who were to pay US\$100,000.00 and US\$75,000.00 were to have an exclusive dinner with His Excellency the President at a later date as stated in the sixth row of Exhibit 3.
21. CW1 stated that clearly, he doubts whether the Presidency was not aware of this arrangement. He explained that there was no way anybody could make such a promise if they had not made prior arrangements at the Presidency. All the statements from the Ministry confirms that they wanted to give the whole thing some kind of trust. He believes that all these were done to give the Ministry of Trade and Industry trust.
22. CW1 informed the Committee that he decided to give the Ministry of Trade and Industry the opportunity to clarify the issues raised since he had documentation and was very certain that moneys were collected even when there were denials. He indicated that all that he was seeking to achieve was to caution the Ministry. According to him if the statement that came from the Ministry on 21<sup>st</sup> December, 2017 was the response he got at the Committee's meeting, he would not have pursued the matter. It would have exonerated his position that moneys were collected. However, the issue would have been what authority the Ministry used in collecting that money. CW1 stated that he would have admonished the Ministry to make sure that they regularised how they collect such moneys and spend in accordance with the financial regulations.
23. CW1 believes that the Ministry might have breached financial regulations. The Ministry collected the money with official receipt and later handed over all the money to MEF. According to him, using official receipt for the purposes of collecting the moneys makes it public money which was supposed to be regulated by financial regulations.
24. CW1 also doubted and questioned the total moneys that was collected as stated by the Ministry. He explained that if even 100 out of the 450 expatriates that were invited even paid at least US\$15,000.00, the total would be US\$1.5million. By his rough estimation, if the Ministry stated they had taken only GH¢2.6million, he had doubts because of the initial challenges and credibility gap that had been created by the number of contradictory statements.



25. CW1 believed that it was important that Parliament independently looked into this matter, so that first, it would be certain that this unethical thing, where one would partner a private organisation to want to charge people or raise sponsorship based on proximity to the President, can be settled once and for all. Even if the Ministry claims they did not know about it, he believes that once they decided to partner them, they cannot exonerate themselves from whatever problem that may have arisen.
26. CW1 indicated that the laws of the country do not allow for this. Even the lobbyists in America and other places are regulated and they even pay taxes. When they do some of these things for charity, the total amount of money is transparently declared and it is not profit making. It is a good idea that the Government introduces a law that would regulate that. But for people to do it without the necessary regulations, he believes was very unethical. CW1 further stated that for the Ministry to collect moneys that were public moneys and hand it over to private persons, was problematic. He believes that this investigation would give Parliament the opportunity to introduce reforms in this area.
27. As to whether the issue is basically a sale of access to the President or some kind of facilitation fees being paid to have access to the President, CW1 responded in the affirmative stating that all the documents he had in his possession point to that.
28. As to whether there was an ethical political concern in the matter, CW1 stated that as public servants like himself, His Excellency the President's time had already been bought by the public and that the public can have access without necessarily having to make any financial contribution or financial payment. To his mind, if access was used to facilitate and make it easy for anybody in this country to have a dinner with the President, then it is very unfortunate, stating that it can create an avenue for some kind of corruption.
29. As to whether he was aware that the President of the Republic requested for an explanation from CW3 on this matter, CW1 stated that he was not aware. He mentioned that what he heard was that the MoTI had been asked to respond after which the Presidency issued a statement to the effect that there was nothing wrong. He further indicated that he was worried since he did not know the kind of investigation that was conducted by the President. According to him, the President had at his disposal the

National Security, the Bureau of National Investigations (BNI) and all the other Agencies that could be asked to thoroughly investigate the matter but within forty-eight hours, the Presidency said that there was nothing wrong with what MoTI did.

30. When asked whether as a Leader of the second branch of Government, there was a need to repose some trust in the Executive branch with respect to what they do regarding matters that are within the ambit of the powers of the President, CW1 agreed but stated that when there are doubts, Parliament as representatives of the people with oversight responsibility over the executive need to look into it; at least, to prove beyond reasonable doubt that, nothing untoward happened. He mentioned that as a result of the confusion, it would be very difficult for him to believe what the Executive arm has done.
31. When asked whether he agrees with the Ministry's claim that the event was organised with no cost to the taxpayer, CW1 disagreed and stated that although there was no direct contribution from MoTI, certainly he believed that the taxpayer incurred some cost. He explained that the officer who was responsible for collection of the money in Room 308 was paid by the taxpayer. Also the Ministers and the President were driven to the event in vehicles fuelled and chauffeur-driven by persons who are paid by the taxpayer. He further indicated that the value book, the receipt that was issued, the General Counterfoil Receipt (GCR) from CAGD was printed with money from the taxpayer.
32. As to why the Motion for Recall of Parliament was not part of the document he supplied to the Committee, he mentioned that since the matter under discussion was a public interest matter referred to the Committee, he did not find it necessary to have attached the Motion to recall the House as part of the documentation to the Committee. He believed that the issues about the recall and the Motion were already in the public domain.
33. When asked whether his decision to cause a recall of Parliament to an emergency sitting per article 112 (3) and Standing Order 38 (1) was justified in terms of the cost, the drama and the resource complications, CW1 responded in the affirmative.
34. As to whether CW1 could have availed himself of other options which were more cost effective as provided under the Standing Orders such as Half-Hour Motion [Orders 49

(1) and (3); Order 50 (4) (a)], urgent motion (Order 78(k)), Statements, Questions etc., CW1 stated that he had been in this House long enough to know that during Budget hearing, the House gets very tired. As a member of Leadership of Parliament for the past five years, he knew very well how difficult it has been to introduce a private Members bill, ask questions, make statements or introduce a matter of urgent public importance at the time of the budget appropriation. To his understanding and that of the seventy-seven Members who signed the Recall request, they were desirous of getting the Appropriation Bill passed before any other consideration.

35. CW1 disagreed with the suggestion that the recall of Parliament to discuss the matter was an abuse of process. According to him, article 112 (3) of the Constitution and Order 38 (1) of the Standing Orders give power to 15% of Members of Parliament to recall the house and to also determine what in their opinion was urgent. Those who signed for the recall of the House, believed that the matter was of urgent public importance and that if they had to wait till Parliament resumed, the evidence and materials connected with the matter could be distorted or destroyed.

36. As to what he meant by “levy and collection” as contained in the Motion, he stated that the use of the term ‘levy’ was generic stating that the meaning as contained in the Collins Dictionary is “a sum of money that you have to pay”. He explained that the generic meaning was adopted to ensure that the Motion was broad enough, and possibly to capture almost every scenario which could have arisen.

37. When asked whether his definition of levy suggests that the monies have to be paid, CW1 informed the Committee that the use of ‘levy’ and “collection” were to broaden the net to catch almost every possibility. According to him, nobody really knows, emphatically, what method was used to collect the money. This is because initially, there was denial, and then there was a little bit of acceptance that they collected the money and they issued GCRs, which are issued for moneys that Parliament approves; that includes fees and charges for people to pay to get receipts.

38. When CW1 was asked whether Exhibit 3 came to him with the benefits attached to the original letter, he indicated that he received the letter with the attachment.

39. As to whether the letter (Exhibit 3) was distributed originally in the form it was tendered, CWI stated it was part of what the Committee needs to establish. He stated that the last three paragraphs of the letter reads- "*kindly see the attached criteria*", which criteria was attached. In the second instance entitled "at the corporate partnership", also had "benefits attached", and indeed the benefits were attached. He explained that after reading the letter and its attachment he came to the understanding that the letters were distributed to almost every expatriate in that form. However, the Ministry had stated that there was no link to the arrangement of the benefits attached. Nevertheless, on the last but one page, the expatriates were directed to an office at the Ministry which makes it very difficult to believe that the Ministry did not know about that attachment.

40. When asked whether 'collection', in his opinion, implied a public resource, CWI stated that the PFM Act, 2016 at the interpretation section defines public resources as "public revenue including revenue acquired through donation, bequest, borrowing, movable and fixed assets, deposits, receivables and rights". Again, Regulation 16 of the (LI 1802) under Non tax revenue and Internally Generated Funds (IGFs) states that:

*"Non Tax revenue includes fines, penalties, forfeitures, fees, charges, rent on Government lands and buildings, interest on Government investments, dividends and all other revenue generated from the activity of the Department."*

He indicated that the above clearly shows that the monies collected by the Ministry is public money.

41. As to whether CWI was aware of the policy arrangements relating to Public Private Partnerships (PPPs), he responded in the negative and explained that as a Member of Parliament he was not aware of any policy on PPPs.

42. When asked whether it would be prudent for a Ministry working with a private agency to receive and lodge funds arising from that arrangement into its account, CWI stated that any money that a public institution collects, must be approved by Parliament in the form of fees and charges. He explained that a public institution cannot collect any money and term it private stating that any moneys collected using a value book like the GCR, are public moneys.

43. When he was asked whether he had a copy of the Memorandum of Understanding (MOU) between the MoTI and the MEF, CW1 responded no.
44. As to whether he was aware of the sharing formula between the Ministry of Trade and Industry and the event organisers, CW1 answered in the negative.
45. As to the number of expatriate businesses that attended the event, CW1 indicated that from the documentation 450 expatriates attended the event.
46. As to whether CW1 would be satisfied if the Ministry made profits from their share of the proceeds and that there was no cost to the taxpayer, he stated that his primary concern was that the MoTI did not have the authority to do what it has done, and that it was unethical for them to use proximity to the President to generate money.
47. According to CW1, MoTI had no approval of Parliament for the collection and spending of the money. He believes that these were public resources and that collection and expenditure of it should follow financial regulations.
48. When asked if it was right for Government revenue to be approved by Parliament, before it can be spent, CW1 responded in the affirmative and stated that the PFM Act and the Financial Administration Regulations have spelt out the use of such moneys when they are collected.
49. As to whether the entire money collected should be approved by Parliament, CW1 stated that because everything collected has to be expended, it must be approved by Parliament including the portion that has been paid to the event organisers.
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50. When he was asked whether the activities of the event organisers and the facilitation role of the Ministry in raising money falls within the scope of a levy, CW1 stated that was not the only terminology he used. In addition to the levy he mentioned "collection" so as to broaden the focus of the Motion. He explained that for the avoidance of doubt, what happened was collection.
51. When it was made known that the Ministry had no authority to impose a levy, CW1 stated that, he was not aware.

52. As to whether in his own estimation, the said levy amount to fees and charges or internally generated funds as approved by Parliament, CW1 indicated that upon a reading of the Financial Administration Regulations on non-tax payments, it indicates to him that the collections that happened was under that; it was like an IGF.
53. When it was suggested to CW1 that the Ministry could not have charged any levies as contained in the Motion before the Committee, and that the monies collected may be sponsorship, he stated that the Ministry does not have the power to impose any levies, only Parliament does. He explained that he had gone through the fees and charges and laws available to him and he did not see anywhere that the Ministry has powers to do what they did whether it is a levy, a collection or a sponsorship.
54. In a response to a question as to whether the Ghanaian taxpayer should have borne the cost of organising the event, CW1 asked why would the taxpayer bear the cost of such a programme that they claim was purely private?
55. When he was asked to demonstrate to the Committee the provisions of any legislation or Regulations that the MoTI breached, CW1 referred to the Legislative Instrument (LI) 1802, sections 16, 17 and 18 as follows:

*“16. For the purposes of this Regulation, Non-Tax revenue includes fines, penalties, forfeitures, fees, charges, rents on Government lands and building, interest on Government investments, dividends and all other revenue generated from the activities of the Department.*

*Internally General Funds are Non-Tax revenue that are generated through the activities of the Department.*

*18. Collection and lodgement of Non-Tax revenue*

*A head of a Department shall –*

- a. Ensure that all nontax revenue are efficiently collected*
- b. Ensure that all nontax revenue is immediately lodged in the designated Consolidated Fund transit account and bank accounts except in the case of internally generated funds retained under an enactment”*

CW1 further referred to section 17 as follows:

*"A department that has legislative approval to retain all or a portion of internally generated funds collected must first lodge the retained internally generated funds into the department's operational bank account designated by the Controller and Accountant-General before disbursements are made."*

He concluded that from the foregoing, the issuing of GCR makes the money that was collected public money which should have been lodged into the Consolidated Fund.

56. As to whether the account that was used by MoTI to receive the payments was sanctioned by the Controller and Accountant-General, CW1 responded in the negative.

57. As to how CW1 established that GCRs were used to receive the monies, He drew the Committee's attention to paragraph 4 of Exhibit 2 which states as follows:

*"It is therefore difficult to imagine how a government institution seeking to extort monies from individuals would insist on issuing official receipts."*

58. As to whether the official receipts mentioned above refers to GCRs, CW1 stated that Government Agencies cannot issue any other receipt apart from GCR.

59. As to whether any of the participants officially or unofficially petitioned CW1 about any acts of extortion on the part of MoTI and the organisers, during or after the event, CW1 stated that he had not used "extortion" anywhere to describe what had happened but rather he referred to it as a collection.

60. As to whether he was aware that the Ministry of Trade and Industry had stated that nobody paid US\$100,000.00 prior to the event, CW1 stated that whether it was before or after, there were payments of US\$100,000.00 which was denied.

61. When he was asked where the idea for the organisation of the awards came from, CW1 agreed that the MEF conceived the idea.

62. As to whether CW1 was sure of what he was asking Parliament to do regarding this probe, he responded yes. He explained he used "levy" in a generic form because he wanted to have a Motion that would convince many Members of Parliament to support

the creation of the Committee. He indicated that he was happy that finally a Committee was established to investigate the issues.

63. Further CW1 mentioned that the Motion was moved, seconded and others even contributed. According to him he is very optimistic that the Committee would be able to establish beyond reasonable doubt all that happened.
64. As to whether there was breach of ethical considerations or a rule of ethics or a principle, CW1 said that when the issue broke out, the main concern of the public was whether it was right for people to pay moneys to sit close to the President.
65. As to whether he still stands by his position that people paid to sit by the President, CW1 responded in the affirmative and stated that even MoTI had accepted that they have taken GHC2.6 million. It means that people paid to be in that hall. He drew the Committee's attention to the audio he submitted (i.e. *Starr FM interview*), which emphatically admitted that some of the people around the table with the President paid US\$100,000.00 equivalent in cedis.
66. According CW1, the Committee would establish whether everybody around the table paid or only some paid. He believed that Committee would be able to establish how many people paid, who paid and where they were seated. If, for example, there was denial that it did not happen and now there is 'admittance' through the Ministry's own statement that people paid money, he believed there was no doubt about the payment.
67. When CW1 was asked whether he had all the facts concerning the matter under investigation, he answered in the negative.

68. When asked where "sponsorship" could be per the definition of public resources from Act 921, page 68:

*"Public Resources mean public revenue including revenue acquired through donation, bequest, borrowing, movable and fixed asset, deposit, receivables and rights..."*

CW1 stated as follows:

*"Mr Chairman, as I am very sure you know as an Hon Member of Parliament, when an Act is passed, there is a Regulation to give the meat and details of the Act. That was why I referred to the Financial Administration Regulation that*



*expatiates the Act. I referred to section 16 of the Regulation, which explains in detail that anything that the Ministry does – with your permission, I would read section 16B: ‘Internally Generated Funds are nontax revenue that are generated through activities of the Department’. I strongly think that this is something they have collected through their activities.”*

69. CW1 stated that the letter by the Honourable Ahenkorah, and the attachment there to directed people to Room 308 to deposit the cheques. The monies were collected using Government value book such as the GCR.
70. When asked if he would agree that for all that a public sector organisation does, there was a cost and the organisation do not expect a return, CW1 responded in the affirmative.
71. When CW1 was asked if he could tell why there was no page number on the second document attached to Exhibit 3, he stated that that was how he received the document. He explained that he had difficulty believing the position of the Ministry on the second attached document because the second part, which was headed “corporate partnership” talks about benefits attached. So, which benefits are these? He also stated that the last but three pages Exhibit 3 made reference to where the cheques were going to be deposited, and that was where the cheques were indeed deposited. So, it was difficult for him not to believe that this attachment was not the one being referred to.
72. When asked whether per his reading of the second page of Exhibit 3, “kindly see the attached criteria” refers to a document, CW1 answered yes.
73. As to how he concluded that the meaning of “the benefits attached” as captured in “we invite you to support the organisation and hosting of this laudable initiative with *the benefits attached*” refers to a document, CW1 stated that when the documents are read, it makes a lot of sense to him that these were the attachments because the first one talked about criteria qualification and the second one talked about a “*benefits attached*”. He maintained that to separate them and say that they did not refer to each other was very difficult for him to believe.
74. As to whether the “*benefit package*” as was shown in Exhibit 3 was a way of categorising sponsorship, CW1 agreed.

75. As to whether the presidential circle partner, especially where it said, “exclusive private dinner for two with the President at a selected date”, referred to the President of the Republic of Ghana, CW1 stated yes.
76. As to which Ministers were referred to in The Red Circle Partner (ministerial circle), in response, CW1 stated that obviously I referred to the Ministers of State. He mentioned that he did not produce this document. He explained that these were the documents that were given to the expatriates as part of what they would pay.
77. As to which people were categorised as the Yellow, Green and Black star circle partners, CW1 indicated that they were the expatriates that had been invited. He informed the Committee that obviously, it would refer to how far one was from the President because the diagram attached indicates so. If we were to get those coloured, we would have seen that it is in reference to how far one is from the seat of the President or the presidential circle.
78. Regarding whether Ministers paid US\$75,000.00 and US\$100,000.00 to attend the event, CW1 could not answer.

**SECOND COMMITTEE WITNESS: MR. SAMUEL OKUDZETO ABLAKWA -  
MP FOR NORTH TONGU - (CW2)**

79. Mr Samuel Okudzeto Ablakwa (CW2) is the Member of Parliament for the North Tongu Constituency. He is a member of the Appointments Committee, and the Ranking Member of the Foreign Affairs Committee.
80. In his evidence in chief, the CW2 stated that he seconded the Motion under reference which was moved by the CW1.
81. CW2 informed the Committee that he seconded the Motion pursuant to article 103 (1) and (3) of the Constitution of Ghana which states that:
- “Parliament shall appoint standing committees and other committees as may be necessary for the effective discharge of its functions.”*

Clause 3 states: *“Committees of Parliament shall be charged with such functions, including the investigation and inquiry into the activities and administration of ministries and departments as Parliament may determine; and such investigation and enquiries may extend to proposals for legislation.”*

82. CW2 stated that all the matters that had arisen since the Ghana Expatriate Business Awards was organised, had generated interest and considerable public attention not only in Ghana but at the international level.

83. CW2 informed the Committee that the fundamental issue had to do with whether it was appropriate, moral or ethical and legal for access to the President, His Excellency Nana Addo Dankwa Akufo-Addo, to be offered to the highest bidder. It was his contention that the prestige of the office of the President could not be sold. He stated that it was inappropriate for one to pay US\$100,000.00 or US\$75,000.00 to be guaranteed access to the President, first, by sitting by him and, second, by having exclusive private dinner with the President. He firmly believes that there was everything wrong with such an arrangement.

84. CW2 informed the Committee that a whistle-blower drew the attention of the Minority Chief Whip to a letter dated 23<sup>rd</sup> October, 2017 with the heading ‘Ghana Expatriate Business Awards – A Black Tie Event’. He stated that after he had obtained a copy of the letter (Exhibit OK1), he became surprised at the contents of the letter. According to CW2 he took time to read the entire letter (Exhibit OK1) because of claims from certain quarters that the reference to the Presidential Table at the GEBA was in reference to the president of the MEF, and not President Nana Addo Dankwa Akufo-Addo.

85. CW2 stated that right from the first paragraph of the letter, Hon. Ahenkora states that the ‘President of the Republic of Ghana, His Excellency Nana Addo Dankwa Akufo-Addo, the Government and people of Ghana would for the first time recognise and honour the titans of industry’. He therefore stated that the reasonable man who reads this letter cannot come to the conclusion that the President being referred to was the President of the MEF.

86. The other claim that had been made by some Government communicators had been to suggest mischief or ill motive on the part of the Minority Caucus that they have pieced

different documents together. CW2 maintained that this was the letter that was sent to the expatriate businesses. He assured the Committee that he had checked and was willing to lead evidence to the effect that this was the full complement of letters the expatriates received. The first attachment to the said letter (Exhibit OK 1) had to do with the criteria to KPMG, the second attachment had to do with the award categories.

87. CW2 informed the Committee that the main issue of concern was not only with people sitting by the President, but also with the “exclusive private dinner for two with the President at a selected date”. When a company pays US\$100,000.00 and US\$75,000.00 these were the benefits that a company would derive. It was his firm contention that including these benefits in this sponsorship packages is inappropriate as it sought to compromise the President and places the President in an awkward position, by making him vulnerable.

88. CW2 stated that a careful reading of the 21<sup>st</sup> December 2017 press statement from the Ministry of Information, signed by Hon. Mustapha Abdul-Hamid (Exhibit OK 2) cannot constitute a full investigation into this matter. This was because, it was clear from the second paragraph that it was just a matter of listening to the fact as presented by the honourable Minister. There was no investigation, no cross checking, others were not engaged and the facts were put out. Therefore, it was really imperative that Parliament carries out its investigative and oversight duties in delving into this matter.

89. CW2 stated that following the directive by His Excellency, the President, MoTI issued the 21<sup>st</sup> December statement (Exhibit OK 4). MoTI on 17<sup>th</sup> December, 2017 had already issued a comprehensive statement on the events (Exhibit OK 3).

90. According to CW2, the first paragraph of Exhibit OK 4 states as follows:

*“I wish to state categorically as follows:*

*Neither His Excellency, the President nor any official of the Presidency directly or indirectly, or even remotely was connected with the said event. The President was invited as a Special Guest of Honour and he graciously accepted the invitation and attended the event.”*

91. CW2 also read paragraph 3 of Exhibit OK 3 as follows

*“Upon the conception of the novel idea, the Foundation informed the government, through the Presidency and further sought partnership with the Ministry of Trade and Industry in the organisation of the first ever award event targeted at recognising and rewarding the contributions of the expatriate and naturalised expatriate community...”*

92. From the above CW2 informed the Committee that although the 21<sup>st</sup> December Press Statement (Exhibit OK 4) indicated that nobody at the Presidency was involved, yet, the 17<sup>th</sup> December 2017 Press Statement shows that the MEF had gone to the Presidency and informed them about the event before the MoTI was brought in to partner the MEF.

93. Paragraph 7 of the 21<sup>st</sup> December 2017 statement highlighted another contradiction according to CW2. Paragraph 7 of the statement reads:

*“For the avoidance of doubt, none of the individuals/companies who sat on the Presidential High Table at the event made a contribution of US\$100,000.00 prior to the event as being alleged. Indeed, there were persons/companies seated at the Presidential High Table who did not make any monetary contribution before or after the event.”*

Paragraph 5 of that same 21<sup>st</sup> December 2017 statement also reads:

*“The organisers of the event were specifically instructed not to collect any monies to place persons/organisations on the Presidential High Table for the event, and they provided assurances that this will not happen.”*

94. In the statement above, MoTI assured the nation that nobody paid US\$100,000.00 to sit with the President and that the organisers of the event had been asked not to collect monies from anybody to sit by the President.

95. However, paragraph 7 of the 17<sup>th</sup> December statement reads:

*“Non-mischievous minds with a basic knowledge of event organisation will know that as is the case with all fundraising activities, there are different sponsorship categories and packages with their attendant benefits. As to how one chooses to categorise them (whether presidential circle or platinum down to the least package) is only a matter of semantics, nomenclature and ingenuity.”*

96. According to CW2, the 17<sup>th</sup> December, 2017 statement clearly sought to justify and defend the collection of monies to sit by the President to be guaranteed an exclusive private dinner. He maintained that the MoTI was busily defending and justifying the collection and even praised the MEF for their ingenuity.

97. CW2 disputed the claim by the Ministry in Paragraph 3 of the 21<sup>st</sup> December 2017 statement there was no link between the 23<sup>rd</sup> October, 2017 letter and the sponsorship package. However he proceeded further to add that even if there was no link (just for the sake of argument), how was it possible for a private event organiser on their own to take over MoTI, take over Room 308, and ask the expatriate business community to send their cheques to room 308 at the MoTI? How is it possible that this account into which the cheques were lodged into was operated by the Financial Controller and the Chief Director of the MoTI as confirmed in an interview by the Director of Communications of the MoTI on the 18<sup>th</sup> of December, 2017?

98. He made available to the Committee the audio recording of an interview, conducted by Francis Abban of Star FM on 18<sup>th</sup> December, 2017 in which Mr Prince Boakye Boateng stated that the signatories to the account for the collection of the monies were the Financial Controller of the Ministry, and the Chief Director of MoTI. In that same interview, Mr Prince Boakye Boateng also stated that the Chairman of Interplast Group of Companies paid US\$100,000.00.

99. CW2 referred the Committee to the second attachment to the 23<sup>rd</sup> October 2017 letter as follows:

*“You are kindly required to develop a three minute corporate video in Digital format and please deliver to Mr Prince Boakye-Boateng at the Ministry of Trade and Industry by the 20<sup>th</sup> of November 2017.”*

100. According to CW2, the statement was asking the expatriate business community to send information to an official at the MoTI. He therefore finds it really curious that Government was distancing itself from the second attachment, but rather it was mischievous minds who were piecing this together. Nevertheless, everything about the second attachment had to do with officials at the MoTI; an account being run by the

Financial Controller and the Chief Director, and cheques being collected by an official of the Ministry called Mr Martin Ayamga in Room 308.

101. CW2 further informed the Committee that while Honourable Ahenkorah had told Joy FM that they only served as a conduit, and that all moneys received have been transferred to MEF, in Paragraph 6 of the 21<sup>st</sup> December, 2017 statement, the Ministry retained a portion of the funds realised. Paragraph 6 states as follows:

*“Following the event, the Ministry in collaboration with the event organisers have audited the account for the event and can confirm that an amount of GHC2,667,215.00 was raised against an expenditure of GHC2, 367,426.06. It is acknowledged that the event organisers, as private sector commercial operators are entitled to a fair return for their efforts in organising the event. However, it was also agreed with the organisers that a portion of the additional funds realised from the event in excess of expenditure, would be retained to support the organisation of the next Awards event.”*

102. As to whether anybody paid US\$100,000.00 to sit by the President and for that matter to be guaranteed an exclusive private dinner, the CW2 believed that the statement contained in paragraph 7 of the 21<sup>st</sup> December 2017 statement needs further interrogation. While CW3 stated that nobody paid US\$100,000.00 to sit by the President, there was evidence from the Director of Communications and Public Affairs at the MoTI indicating that at least Interplast, the MD of Inesfly and the MD of Dream Realty paid US\$100,000.00 to be at that table.

103. CW2 drew the Committee’s attention to an interview granted the media by the chairman of MEF which is an extract from *Peace FM online*, dated 20<sup>th</sup> December 2017 under the heading: "100,000 Access Fee For Fund Raising Purposes – CW4 Clarifies" (Exhibit OK 5). He informed the Committee that during the interview, the Chairman of the MEF admitted that people paid and that it was only for fund raising. However looking at the controversy it had generated, MEF had decided to scrap this whole presidential table concept.

104. CW2 also submitted the statement made by the President of MEF – CW5 on 20<sup>th</sup> December, 2017(Exhibit OK6), under the caption, “Use of President in

US\$100,000.00 offer was me, not President Akufo-Addo.” In the said statement, CW5 suggested that the reference to ‘President’ in the ‘Presidential Table’ refers to the President of MEF and not H.E. the President of Ghana. The statement also suggested that the President of Ghana was not even due to attend the event but when in the last hour, information got to the organisers that the President was coming, the President of MEF vacated his seat and offered that seat to the President.

105. CW2 pointed out that a careful reading of the 23<sup>rd</sup> October 2017 letter signed by the Honourable Ahenkorah informed the expatriate business community that the programme was under the auspices of President Akufo-Addo. The second paragraph states that:

*“The President of the Republic of Ghana, His Excellency Nana Addo Dankwa Akufo-Addo, the Government and the people of Ghana will for the first time recognise and honour the “titans of industry” within the expatriate and naturalised-expatriate community...”*

106. CW2 stated that he had every reason to believe that the Presidential Table was reserved for the President of the Republic of Ghana and not the President of MEF.

107. He also drew the attention of the Committee to an audit that was conducted by MoTI which was contained in paragraph 6 of the 21<sup>st</sup> December 2017 statement. In his view, MoTI and MEF should not be auditing themselves and informing Ghanaians how much was raised. He suggested that the Auditor- General or an external auditor should undertake an audit of the programme to ascertain what transpired in that account, because the information available to him is contrary to what had been put in the public

108. When CW2 was asked to give details about the information he had which was contrary to what the Ministry had put out regarding the accounts, he could not provide the information, stating that he was still running verifications on the monies collected. He however indicated that this would have been settled if external auditors were appointed to conduct an independent audit of the accounts.

109. CW2 informed the Committee that sections of the Public Financial Management (PFM) Act and the Financial Administration Regulation (FAR) have been breached.



110. CW2 further stated that tax obligations such as Income Tax and Withholding tax of the partners in the transaction have not been met, this was because nowhere in the 21<sup>st</sup> December 2017 statement by MoTI indicated that.
111. CW2 also drew the Committee's attention to a Memorandum of Understanding (MOU) between MEF and MoTI which suggests that the GEBA has come to stay, and that they have an agreement with the Ministry that every other year, they would organise one. He was of the view that these controversies should be settled in the national interest to enable the successful organisation of future events.
112. CW2 believed strongly that GEBA was a noble initiative, because it was good to acknowledge the contributions of the expatriate community. He however stated that the event should have been done ethically and legally with a view of avoiding corruption, conflict of interest and a lack of transparency.
113. As to whether it was a personal decision or a caucus decision for him to second the Motion, CW2 stated that it was both his personal as well as a Caucus decision. As a personal decision, it was very much within his role as a Member of Parliament and when he was called by the Caucus to support the Motion, he readily availed himself.
114. When he was asked whether in his estimation, the Motion was a competent one, CW2 stated that it was a very competent Motion. He explained that Minority Caucus consulted widely and the verdict of the consultation was that the Motion was very competent.
115. In response to the claim that MEF and MoTI extorted moneys from the expatriates, CW2 stated that in his considered view what happened amounted to some form of extortion. He could not fathom why the Ministry could go this far to provide its operational account numbers, dedicate an officer and a room – room 308, and request companies to present their cheques. Why were all these arrangements done if it was the private organisation that came up with the idea? He maintained that clearly, somebody at the Ministry wanted the expatriates to know that they were monitoring who had donated or not. This would certainly put a certain compulsion on the expatriate businesses to go and donate. As a former Official of Government, he stated that it was against the norm and traditions of collaborating with private entities to raise funds.

116. When the attention of CW2 was drawn to the meaning of extortion as the practice of obtaining something especially money through force or threat and whether in his considered view, what happened amounts to extortion, he indicated extortion can also mean grossly exorbitant amount. He further stated that the fact that MoTI did not allow the MEF to do their own fund-raising but rather used MoTI in his opinion amounts to extortion.

117. As to whether he had established that the Presidency was involved in the organisation and facilitation of the event, CW2 answered in the affirmative. He drew attention of the Committee to paragraph 3 of the 17<sup>th</sup> December, 2017 statement by MoTI which reads;

*“Upon the conception of the novel idea, the Foundation informed the Government through the Presidency and further sought partnership with the Ministry of Trade and Industry in the organisation of the first ever award event targeted at recognising and rewarding the contributions of the expatriate and naturalised expatriate community...”*

According to CW2 the 17<sup>th</sup> December, 2017 statement linked the Presidency to the organisation of the award.

118. CW2 further stated that apart from the 17<sup>th</sup> December, 2017 statement, the 2<sup>nd</sup> part of, the 23<sup>rd</sup> October, 2017 letter by the Honourable Ahenkorah also linked the Presidency to the events. It reads:

*“THE PRESIDENT OF THE REPUBLIC OF GHANA, HIS EXCELLENCY, NANA ADDO DANKWA AKUFO-ADDO, the Government and people of Ghana will for the first time recognise and honour the ‘TITANS of INDUSTRY’ within the Expatriate and Naturalised-Expatriate community in Ghana who have over the decades assisted in transforming the lives of Ghanaians.”*

119. CW2 admitted that he issued a statement on the 18<sup>th</sup> of December, 2017 in which he stated that “I have my strongest of doubts that Presidents Rawlings, Kufuor, Mills and Mahama would have permitted this during their tenure.” When he was asked

whether he was stating categorically that President Akufo-Addo had permitted extortion during his tenure as President, He responded that during the 31<sup>st</sup> December Revolution Day event in Ho, President Rawlings condemned the whole practice and said there was not the need for thorough investigation. Quoting from classfmonline, on Sunday 31<sup>st</sup> December, 2017 with the caption: *“Deal with the US\$100,000.00 Saga – Rawlings to Akufo-Addo”* CW2 stated that:

*“Former President Jerry John Rawlings has charged President Nana Akufo-Addo to ensure that the US\$100,000.00 access fee saga is resolved. Speaking at the 36<sup>th</sup> Anniversary of the 31<sup>st</sup> December, 1981 Revolution in Ho on Sunday, he was emphatic that one cannot also overlook reports of official indiscretion in the cash for dinner seats affair. For him, it is not a matter that should be brushed aside, and it must be tackled to its logical conclusion.”*

120. Regarding the statement that President Akufo-Addo was permitting extortion in his tenure as President, CW2 stated that if the President was not aware and he was not permitting this, the people of Ghana have to know. Sanctions would have to apply. To the extent that nothing had happened, he could not be faulted for concluding that perhaps, the President did not mind if his Office had been brought into disrepute.

121. In response to a question to clarify the ethical issues that arise directly or indirectly from the event, CW2 mentioned that public officers come by their positions because of public trust. The power that public officials have is from the people. It is the people’s right to have access to public officials. According to CW2, it is unacceptable that one has to pay a particular amount to only sit by the President, but also for one to be guaranteed an exclusive private dinner at a later date.

122. Regarding the issue of what constitute conflict of interest and where there was a possible violation of article 284 of the Constitution, CW2 stated that article 284 of the Constitution provides:

*“A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.”*

123. He continued that a guarantee of an exclusive private dinner with the President, upon the payment of US\$100,000.00 may put the President in a potential conflict of interest situation by virtue of having collected money before meeting a businessman. He stated that even if it was established by evidence that the State stands not to benefit from this transaction in any manner and the President does not have a material or pecuniary interest in what had been collected, his fears would not be allayed. He believes that public officers should not put ourselves in situations where even the suspicion can arise, whether there could be real gain financially or not. The whole concept was wrong and it should not have been approved, whether it was the idea of the MEF or whether it was a joint collaborative effort – that whole concept of pay to sit by the President and be guaranteed an exclusive private dinner afterwards at a later date. It really opens a public officer up to corruption and all kinds of very untidy situations.

124. As to whether, the President approved the collection of moneys for people to sit by him, CW2 stated no.

125. The Committee pointed CW1 to a statement made by the Communications Director at the Presidency as follows:

*"We would want to be clear, that we heard it just like almost everybody from the MP for Asawase on the floor of Parliament and also through the media. The President had no knowledge whatsoever about the fact that people were being charged US\$100,000.00 to sit by him on the table. He had no idea whatsoever."*

126. As to what CW2 made of the above statement, he stated that it was a very vital information that was put out to clarify the situation. He indicated that prior to that statement being made, he had said that the silence of the Presidency was deafening and it was important that the Presidency clarified the situation. CW2 however indicated that the fact that the President did not know does not take away anything from the fact that indeed the sponsorship package which was put together had those benefits attached; that one had to pay US\$100,000.00 and US\$75,000.00 to get to sit by the President and one would be guaranteed an exclusive private dinner.

127. Regarding his definition of levy in the context of the Motion, he stated that in his considered view, a levy in this context was what is clearly stated in the Collins

dictionary, which defines a levy as 'a sum of money that one has to pay'. According to him levy is being used in a generic sense.

128. As to whether per the definition given, the levy was not voluntary, CW2 stated in the context of what was being discussed, it is voluntary with special antenna that checked who pays and who did not pay. Since the levy was voluntary, the CW2 indicated that he had no doubt that there were some people who sat by the President and did not pay.

129. When he was asked whether he still maintained his claim of extortion, even though he admitted that monies collected was done voluntarily, CW2 could not answer. He complained about the method that was used for the collection of the funds.

130. When asked whether the method used for collection of the monies were not part of the considerations involved in the partnership, especially as set out in the MoU that was referred to in the Ministry's statement of 21<sup>st</sup> December, 2017, CW2 indicated he had not seen the MoU to enable him to comment on the matter.

131. Responding to a question on the 23<sup>rd</sup> October, 2017 letter contended by MoTI (Exhibit OK 1) which had only one attachment, CW2 was asked whether it was possible that in transmitting the letter to potential donors, the organisers could have attached another document, CW2 stated that page two of Exhibit OK 1, under "corporate partnership", states that "We invite you to support the organisation and hosting of this laudable initiative with the benefits attached." According to CW2 his reading and understanding of this is that the benefits that were attached, stems from the rendition under "Corporate Partnership". Secondly he indicated that if the organisers attached a second document of which MoTI was unaware, it would amount to misrepresentation and he expected Government to deal with it and publicly repudiate or condemn the action of the MEF.

132. As to whether he accepted that there was and MoU which implied that there was a partnership relationship between MoTI and the MEF, CW2 responded yes. Although he stated that he had not sighted the MoU. However he was aware that various statements and letters had made reference to it.

133. As to why the Auditor-General should audit the account even though it was not public funds, CW2 informed the Committee that it was his contention that looking at article 157 of the Constitution, the PFM Act, and Regulations 16 to 22 of the FAR these are public funds. According to him the PFM Act defined “Public Resources” as ‘public revenue including revenue acquired through donation, bequest, borrowing, movable and fixed assets, deposits, receivables and rights’.
134. As to what category of public funds the matter in issue relates, CW2 mentioned donation.
135. Regarding the actual purpose of the Awards Ceremony, CW1 stated that his understanding from the reading of the 23<sup>rd</sup> October, 2017 letter signed by Honourable Ahenkorah was that the Ghana Expatriates Business Awards was conceptualised to honour deserving expatriate businesses, who had contributed to the growth of our economy over the years and have been very supportive of President Akufo-Addo’s vision as espoused in paragraph 4 of the 24<sup>th</sup> October, 2017 letter. He thought that the purpose, the rationale and the objective of the Awards Ceremony was defeated with these collections stating that the expatriate businesses should be honoured and rewarded for their good works and not for them to pay before they are awarded. CW2 indicated that ideally the Government of Ghana should have funded the event.
136. As to whether he had any doubts concerning the second document attached to the letter, he stated that in his view, the attachment was part of the letter. This was because he had run checks and the letters that went out to the expatriate businesses were exactly the same as he received. They received the letter and the two attachments.
137. When asked whether it was possible for the organisers to have arranged a dinner for the business community that paid the money with the President, CW2 stated that as a former Government Official, for Ministers and Deputy Ministers to get an appointment with the President through the Chief of Staff and the Secretary to the President was not an easy task. Presidents run a very programmed itinerary, and there are officers in charge of their scheduling. It beats his imagination that anybody can be offering exclusive private dinner with the President if there had not been a prior arrangement or some prior discussion.

138. As to whether he would have changed his position regarding his categorising of the monies as public funds if he got the MoU and it indicated that a portion of the revenue must go to the MEF and the rest retained by the Ministry after all expenditure incurred had been paid, CW2 stated that his position would not change because his understanding of regulation 17(b) of the FAR, 2004, (LI 1802) on Collection and Lodgement of Non-Tax Revenue states:

*"Ensure that all non-tax revenue is immediately lodged in the designated consolidated fund transit bank accounts except in the case of internally generated funds retained under an enactment."*

To the extent that there was no enactment for retention, it did not matter if there was some retention per the MoU, regulation 17 (b) of FAR made the collection public funds.

139. As to whether he was aware that the 2017 Budget Statement allows MoTI to retain a portion of their IGF, CW2 stated that that IGF would come under the normal Fees and Charges Act. This particular Ghana Expatriates Business Awards (GEBA) and the fundraising efforts do not fall under that Fees and Charges Act. In his view, it would be wrong for the Committee to look at the retention approved in the 2017 Budget Statement because those Fees and Charges was approved for MoTI.

140. As to whether he knew whether the MoTI and Industry was allowed to raise any revenue and retain part and pay part to the Non-Tax revenue accounts, CW1 could not tell.

141. Regarding the meaning of the concept "Presidency", he stated that it refers to the Office, the entire seat of government. He informed the Committee that apart from the President himself, some of the principal persons at the Presidency include H.E. the Vice President, the Chief of Staff and her deputies, the Secretary to the President; Presidential staffers and aides, the civil servants, the Chief Director and quite a legion of staff.

142. CW2 indicated that he had never suggested that, the Presidency necessarily refers to the President.

143. In the second line of the first paragraph of Exhibit OK 7, the former President Rawlings used "access fee". When asked whether he was talking about people paying fees to access the President, CW2 stated that reading from the statement of the former President and listening to him at the event in Ho, the former President called for an investigation into this whole "Access Fee" Saga.
144. As to whether CW2 had come to a conclusion that there was extortions, he answered in the affirmative.
145. If the arrangement between the MoTI and the MEF was to the effect that one did the fundraising but in order to track the payments that people are making, one must pay into the Ministry's account, would that make it an extortion? In response, CW1 indicated that event organisers always wrote and would want some kind of endorsement or partnership with Government agencies of which approval is normally granted them. According to him an officer at the Ministry to collect moneys is not designated. CW2 indicated that somebody wanted to know at MoTI who was really donating. He believed that extortion could even be psychological since companies who want to be in the good books of Government of the day and would want to be available to receive contracts would contribute.
146. As to whether all fundraising activities should follow the same pattern or style, CW2 stated that even in terms of the marketing and how benefits are packaged, there are always differences. He believed that the thrust of the matter was the way and manner the collection was done.
147. If what happened is based upon arrangements MoTI and MEF had in respect of sponsorship, would he say it is unethical? CW1 responded yes.
148. As to whether he knows the number of expatriate businesses that were invited and the number of businesses that turned up, CW2 could not tell.
149. When CW1 was asked whether he believed His Excellency, Victor Gbeho (CW4) when he stated in the press conference on Wednesday, 20<sup>th</sup> December, 2017 that *'the figures charged were for fundraising and sponsorship but some of the companies have not even paid'*, he responded yes. He stated that when the President of the MEF,



CW5, addressed the press, he said that even after the event, there were still following up on payments. They had some promises and they were still following to collect the proceeds from those who had pledged. So he had no doubt that his Chief Executive confirmed that particular statement.

150. As to whether the above acknowledgement showed that the MoTI was not responsible for the collection of the money, CW2 stated that his understanding of that statement was that they carried out the fundraising in terms of reaching out or contacting the companies, while the Ministry collected the payments which are duly received and receipted by Mr Martin Ayamga in Room 308.

151. Whether he agrees with the President of MEF that reference to “president” in the sponsorship package was in reference to him and not the President of the Republic of Ghana, CW2 retorted that was the biggest joke. He explained that the 23<sup>rd</sup> October, 2017 letter, which had the attachment of the presidential table showed the president was indeed the President of Ghana not the President of the MEF. The second paragraph of the said letter further stated that:

*“the President of the Republic of Ghana, His Excellency Nana Addo Dankwa Akufo-Addo. The Government and the people of Ghana would for the first time recognise and honour the titans of industry.”*

The fourth paragraph of the letter further stated that

*“Your tremendous interest in President Akufo-Addo’s economic transformation agenda especially the Ministry of Trade and Industry’s Ten Point industrial transformational programme, particularly the one district one factory initiative, SME development programmes, export development, enhancing the business enabling environment is deeply acknowledged.”*

Further, CW2 stated that even the advertorials that went out mentioned His Excellency Nana Addo Dankwa Akufo-Addo, as the special guest. He further stated that the Honourable Ahenkorah stated on Joy FM on 20<sup>th</sup> December, 2017 that the programme was postponed twice so that it could fit into the President’s schedule because it was dear to the heart of President Akufo-Addo.

From the foregoing, CW2 stated that it was very clear to him that reference to "*president*" was H. E. the President of the Republic of Ghana.

152. When CW2 was asked how he reconciled an earlier statement that the event was organised under the auspices of the President and his statement that he was invited as a Special Guest, he stated that he was referring to the 17<sup>th</sup> December, 2017 letter, in the third paragraph, which said that:

*"Upon the conception of the noble idea, the foundation informed the Government through the presidency and further sought partnership with the Ministry of Trade..."*

According to him, it was within that context that he referred to the presidency. He indicated that he had always stated that President Akufo-Addo was invited to the event.

153. As to whether the President of the Republic gate crashed at the event, CW2 stated that was his suggestion based on the explanation that was given by the President of MEF during their press conference. He indicated that for the President of MEF to vacate his seat for the President of the Republic shows that there were no arrangements for the number one Gentleman; the Commander in Chief of the Ghana Armed Forces. He found the assertion mind boggling and honestly he could not believe it.

154. Apart from the first attachment which is the criteria to Exhibit OK 1, what made CW2 to think that under "corporate partnership", the author of that letter was referring to another attachment? In response CW2 stated that it was because there was a second attachment to that document. He explained that just above the Hon Deputy Minister's signature, it reads:

*"We invite you to support the organisation and hosting of this laudable initiative with the benefits attached".*

To the extent that this was what the recipients received – the letter signed by Honourable Ahenkorah on 23<sup>rd</sup> December, 2017 with these two attachments- he really had nothing to doubt about the second attachment. He stated that the Minority checks indicated that the expatriate businesses truly received the letters with the second attachment. We have no cause to doubt what the writer of this letter intended.

155. As to whether in attaching a document to a letter, a reference should be made to the heading of the document to be attached, CW2 responded yes but indicated that

people write with varying styles and it is really a matter of style. He cannot dictate to anybody how they should write their letters or expect letters to be written. He stated that he does not think that it would be in place to say that any of those versions would be wrong. He believed that it is a matter of style.

156. As to what style the author of this letter used, CW2 stated that it was a very straightforward style, which says that: "We invite you to support the organisation and hosting of this laudable initiative with the benefits attached." He stated that the benefits were indeed attached. What made him even more convinced was that beyond the benefits, they were also told where to send the cheques.

157. As to whether the Government of Ghana should have funded the awards, he stated that ideally, it would have been appropriate since it was the first ever awards, and a very laudable initiative.

158. As to whether there was nothing wrong if the businesses made contributions towards the awards, CW2 stated that there was nothing wrong or nothing illegal making contributions without access to the president. Where he took issue was with the access to the President and the exclusive private dinner.

159. CW2 confirmed that, the presidential circle partner, the red circle partner, the yellow circle partner, the green circle partner and the black star circle partner under the benefits packages were categorisations for the purposes of fundraising.

160. As to whether he thought an exclusive private dinner for two with the President at a selected date referred to the President of the Republic, CW2 answered yes. He explained that he had no doubt in his mind that the President being referred to here was President Akufo-Addo, because he cannot imagine anybody else in this country who would pay US\$100,000.00 and US\$75,000.00 to see – even a former President. He was clear in his mind and believed that all the invitations that went out used His Excellency President Akufo-Addo. The Joy FM interview by Honourable Ahenkorah revealed that the programme had to be postponed twice to fit into the President's schedule.

161. Whether the programme was postponed twice for the President to attend and to enable those who would pay to sit with the President as well as have a private dinner

with him, he stated that clearly, people were paying on the assumption that when they paid US\$100,000.00 and US\$75,000.00, they would get to sit at the President's gold table and that they would be guaranteed an exclusive private dinner with the President at a later date.

162. As to whether reference to ministerial circle was a reference to which Ministers, CW2 stated that the ministerial circle and VVIP table referred to Ministers of State. He indicated that the advertorial that went out, mentioned the Ministry of Finance, Foreign Affairs, MoTI, MEF and the GIPC as the lead agencies. He further stated that the second box confirmed the fact that the first box talked about the President of Ghana. He believed that the President of the MEF had no ministers. The first box, presidential circle, dealt with the President of Ghana and the red circle partner would be where Ministers would sit.

163. When asked which of the Ministers of State attended the programme, he could not tell stating that he neither watched nor attended the event.

164. When he was told that ministers that attended the programme sat with the President and not in the ministerial circle, CW2 stated that such a claim should be probed further. He mentioned that the media had been circulating a picture from the event that seems to suggest that the Ministers were not sitting with the President. He stated that since he was not at the event, he could not be very certain about what the media put out as a picture from the event.

165. When CW2 was asked to demonstrate the corrupt practice or the corruption that took place in this matter, he stated that:

*"Mr Chairman the definition for corruption is using public office for private gain. To the extent that we have such a tall list of unethical issues, where people are asked to pay for access to sit by the President and be guaranteed an exclusive private dinner with the President. An awards that we are told that the Millennium Excellence Foundation is raising funds, and yet the payment had to be made at the Ministry of Trade and Industry. Is it the case that people want to really be sure that payment had been made, so that they could arrange*

*the exclusive private dinner and all that? All this haziness to the extent to the extent that there is also some profiting taking place.*

*In paragraph 6 of the 21<sup>st</sup> December, 2017 statement, where we are told that some people deserve to profit from the organisation of this event. They used public office and access to the Presidency as a bait to raise funds.”*

166. When he was asked to mention names of the public officers who had used public office for private gain in this instance, CW2 stated that the 23<sup>rd</sup> October, 2017 letter signed by Hon Ahenkorah was really terrible. Using public office and the office of the President of Ghana in the second paragraph and then attaching these benefits. He informed the Committee that the Honourable Ahenkorah in his view has a lot of questions to answer, and the other public officials whose names came up in this matter.

167. As to whether he maintained that the Presidency took part in the organisation of this event, CW2 stated that the Presidency knew about the organisation of the event based on MoTI's letter.

168. When asked whether he had seen a copy of the MOU and was aware of the arrangements governing the organisation of the event, he responded in the affirmative. He however informed the Committee that what he had seen was what was reported in the letters and statements.

169. When asked whether it was normal for a group organising an event like this, to perform an audit of the programme, CW2 stated that it must be normal to do that; but considering that in this particular instance this whole award ceremony had generated such a fire storm of controversy, one would have thought that to help in bringing further light and understanding to calm tempers, an independent auditor would have been asked to help. But paragraph 6 of the Ministry's statement shows that following the event the Ministry in collaboration with the event organisers audited the account for the event and can confirm that GH¢2.6 million was raised. He thought that the Ministry and the Government did not help its case by this auditing approach.

170. CW2 also brought to the attention of the Committee that further communication by the President and Chairman of MEF and Honourable Ahenkorah, suggested that

moneys are still being collected from people who made pledges. To him an independent audit could not be said to be conclusive to the extent that all these key officials have said that they are still pursuing pledges. We need to be very sure exactly how much was raised and how much was spent on the event.

171. As to whether the New Patriotic Party (NPP) used the award to fleece the expatriate community, CW2 referred to a statement he issued on behalf of the Minority (Exhibit OK 8), and answered in the affirmative.

**THIRD COMMITTEE WITNESS: THE HON. MINISTER FOR TRADE AND INDUSTRY MR. ALAN JOHN KWADWO KYEREMATEN - (CW3)**

172. In his submission CW3, informed the Committee that in June, 2017, a private events management company named the Millennium Excellence Foundation (MEF) approached the Ministry of Trade and Industry (MoTI) to seek the Ministry's support and collaboration to organise the first Ghana Expatriate Business Awards (GEBA) Event and in line with Government's commitment to support private sector development in Ghana, the Ministry agreed to the invitation.

173. CW3 indicated that in order to ensure efficient and effective collaboration between MoTI and MEF, MoTI as a matter of principle decided on the execution of a memorandum of understanding between MoTI and MEF. A MEMORANDUM OF UNDERSTANDING (MOU) (MoTI 1), which defines in clear terms, the obligations, rights, and responsibilities of the two parties in respect of the organisation of the event was accordingly executed. Subsequently, MEF proceeded to make all the necessary arrangements to organise the event with the support and facilitation from the Ministry as agreed. Consequently, the GEBA event successfully took place on 4<sup>th</sup> December 2017.

174. In the view of CW3, the event was excellent and very successful, and in pursuance of the MOU, MoTI continued discharging its responsibilities as a party until his attention was drawn to an allegation in the public domain to the effect that the Ministry had extorted moneys from expatriates in the run up to the particular event. He also indicated that he is aware that subsequent to the public controversy over the alleged

extortion, Parliament was recalled to consider a Motion to the effect that a levy had been imposed and collections made as a result.

175. Speaking to the MOU, CW3 dwelt extensively on clauses 1.7 and 1.8 which detailed the responsibilities of MoTI and MEF. The clauses read as follows:

“Responsibilities of the Ministry of Trade and Industry (MoTI):

1. *Endorsement of the Ghana Expatriates Business Awards (GEBA) to sponsors.*
2. *Collaborative arrangements with the Millennium Excellence Foundation (MEF).*
3. *Invitation of National Stakeholders to the GEBA Planning Committee, such as the Office of the President, Ministry of Finance, Ministry of Foreign Affairs, GIPC, GEPA, Ghana Free Zones Board, GRA, AGs Department, AGI and other potential agencies.*
4. *Chair of the Ghana Expatriates Business Awards*
5. *Provide use of MoTI Conference room for a stakeholders meeting.*
6. *Invite the Office of the President to the GEBA price event.*
7. *Invite senior Ministers to the GEBA price.*
8. *Invite global chairpersons of established expatriate firms in Ghana.*
9. *Nominate a MoTI official to be part of the nomination process.”*

“The responsibilities of the Foundation was as follows:

- (i) “Coordinate, design and solicit from sponsors Nationwide, all the Funding required for the successful hosting of the GBEA project.
  - (ii) Provide professional expertise to host a successful GEBA Award initiative
  - (iii) Coordinate, Organise and Manage the activities of the GEBA Awards day
  - (iv) Engage an Audit Firm to oversee the entire awards nomination process and defer results to the MoTI
- 
- (v) Coordinate with all sub-contractors to provide logistic services for the awards event
  - (vi) Collaborate with MoTI PR Office to ensure proper dissemination of information that goes out to the press
  - (vii) Coordinate the launching of GEBA
  - (viii) Prepare a project report at the end of each GEBA event
  - (ix) Engage the private sector to raise funds for the hosting and management of GEBA

- (x) Ensure that all funds raised are deposited in a designate MoTI account until the end of the GEBA Awards
- (xi) Submit request for payment from this account managed by MoTI for pre-launch activities, launch activities, fundraising activities, management and hosting with all logistics for the GEBA Prize
- (xii) Prepare a report of the entire process after the event and submit to the Minister of Trade and Industry
- (xiii) That MEF will engage the services of an Audit Firm to prepare the accounts for the GEBA and all relevant taxes to be paid for through the funds raised for each biennial event.

176. Responding as to whose responsibility it was to raise funds for the organisation of the event, CW3 drew the attention of the Committee to clause 1.4 which reads: *“that MEF will solicit all funds to host GEBA Prize from inception to hosting of the event and that all the funds will be lodged in MoTI accounts until after the event if completed”*. CW3 added that there was clarity between the two parties as to the responsibilities bestowed on either party as reflected in the MOU.

177. Speaking to the letter issued by one of his Deputies, Hounorable Ahenkorah (MOTI 2), the CW3 informed the Committee that Hounorable Ahenkorah was put in charge of the collaboration between the Ministry and the MEF, and it was in fulfilment of MoTI’s obligation under the MOU that Hounorable Ahenkorah signed the letter seeking to introduce the event to the target beneficiary companies; the expatriate businesses.

178. Responding to the issue of the number of attachments to the said letter, CW3 was emphatic that the letter had only one attachment which sets out the criteria for interested companies to file their respective nominations for the awards. CW3 quoted paragraph 2 on the signed page which among others read: “Kindly see the attached Criteria...” to buttress his assertion.

179. Regarding the purpose of the letter, CW3 stated that the letter was meant to invite companies to participate in the event.



180. As to why his H.E., the President of the Republic and the People of Ghana were cited in the Hon. Deputy Minister's letter (MoTI 2), CW3 indicated that it was to show the commitment of the Government at the highest level of Executive Authority in supporting the programme. He explained that MoTI did not collaborate with the private sector organisation just for purposes of a fleeting relationship and that each party's actions were being guided by the provisions of the MOU. CW3, however, rejected the assertion that the mention of the "President" in the letter meant the "President's physical role in the organisation of the event".

181. Regarding who designed the criteria for the selection of the companies, CW3, indicated that it was designed by an Audit Firm – KPMG, which was recruited by the Planning Committee to perform that responsibility. CW3 explained that pursuant to the MOU there needed to be the nomination, screening, and selection of nominees that practice, had to be done by an Audit firm.

182. Responding to the question as to the relationship between the criteria and the package for the sponsorship, the CW3 stated that one of the responsibilities of MEF, as stipulated in the MOU, was the design of the sponsorship package and as such MEF would be in the best position to speak to it. He, however, confirmed his awareness of the package. Explaining the circumstances under which he got to know about the package, CW3 said it was at one of the briefing sessions of the Committee to him. He explained that because he was not a member of the planning committee, he had instructed for occasional briefings and that it was at one of such briefing sessions that he got to know of the existence of the package.

183. As to whether he had any reason to object to any item contained in that document when shown, CW3 answered that, it was the responsibility of MEF and he did not have any cause to interrogate the design, form or content.

184. Explaining his understanding of the phrase "*benefits attached*" as used in the quotation "*We invite you to support the organisation and hosting of this laudable initiative with the benefits attached*", CW3, stated that though the sentence might not be the most elegant way of conveying the thought behind the words, it actually meant benefits that were likely to be derived by the businesses for participating in the event and did not in any way suggest physical attachment as was being alleged. He

emphasised that the only physical attachment was, as expressly stated *in inter alia* in paragraph two of that same page as “*Kindly see the attached Criteria*”. CW3 was definite that the letter (MoTI 2) signed by one of his deputies, Honourable Ahenkorah had only one physical attachment.

185. CW3 affirmed the Ministry’s claim in an earlier press statement (MoTI 5) that the idea of the awards ceremony came from MEF and tendered in evidence, a letter (MoTI 6) from MEF to that effect to support the claim. Regarding the number of fundraising dinners held prior to the GEBA event, the CW3 deferred to the MEF.

186. CW3 did not agree with assertions by earlier witnesses that paragraph 1 of the Ministry’s 23<sup>rd</sup> December 2017 press statement (MoTI 6), in which CW3 had stated: “I wish to state categorically as follows:

*“1. Neither His Excellency, the President nor any official of the Presidency directly or indirectly, or even remotely was connected with the said event. The President was invited as a Special Guest of Honour and he graciously accepted the invitation and attended the event...”* contradicts the paragraph 3 of MoTI 5 which reads:

*“Upon the conception of the novel idea, the Foundation informed the government, through the Presidency and further sought partnership with the Ministry of Trade and Industry in the organisation...”*”.

187. CW3 categorically stated that he did not see any inconsistency between these two statements. He argued that the fact that MEF informed the Government through the Presidency does not mean physical involvement and that information to the Presidency does not in any way suggest the Presidency became connected with the organisation of the event. He maintained it was just for information purposes.

188. Regarding the nature of facilitation provided in the organisation and hosting of the event, the CW3 indicated the nature of the facilitation is as stipulated in clause 1.7 of the MOU (MOTI 1).

189. As to the rationale for the sharing formula of 90% and 10% to MEF and MoTI respectively, CW3 explained that as per the MOU (MoTI 1), all expenses relating to

the organisation and hosting of the event was to be borne by MEF and this would have to be taken from the 90%. The 10% which would be retained by MoTI would be used to cater for subsequent hosting of GEBA and initiatives that were expected to be derived from the event. These initiatives include; an Expatriate Advocacy and Support Association and organisation of a Ghana Expatriate Business Forum (GEBAF) similar to the DAVOS style forum.

190. CW3 indicated that to ensure financial prudence and accountability, the Ministry's account was used for the lodgement of the moneys. CW3, however, disagreed with an assertion that the receipt of funds so raised into MoTI's designated account makes the funds public funds. CW3 opined that the funds so raised were not from the Ministry's normal operations or to finance the operations of the Ministry, it could not be termed as public funds. To him, the funds were only meant to finance the activities in respect of the organisation and hosting of the GEBA event and not to finance the Ministry's operations.

191. CW3 also disagreed with the suggestion that once General Counterfoil Receipts were issued by the Ministry then the funds so raised necessarily becomes government revenue. CW3 reasoned that revenue accrues to government institutions when it is generated from the normal operations and activities of that entity or from its traditional source of income. But in the particular case in question, and also as stipulated in the MOU, the moneys were mobilised to cater for a specific exercise that was the organisation and hosting of GEBA event which had nothing to do with the normal operations of the Ministry.

192. CW3 also disagreed with the assertion that the funds so received were trust funds as provided for under Regulation 56 of the FAR. Regulation 56(1) reads:

*“Trust moneys are moneys received into or held in the Consolidated Fund and administered by public officers on behalf of a member of the public or a private or public agency in accordance with the terms of any enactment, agreement or trust deed and include receipts and disbursement.”*

CW3 added that the moneys received were not held in the Consolidated Fund and as such could not be termed Trust Money. CW3 submitted that Regulation 56 (2) which reads:

*“Except as expressly provided for in any enactment, agreement or trust deeds, the trust money shall be subject to these regulations as though they were public money”* provides an exception to Regulation 56 (1) and once this has been duly provided for in the agreement (MOU) that a dedicated MoTI’s bank account which was created under the authority of the Controller and Accountant-General, the funds could not be said to be Trust Money.

193. Responding to a question as to whose brainchild was the Ghana Expatriates Business Awards (GEBA), CW3 said GEBA was introduced by MEF but became a collaborative initiative between the government (MoTI) and MEF. CW3, however, disagreed with the assertion that the whole idea of GEBA started from the Presidency. CW3 maintained that neither the President nor any official of the Presidency was connected directly or indirectly with the organisation of this event as indicated in his earlier press statement, (MoTI7).

194. In response to a question suggesting inconsistencies in the Ministry’s commitment in ensuring the attendance of the President as stipulated in the MOU, precisely Clause 1.5 which states:

*“the Minister will ensure that the President of the Republic of Ghana together with other Senior Ministers of States are present during the hosting of the GEBA”* and in Clause 1.7 under the responsibilities of MoTI which says: *“Invite the Office of the President to the GEBA Prize”*, CW3 explained that there were no inconsistencies in the two provisions. According to him, both provisions demonstrate the Ministry’s commitment to ensuring the attendance of H.E., the President, However, since the presence of the President at any event could not be guaranteed, there was a need to provide for representation from the presidency, should the President be unable to attend.

195. Responding to a question as to whether MoTI imposed a levy on expatriate businesses for the organisation and hosting of the event, CW3 stated that MoTI did not and could not have imposed any levy on the expatriate businesses for either the organisation or hosting of the GEBA event. CW3 explained that as per the MOU, MEF had the responsibility of mobilizing the needed funds for the organisation and hosting of the GEBA event. The Ministry’s responsibility among others was only to provide a

dedicated bank account for receipt of the funds so solicited to ensure transparency and financial integrity.

196. Regarding the number of businesses contacted/approached for the sponsorship, CW3 could not provide the exact figure but guessed it could be around four hundred (400). CW3, however, could not indicate the number of expatriate businesses among the businesses approached and thought MEF would be in the best position to provide that information. CW3, however, provided that as per exhibit MoTI 3, twenty-six (26) businesses sponsored the event.
197. Responding to whether MoTI had received a formal complaint of extortion from any of the expatriate business owners, CW3 stated that nothing of the sort had come to his attention at the time, as indicated in the Ministry's earlier Press Statement and that he would have been pleased to interrogate any specific allegation of malfeasance or impropriety.
198. CW3 added that the information gathered indicated that the expatriate business community is rather very impressed not just by the level of organisation of the event, but also for the fundamental purpose of recognising expatriate business owners and the contributions they have made.
199. In answer to the question regarding the objective of the MoTI in entering into this MoU with the MEF, CW3 stated that the objective was to appreciate the efforts of the Expatriate business community and indeed to encourage them to do more as well as attract additional investors into the country. Also regarding the objective of MEF, CW3 indicated that with MEF signing the MoU it could be deduced that there was a confluence or a common objective. CW3 could not, however, speculate any other objective on the part of MEF aside what has been cited in the MoU.
200. As to why the GCR was used for the receipt of the monies, the CW3 stated that the GCR was used because as per the MoU, a dedicated Ministry bank account was being used for the receipt and the Ministry could not have issued any other receipt other than the GCR. CW3 quoted the under-listed provisions of the FAR to support his submission:

*“28 (1) “A collector who is satisfied that moneys tendered are in order shall issue an original receipt to the payer and, shall deal with the duplicate and triplicate copies as required by Departmental Accounting Instructions;”*

*“(2) “Temporary receipts or receipts other than in the authorised form shall not be used for collections.”*

*“(3) “A person who issues a temporal receipt or unauthorised form for collection is in breach of financial discipline as defined in Regulation (1).”*

201. CW3 maintained that the Ministry’s action was in compliance with the Regulations and not intended to be in breach of it.

202. CW3 also informed the Committee that as per the records presented to the Committee (MoTI 4), all disbursements have been duly accounted for.

203. In answer to a question as to whether the Ministry compelled, forced or threatened anybody to pay moneys to the Ministry, CW3 provided two definitions of “*extortion*”, a general definition and the legal definition. The general definition of “*extortion*” was given as:

*“the practice of obtaining something, especially money, through force or threat”.*

The legal definition, which was taken from section 247 of the Criminal and Other Offences Act, 1960, (Act 29) was also given as:

*“A public officer is guilty of extortion who, under colour of his office, demands or obtains from any person, whether for purposes or for himself or any other person any money or valuable consideration which he knows that he is not lawfully authorised to demand or obtain, or at a time at which he knows that he is not lawfully authorised to demand, obtain the same.”*

Deducing from the two definitions, CW3 stated he could not imagine how an exercise designed to mobilise voluntary contributions from sponsors towards the organisation of an event could be described as an exercise that is designed to use force or threat to obtain moneys from individuals. CW3 maintained it was an exercise designed to mobilise sponsorship and voluntary contributions towards the organisation of an event. CW3 wondered how a Government institution or public officers wanting to extort

money from people could agree to pay the extorted moneys into a designated Ministry's account and also go ahead to issue official receipts.

204. Also responding to a question as to whether he, the Minister, his Deputy, or any other officer from MoTI benefitted privately in any way from the organisation of the event, CW3 stressed that no officer of MoTI that was connected with the event benefitted personally or privately from the organisation of the event.

205. Reacting to a caption "*The Ministry of Trade and Industry has dissociated itself from reports suggesting that it charged expatriates between \$100,000.00 to \$25,000.00 dollars to enable them to sit close to the President at an awards ceremony*" in one of the documents tendered by CW1, (M 1), CW3 stated that no expatriate was charged the said amounts to be seated close to the President of the Republic and maintained the event was sponsored on the basis of voluntary contributions. CW3 added that the very fact that there was evidence to establish that there were individuals and Chief Executives who made absolutely no contributions but sat on the Presidential High Table, in itself suggests that it could not have been the case that the people were charged or forced to pay moneys to be seated at the Presidential High Table. He argued further that if indeed people were charged to be seated then what explains the fact that there were people who sat at the Presidential High Table and did not pay any money. CW3 could not logically connect the two and emphasised that the fact that, at least one individual who sat on the Presidential High Table has come out publicly to confirm that he made an insignificant contribution of GHc13,000.00 compared to the alleged \$100,000.00 confirms that people did not pay to be seated. Again, the fact that people also sat at the Presidential High table and did not make any contribution before or after the event also did not support the allegation that people paid \$100,000.00 to be seated on the Presidential High Table.

206. CW3, however, indicated that as evident from the records available to the Committee (MoTI 3), one company whose Executive Chairman sat on the Presidential High Table sponsored the event to the tune of the cedi equivalent of the US\$100,000.00 on the 5<sup>th</sup> of December 2017, a day after the hosting of the event. CW3 maintained that though the Executive Chairman of Interplast Ltd, Mr. Saeed Fakhry made the above-mentioned contribution, he could not imagine why anybody could allege that he paid to be seated close to the President. According to CW3, Mr. Fakhry has been known to

the President for over 40 years and indeed, the President of the Republic had been Mr. Fakhry's lawyer and family friend for many years and was baffled about the allegation that Mr. Fakhry had to pay US\$100,000.00 just to sit by the President.

207. Reacting to an assertion that seats at the Presidential High Table were sold to the highest bidder hence the description, "cash-for-seats", CW3 stated that the only way one could sustain an argument that people were compelled to pay specific sums of money to sit at the High Table was to produce evidence to that effect. He maintained that it was a voluntary contribution to raise moneys to finance an awards event. Also, the fact that there was evidence to establish that there were individuals and officials of companies who sat at the High Table without making any monetary contribution either before or after the event alone establishes clearly that it could not be the case that people paid monies to be seated at the Presidential High Table. The under-listed were mentioned as the people who sat on the Presidential High table on the day of the event:

1. His Excellency, the President of the Republic of Ghana
2. Mr. Ashim Morton, the President of the Foundation
3. The Hon. Minister for Trade and Industry
4. The Hon. Deputy Minister for Trade and Industry ( Hon. Carlos Kingsley Ahenkorah)
5. Mr. Amar Hari, the Chief Executive of IPMC
6. Mr. Ashok Mohinani, the Chairman of Mohinani Group
7. Mr. Salem Kalmoni, the Chief Executive of Japan Motors
8. His Excellency Jerry John Rawlings
9. Her Excellency Nana Konadu Agyemang Rawlings
10. Mr. Saeed Fakhry, the Executive Chairman for Interplast
11. Ms. Roshi Motman, CEO of Aitel-Tigo Ghana
12. Mr. Jim Oviah, Founder and Group Executive Chairman of Zenith Bank Group
13. Mr. Bagwan Kumchandan, the Chairman of Melcom Ghana
14. Mr. David Harper, the Chief Executive of Geodrill Ghana
15. Mr. Mukesh Thakwani, the Chief Executive of B5 Plus Ghana
16. Mr. Yoofi Grant, the Chief Executive of GIPC
17. Mr. Yeo Zioniatong, the Chief Executive of Unilever Ghana and
18. Hon. Ishmael Ashitey, Greater Accra Regional Minister



Given the breakdown of the persons/organisations who made contributions, CW3 indicated that 3 out of the 17 Persons at the Presidential High Table made no contributions either before or after the event, 7 made various contributions prior to the event whilst 2 made contributions after the event.

208. Answering as to whether all the expatriate business executives who sat at the Presidential High Table received awards, the CW3 indicated that some did but could not recollect how many.

209. On the issue of “Exclusive Private Dinner for two (2) with the President at a selected date” as indicated in one of the documents (M 2) tendered by an earlier witness, CW3 said there has not been any “Private dinner” with the President of the Republic and could not imagine how this could be . CW3 explained that the President is a very busy man and if indeed there would be dinner for two with the President, and for example, in response to the sponsorship drive, about 20 or 30 people paid US\$100.000, the interpretation would, therefore, mean all the 20- 30 people, after this event, would now have private dinner with the President. CW3 could not appreciate how this could be possible.

210. Commenting as to whether he had knowledge of any situation where the name of the President of the Republic of Ghana was used in raising funds for the event, CW3 indicated that the responsibility was bestowed on MEF to solicit funds for the event. CW3 added that though he did not know in detail, exactly the type of communication in all cases that went on between the organisers and the potential sponsors, specific instructions were given that no monetary contribution ought to be used as a condition for either attendance or seating at the Presidential High Table.

211. CW3 in an answer to a question as to whether it ever came to his notice or attention that MEF had used the name of the President of the Republic in raising funds, responded in the negative.

212. In a response to a question as to whether the document titled “*Ghana Expatriate Business Awards Partnership Categories & Benefits*,” was designed/developed by the MoTI, CW3 stated that as stipulated in the MOU (MoTI 1), design, format, and structure of the sponsorship package was the responsibility of MEF. The CW3

reiterated his earlier submission that the letter signed by his Hon Deputy Minister had only one attachment which detailed a Criteria Qualification for participation and insisted there was no printing on the flip side of the paper. CW3 also emphasised that the structure, form, and design of the package was the responsibility of MEF and that MoTI was not involved in the distribution of the sponsorship package.

213. Responding to a question as to whether the MEF has raised any issues or queries about the receipts and accounting of the sponsorship funds by MoTI, CW3 informed the Committee that no such issues or queries have been raised by MEF.
214. As to whether he had knowledge of the MEF still pursuing some of the invited guests for contributions, CW3 indicated that nothing of the sort had come to his attention or knowledge.
215. Responding as to whether MoTI imposed any levy on the expatriate businesses for the GEBA event, CW3 said judging by the general definition of "*levy as an amount such as a tax, fee or fine imposed, charged, exacted and collected by compulsion or legal authority*" and the fact that the sponsorship was voluntary contribution by individuals towards the organisation of the event, the MoTI could not have and did not impose any levy. CW3 wondered why the allegations which were originally described in the public domain as extortion were now being called imposition of a levy in the Motion. CW3 stressed that the exercise that was conducted was neither extortion nor in any way an imposition of a levy.
216. Answering a question as to whether MoTI intended to continue with the partnership in the face of the public controversy, CW3 referred to the Dissolution Clause in the MoU which says "*The Collaboration shall be dissolved at any time by unanimous resolution of the Collaborators passed at a meeting of the Collaborators called for that purpose. The Collaboration may also be terminated by unanimous decision in writing signed by all the Collaborators. Upon termination of the Collaboration, the initiative reverts to the Millennium Excellence Foundation.*" CW3 added that none of the collaborating partners has indicated any intentions of invoking the dissolution clause and was hopeful that the collaboration would travel its full duration of years.

217. CW3 told the Committee that he was not aware of the press statement issued by CW2 regarding the GEBA issue.

218. Responding to the Press Statement titled "*Stop desecrating Office of the President and refund extorted amounts to expatriates*" issued by CW2 disagreed to any alleged desecration of the office of President. In CW3's view, the hosting of GEBA demonstrated the commitment of the government in promoting and appreciating the support of the expatriate businesses and has rather elevated the image of the Government among the expatriate community. Again, CW3 denounced any claim of extortion and could not understand why those strong words could be used without established bases for those conclusions. He also considered such statement coming from a Member of Parliament as unfortunate and wondered why the Parliamentary enquiry was being held after those conclusions had been made. CW3, however, added that because the Press Statement had been tendered in evidence, he would leave the allegation to the good judgement of the Committee.

219. CW3 concluded his submission by expressing his gratitude to the members of the Committee and hoped that the Committee would come to a final determination on the matter. CW3 added that all that the government sought to do by its involvement was to appreciate and honour the expatriates who have made numerous contributions and commitment to the development of the country.

**FOURTH AND FIFTH COMMITTEE WITNESSES: AMBASSADOR VICTOR GBEHO - (CW4) AND AMBASSADOR ASHIM MORTON - (CW5)**

**Statement by Chairman of MEF, Ambassador Victor Gbeho**

220. In a submission to the Committee, Ambassador Gbeho (CW4) indicated that his statement was necessitated by recent allegations by individuals and media persons which impugned the integrity and usefulness of MEF. He told the Committee that the purpose of his statement was to set the records straight and consequently assist the Special Committee to make the right conclusions at the end of the hearing.

221. CW4 narrated his professional background as a career diplomat and politician of both national and international repute as well as his education in institutions in Ghana, Europe and Asia.

222. Touching on the Background account of the history, purposes and procedures in the MEF, CW4 recounted the circumstances under which he accepted to be first the President and later, as the structure changed, the non-executive and non-salaried Chairman of the MEF, among them the objective *“to search for, unearth, showcase and award individuals and institutions who have achieved excellence in any of the sectors of our national endeavours;”* and his prior knowledge of the Founder and Chief Executive Officer of MEF as a “a very hard-worker and a passionate believer in the latent but noble skills and other achievements of Ghanaians and Africans.” He said MEF was set up to precisely realise that purpose.
223. CW4 extolled the virtues of CW5, a Columbia-university trained architect, as a God-fearing man who had earned the respect of many in Africa and beyond and that contrary to the inaccurate picture being peddled by detractors of CW5, he had no doubt that by the end the hearing, CW5 would be found to be an asset to his countrymen and women.
224. CW4 said the role of MEF in the enquiry was not to rehash what had already been clarified by the. He said having been in existence for almost three decades now, MEF, founded by CW5, as a non-governmental organisation dedicated to charitable activities and the setting of excellence in all aspects of national activities has held awards in Ghana, Kenya and Nigeria with resounding success. Awardees, according to CW4 cut across politicians, businesses and business houses, industry, social workers, scientists, educationists *et cetera*. He said the common denominator of all categories of awardees has been the attainment of excellence and the capacity to inspire others, especially the youth of this country and the continent of Africa generally.
225. CW4 further indicated that the procedures and processes for determining winners were well crafted for accurate and credible decisions. These include the services of professional accounting and auditing bodies to stress the integrity of the system and that MEF had never suffered criticisms or derogatory allegations until now.
226. CW4 said MEF Board of Directors and Governors consisted of eminent citizens with considerable experiences, with His Majesty Nana Osei Tutu II, the Asantehene as its life patron.

227. CW4 stressed that as a company limited by guarantee, MEF relies at all times on sponsorship with its unequalled expertise in fundraising and events management. In this regard, MEF has faced serious financial challenges in the past and, on the whole, has pulled through if even it barely keeps its head above water contrary to the popular belief that it is rich. Hence, the situation in which the Founder, Chairman, Directors, and Governors remain unsalaried. He cited as an example, the Chief Executive Officer and Founder, CW5 who is over 50 years, married with children, but who still does not have a house of his own and continues to live in his father's house.
228. Touching on the Evolution of the concept of the GEBA, CW4 said, as a corporate organisation, the decisions and procedures adopted by MEF are realised by a collective and not by only one person; same was true with regard to the evolution of the concept of the GEBA.
229. CW4 emphasised that GEBA was the brain child of CW5, which was endorsed by the Board of MEF. And when the Board paid a courtesy call on H. E. the President last year, it listed this project as one of the items on its agenda in the coming year. The idea and concept were very well received by the President, who wished the MEF well in its future endeavours.
230. Consequently, on clearly spelt out areas of responsibility, MEF sought and received the partnership of the MoTI on the idea, which had not as yet been practised either in Ghana or any other African country at that stage.
231. CW4 underscored that MEF did not coerce or levy any person or institution to come out with sums of money that would enable them to sit next to the Head of State.
232. CW4 emphasised that MEF found voluntary sponsors to support the first class event that was held. It did not sell seats for cash nor was any expatriate firm excluded from the attendance of the event because it did not sponsor. Indeed, it is a fact that most of the VIPs seated on the Presidential Table did not pay sponsorship of the alleged US\$100,000.00 before the gala event.
233. On behalf of the MEF, CW4 was definite that MEF did not "participate nor encourage any strategy to steal money from any businessman or the Government."

234. CW4 said MEF appreciated the purposes of the scheme that was developed together with MoTI, including the procedure to open an account with the Ministry for purposes of accountability, the setting up of an enlarged committee to ensure the participation of as many stakeholders as possible, and the leaving of fundraising exclusively in the hands of MEF.

#### Remarks by CW5

235. In his preliminary remarks, CW5 used an illustration of the layout of the event venue and the seating arrangement "to totally debunk the conception that people paid cash for seats." He took the Committee through the seating arrangements and how prize winners and other dignitaries were catered for at the event.
236. CW5 said companies that paid up to US\$15,000.00 sat at the back of the hall in the black star circle. Companies that paid up to US\$25,000.00 sat in the perimeter at the back of the hall in the green circle. Companies that paid up to US\$50,000.00 sat at the back and on the right side in the yellow circle. He said only one company paid US\$75,000.00 which was located some 20 to 30 feet from the Presidential Table. All the companies behind the table did not pay any amount of money to be seated there.
237. CW5 added that the award recipients did not also pay to receive prizes; they were seated at the back. In all, there were 25 sponsored tables and, therefore, 108 seats available. There were 11 complimentary persons who sat on the Gold Table and according to him, these persons did not pay US\$100,000.00 to sit on the Presidential Table. He was emphatic that none of them paid US\$100,000.00; not one person.
238. In answer to how he attained the title Ambassador, CW5 stated that he attained his ambassadorial title as a conferment by the Peace Federation (in 2006) and the Red Cross (in 2016).
239. Also in a response, CW5 recounted that MEF catered for 450 seats in all. Out of these, there were 108 sponsored seats; 11 invited individuals at the Gold Table; and 322 complimentary seats. He said that nine officials sat at the Gold Table; they were made up of MoTI, Greater Accra Regional Minister, GIPC, H. E. the former President of Ghana and his wife, Hon Alan Kyeremanten, Hon Carlos Ahenkorah, and the President of the Republic of Ghana was also seated at that Table. CW5 referred to 19

seats at the Gold Table although later on in his presentation he told the Committee that, protocol-wise the seating arrangement was altered to accommodate the former First Lady whose attendance was communicated a bit late into the event and this necessitated 20 seats at the Gold Table. He narrated that the Head of State's seat was in the centre and the President sat to the right of the centre seat, therefore, he had to vacate his seat.

240. CW5 also said no company sponsored the qualification amount to sit at that table before the event. CW5 maintained that they did not sell tickets at the gate although Companies which did not sponsor were given 322 complimentary seats.

241. To underscore the fact that people did not pay for the awards, CW5 told the Committee that 13 companies out of the 23 companies that received awards that evening did not sponsor the event. He also said that, out of the 11 people who received complimentary seats at the table, five companies which also received awards sponsored the event.

242. However, two companies that were seated at the Gold Table who also received awards only gave an ex-gratia contribution after the awards.

243. CW5 indicated that he would clearly and categorically debunk *"that conception that people paid cash for a seat next to the President of the Republic. It never happened."*

244. CW5, also took the Committee through a list of previous awards, the attendees as well as who sat next to or close to the Heads of State and other dignitaries beginning from 1999/2000 up to 2017. These included the former President of Ghana, Flt Lt Jerry John Rawlings and the first lady, Nana Konadu Agyeman-Rawlings; the former United Nations Secretary General, Dr Kofi Annan and his wife, Nane Annan; the former President, H. E. John Agyekum Kufuor; President Kerekou of Benin; the late Vice President, Alhaji Aliu Mahama; the then Chairman of the Board, Dr Kwabena Dufuor, Cardinal Appiah Turkson; the current Minister for Trade and Industry, Hon Alan Kyerematen; H. E. Nana Addo Dankwa Akufo-Addo; the late Prof. Kofi Awoonor; the Late President of Libya, Muammar Gaddafi; the then Vice President of Kenya, the then President of Zambia; Aliko Dangote, Mo Ibrahim; the Vice President of Nigeria, Tony

Elumelu; a representative of the then President John Mahama, Ms Cecilia Johnson; and the then President of Zimbabwe, Robert Mugabe.

245. At all the various events, as the President and Founder MEF, CW5 demonstrated to the Committee through pictorial evidence that he was seated at the Gold Table and next to the Heads of State and other dignitaries who attended the events. And so did him at the event in question, which was held on the 4<sup>th</sup> of December, 2017; the Gold Table had 20 seats and the Head of State was seated to the right of the centre of the 20 people.

246. CW5 said wherever the MEF hosts an event, it makes arrangements for the Head of State, and the Founder is always seated next to the Head of State on that row. Contrary to an earlier statement by CW3, CW5 maintained that the total number of people seated at the Gold table totalled 20. He named the 20 as follows:

*“The President of the Republic of Ghana, Nana Addo Dankwa Akufo-Addo; Chairman of MEF, Ambassador Victor Gbeho, Founder and CEO of MEF, Ambassador Morton; Hon Alan Kyerematen; H. E. Jerry John Rawlings; H. E. Nana Konadu Agyeman-Rawlings; Mr Yoofi Grant; Hon Ishmael Ashitey; Hon Carlos Ahenkorah; Mr Saeed Fakhry of Interplast; Mr David Harper of Geodrill; Mr Yeo Ziobeieton of Unilever; Mr Mike Takwani of B5Plus; Mr Bhagwani Khubchandani from Melcom; Ms Roshi Motman from Airtel/Tigo; Mr Anil Mohinani from the Mohinani Group; Mr Salem Kalmoni from Japan Motors; Mr Amar Hari from IPMC; Mr Joe Mensah from Kosmos; and Mr Jim Ovia from Zenith Bank.”*

247. Relating to the sponsorship drive or fundraising approaches normally adopted by the MEF, CW4 indicated that depending on the kind of event, MEF first decides what kind of sponsorship it wants. In the case of the GEBA, MEF approached the same people and others who later became award winners for sponsorship.

248. CW4 told the Committee that in the two decades of its existence, MEF had gained considerable experience in managing fundraising, mainly relying on the expertise of getting it right in putting its case to potential sponsors and the choice of time in approaching them.



249. Responding as to whether the courtesy call on H.E., the President was just to inform him about the GEBA, CW4 told the Committee that MEF's courtesy call on the President of the Republic was not specifically about the awards ceremony. He explained that MEF has a track record of calling on each and every Head of State to convey its greetings and to give the Head of State an idea of what MEF had in the immediate future.

250. CW4 said they called on His Excellency, the President soon after he assumed office and among others discussed what they intended to do in the following months. He said the President showed interest in the idea, but wished them well, in their "duty to bring that idea to fruition." CW4 also in a response said MEF did not go back to His Excellency the President of the Republic to ask for help in organising the event after the courtesy call.

251. Concerning MEF's partnership with the MoTI, CW4 said MEF

*"asked for an appointment with the CW3, had a discussion with him, tried to persuade him to see things as we had already decided, and to agree to accept us as partners in bringing those ideas to fruition. When we discussed it with him, he immediately saw our point; he was very pleased with it and said that we should work together with the Ministry on this."*

CW4 said although that is not always the practice, because what they did involve public-private participation it needed to be set out in legal terms, therefore, a Memorandum of Understanding (MoU) was signed between the MoTI and MEF afterwards.

252. Responding to the question as to how the fund raising for GEBA was done, CW5 told the Committee that per the MoU, MEF had the exclusive responsibility to raise funds for the initiative. He said a sponsorship package was designed, potential sponsors were identified, met and persuaded to understand the purpose of the initiative. The identified sponsors were given the sponsorship package, floor plan or the layout of the Movenpick Banquet Hall which was the venue for the event, and optional benefits package.

253. CW5 admitted distributing the letter titled Ghana Expatriates Business Awards- A BLACK TIE EVENT, signed by the Honourable Ahenkorah in a sealed envelope to potential sponsors. He gave the content as a three page document comprising the cover and signed pages and an attachment detailing the criteria for nomination. CW5 denied, however, that the document was sent in a combined form with other documents shown to him by a member of the Committee to potential sponsors.
254. Regarding the number of potential sponsors met before the holding of the Gala Event, CW5 said they met, at least, 80-85 potential sponsors. He also said MEF did not use the name of His Excellency the President at any point in time in seeking to raise funds. He, however, admitted to the Committee that he spoke to the potential sponsors about the event when he met them and only mentioned to them that there was a possibility that H.E., the President might show up.
255. CW5 categorically denied that MEF asked anybody to pay any money to sit with the President. He also added that MEF did not also insist that anybody had to pay money before they could attend the event.
256. Quizzed about whose idea it was to have an account in MoTI, CW5 said it was the CW3. He said the object of using that account, as stated by CW3, was to ensure transparency and accountability of the funds that were to be raised. It was also to ensure the integrity of the entire process of fund raising.
257. Soliciting his opinion on the success of the fund raising, CW5 maintained that their fund raising effort for the event in question was successful even though over 322 people were seated without paying anything.
258. Responding to the time the organisers realised or learnt H.E., the President was attending the event, CW5 said as organisers of the event, they had no idea if the President of the Republic would attend the event as of 4:00p.m on that day until his security personnel confirmed his attendance to them during the set-up of the afternoon of the event.
259. In answer to a question as to which President was going to have dinner for two as indicated in the sponsorship package, CW5 explained that the promise of a private dinner for two for certain sponsorship categories was one of the means for the President

of the MEF to show appreciation to the sponsors for supporting the initiative. He was emphatic that this couldn't have been in relation to His Excellency the Head of State since the MEF on its own could not even ensure that the Head of State even attended the Awards event itself. In any case, he found it unthinkable to suggest that His Excellency could be expected to have such dinners with as many sponsors as there could potentially be. In sum, therefore, dinner for two with President was in relation to the President of the MEF to show appreciation and not in relation to His Excellency the Head of State.

260. CW5 denied ever asking the CW3 that MEF would like the President of the Republic to hold private dinners with the potential sponsors of the event. He also denied seeking clearance on the design of the sponsorship package and the associated benefits from CW3.

261. When asked if he knew how many people paid US\$100,000.00 to attend the event, CW4 answered in the negative.

262. CW5 admitted that MEF is registered in Ghana as a company limited by guarantee. He informed the Committee that there were company registration documents that attest to this and has since furnished the Committee with copies.

263. CW5 also answered in the negative when asked whether the objects of MEF permit them to engage in commercial transactions.

264. In relation to moneys expended and received by MEF in relation to the GEBA event, CW5 said MEF independently spent GH¢40,000.00 on overheads and preparation towards the launching of the event and had received in total an amount of GH¢2,367,426.06 from MoTI.

265. Concerning moneys raised through the sponsorship packages, CW5 admitted that moneys were given to them, same were received and lodged into MEF's account. Speaking through his Counsel, however, CW5 said he was unable and unprepared to provide the Committee with a bank statement covering the period of time that MEF started the relationship with the MoTI up to the present, citing reasons of irrelevance and confidentiality. Another reason he gave for his unpreparedness to furnish the Committee with the said bank statement was that MEF embarks on an extensive number

of initiatives beyond the GEBA and it is also a recipient of funds of charitable gestures from many people who would prefer to keep their anonymity. CW5 also disagreed with the claim that the Committee's Terms of Reference numbered 2, which mandates the Committee to "enquire whether any payments were made and received and if so, how disbursement was effected and whether any disbursement offended the law extend to the MEF bank accounts and statements. CW5 through his counsel argued that payments that the scope and ambit of the Committee's investigative enquiry relate to were made at Room 308 at the MoTI. He added that MEF did not have access to the account and bank statement of MoTI that collected the funds. He, however, said that MEF was able to only give the specific dates of when the MoTI paid MEF from the account as well as the full number of payments that made up the total of money they received. The information has since been supplied.

266. As to whether any payments were made with regard to a Presidential Table in the past, CW5 said companies that sponsor all of MEF's events do so on benefit packages that are extended to them. He could not, however, readily recollect what packages were made available over 17 years ago when former President Rawlings attended the event and sat at the Presidential Gold table.

267. In reference to clause 1.8 (IV) of the MoU, which indicates KPMG would oversee the nomination process and defer results to MoTI, CW5 said it simply meant that once the final results of the winners were determined, KPMG would make the results available to the MoTI. CW5 also said about seven subcontractors were hired, and that the Ministry was not involved in the procurement of the services of those subcontractors, be it Technical Committee or Planning Committee because MEF outsourced the procurement of those subcontractors.

268. Regarding the production of the project report, CW5 informed the Committee that the report would be ready in a month's time. A copy has since been submitted to the Committee.

269. In reaction to a comment suggesting that MEF used the name of H.E., the President for the fund raising, CW5 denied using the name of His Excellency Nana Akufo-Addo in seeking sponsorship. He, however, stated that at a meeting with potential sponsors, he stated that there was a possibility that the President may

attend the awards. He also answered in the negative to a question as to whether people were asked to pay money to sit by the H.E., the President.

270. CW5 explained that the promise of a private dinner for two for certain sponsorship categories was one of the means for the President of MEF to show appreciation to the sponsors for supporting the initiative. He was emphatic that this could not have been in relation to His Excellency the Head of State since MEF on its own could not even ensure that the Head of State even attended the Awards event itself. In any case, he found it unthinkable to suggest that His Excellency could be expected to have such dinners with as many sponsors as there could potentially be. In sum, therefore, dinner for two with President was in relation to the President of MEF to show appreciation and not in relation to His Excellency the Head of State.

271. Explaining the variation in the letterheads of MEF and also as to whether he signed all the correspondence to MoTI and the Committee, CW5 stated that he signed all the relevant papers as President and CW4 as Chairman. He explained that CW4 previously served as President of MEF until June 2017 when he was made Chairman.

272. He added that MEF has two letterheads which alternatively refers to CW4 as Chairman and President. It was only after June, 2017 that he was made Chairman. This was said to explain why MEF's letterheads printed earlier showed him as president and those printed later showed him as chairman. Indeed, he said MEF has another (third) letterhead which is without a pre-printed left side.

273. In answer to a question as to the number of people, who paid US\$100,000.00 and also as a rebuttal to CW2 claim that he had information that three companies, Dream Realty, Interplast, and Inesfly had each paid US\$100,000 prior to the event, CW5 stated that

*"no individual or company had paid the said amount before the hosting of the GALA event and that contrary to CW2 claim, the three companies belong to one person. Therefore the inference that at least US\$300,000.00 had been paid was false."*

CW5 was emphatic that no company paid the said amount prior to the hosting of the event and that two (2) companies, Japan Motors and Interplast rather paid an ex-gratia

amount of GH¢13,000.00 (the equivalent of US\$3,000.00) and US\$100,000.00 respectively for a well organised event. He explained that these contributions could not be termed sponsorship towards the organisation and hosting of the event since they were made on the 5<sup>th</sup> of December, 2017, a day after the hosting of the gala event.

274. CW5 also stated that in the run up to the award, he was cautioned by CW3 not to use sponsorship for attendance or seating at the Presidential Gold Table and that no seats were sold at the Presidential Gold Table.

275. MEF Founder stated further that because no individual or company paid US\$100,000.00 prior to the hosting of the event, the other benefits, notably speaking opportunity for Chairman/CEO for the event day; dinner with the President (President of MEF); presentation of award by Chairman; insertion of companies profile in the event brochure; breakfast for six at Movenpick were all not carried out.

276. CW5 insisted that nobody paid anything prior to the event to sit at the Presidential Gold Table and that even though Mr. Saeed Fakhry had not contributed prior to the event, he was selected to join the Presidential Gold table due to his long-standing good relations with MEF and also, after it became known to the Technical Committee that he was one of the awardees. Again, the closest tables to the Presidential Gold Table did not sponsor the event at all. CW5 also added that the single highest sponsor before the event was said to have contributed US\$75,000.00 However, the table of that sponsor was actually located behind the Complimentary Tables.

277. CW5 was insistent that in consonance with the track record of the MEF and its events, "*Presidential Table*" always refers to the President of MEF who is the host of the event and not H.E. the Head of State, who usually attend as invitees.

278. Explaining the apparent differences in signatures in three separate letter submitted to MoTI and the Committee, CW5 confirmed that all three documents emanated from him and explained that the MEF kept letters in their computers and were able to reprint copies whenever necessary so when he was asked to bring a copy of the letter to the Committee, he just printed out the letters as stored in the computer and signed them. He said that the original copy of the letter to the MoTI was his signature,

the second one also bearing his signature, while the third was just authenticated with a mark. He admitted that all three emanated from MEF.

279. In answer to a question as to why MEF agreed to 20 GEBA Events as stipulated in the MOU, CW5 explained that the MOU between the MEF and MoTI settled on 20 GEBA events spanning a period of 40 years because MEF wanted to ensure that it *'jealously'* remained the one to organise the programme. Also responding to a question as to whether the MEF felt the allegation of *'cash-for-seat'* could harm/jeopardise the future of the GEBA, CW5 said it was true that the *"allegations thrown out there"* could jeopardise the future of the event and hence their presence at the Special Committee to debunk that untrue allegation, clear the air and safeguard the integrity of everyone involved including officials from MoTI. He was hopeful that the right information would be reported afterwards.

280. In answer to a question as to whether MEF had honoured its tax obligation in relation to GEBA, CW5 confirmed MEF had discharged all its tax obligations in relation to the event.

281. CW5 confirmed the list of companies that made sponsorship contributions before the awards. In all, twenty-four (24) companies made sponsorship contributions while two (2) made "ex-gratia contributions" to show gratitude to the worthy cause. As to whether the MEF expected to receive more contribution from sponsors, CW5 said: *"we believe that the event has been hosted and we don't expect anybody to give us any further ex-gratia"*. He added that from experience, he did not believe more moneys would be forthcoming, but if they did come, they would be simply divided between the MoTI and MEF in accordance with the MOU.

282. In a response to a question as to the reason why CW4 said the MEF would no longer have a Presidential Table at future events during a press briefing, CW4 refuted the claim saying: *"it was a misquotation"*. He explained that what was meant by the comment was that the Table would not be abandoned in future GEBA events but rather MEF was considering changing nomenclature to avoid confusion. He added, for example, that in certain African quarters no organisational president sits next to the President of the nation and hence MEF would consider changing or separating the "Presidential table" from the *"Head of State Table"*.

283. Answering as to whether going into the future, MEF would like to maintain the current arrangement with MoTI, particularly, the receipt of the sponsorship moneys in the MoTI's dedicated account, CW5 stated that for transparency, accountability, and integrity of the process, MEF would like MoTI to continue to receive the funds. CW4 also added that MEF considered that the arrangement was in its interest and immediately agreed to and encouraged it. CW4 could not hazard any reason for the change of the current arrangement and was hopeful that it would continue. In his view, the arrangement fosters transparency and accountability.

284. In a reaction, CW5 considered offensive, CW2 comment that his reference to the "President" in the package referred to the President of MEF and not the Head of State as the "joke of the century". He considered the words not only offensive but an attempt to ridicule his character and demean him. He further stated that at the end of the Committee's investigations his image would be redeemed because it was simply the truth. He maintained that his earlier explanation that 'President' in the package was a reference to the President of MEF, as the host, was not a joke. He, therefore, reiterated the point that the "Presidential Gold Table" referred to the President of MEF who is the host of the event and who invites people to sit with him. He was emphatic that it was not a joke but a serious comment about the place where VVIPs are seated at the event.

285. CW4 disagreed with a suggestion that the entire event was for fund raising purposes and not to appreciate the expatriate businesses as was being purported and stated:

*"No that is not correct, it would be putting the cart before the horse. We fund-raised in order to host the event".*

286. CW4 further stated that the purpose of GEBA was to showcase the expatriate businessmen who had encouraged foreign direct investment (FDI) into Ghana and some of whom have gone on to become Ghanaian nationals. It was also to encourage further FDIs to come to Ghana.

287. As to whether the event was costed *apriori*, CW5 responded in the affirmative saying "yes we did cost the event" at about GH¢3million. He said they also identified sources (well-wishers, potential sponsors) for funding.

288. In answer to a question as to whether in identifying the potential sponsors, MEF did not consider MoTI and for that matter the Government of Ghana, as a major



beneficiary which needed to contribute, CW5 revealed that when the concept was mooted, MoTI made it clear that it would be the sole responsibility of MEF to raise funds to organise such an initiative and that the Government of Ghana or MoTI could not provide financial assistance for the event. But the MEF expressed optimism that by its experience, it could raise the required amount through sponsorship.

289. In answer to a question as to how the MEF maintained its staff during times MEF was not hosting any event, CW5 explained that: *"Funds that are lodged in our account sustain the staff until the next event"*.

290. CW5 answered affirmatively to a question as to whether the MEF was aware of the payments by the Ministry and added that MEF did not have any cause to doubt the expenditure made by the Ministry and confirmed some of the payment made by the Ministry.

291. He informed the Committee that the MEF had received sums of money which he believed amounted to the 90% of the total funds raised including the ex-gratia payments. Also, in answer, CW5 stated that MEF was not expecting any further payments from the MoTI.

292. On the use of the General Counterfoil Receipt (GCR) by MoTI to collect the moneys, CW4 stated *"we didn't care much what books were used to receipt the money, we agreed to let the Ministry to receive and hold the money for us and to be able to retrieve the money when necessary"*

293. In answer to a question as to whether he considered fair, the 90:10 "sharing formula" for the funds raised, CW5 answered in the affirmative and explained that the ratio was fairly arrived at after extensive deliberation among the partners. Further, the 90% was meant to cater for the expenses associated with the organisation of the event and not a profit. Also if for one reason or the other MEF was unable to raise enough to meet all the bills/expenses, the onus of finding the difference would have been MEF and not MoTI. Moreover, the 10% to be retained by MOTI is not a "profit" to be consumed or to finance the operation of the Ministry but meant to be used to cater for the subsequent hosting of GEBA and other initiatives arising out of GEBA.

294. In answer to a question as to how MEF brought its message to the attention of potential sponsors, CW5 said officials of MEF met some potential sponsors one-on-one; and some others in a group over dinner.
295. Also, in answer, CW5 told the Committee that MEF received and distributed 2 types of letters; one introducing the MEF as a partner to MoTI and the other inviting the potential sponsors to the meeting. In all, between 250 and 279 of such letters were received and distributed. CW5 however, stressed that sponsorship and benefits package which was developed by MEF was sent separately to the potential sponsors.
296. In answer to a question, CW5 confirmed that taxes and allowances for the Technical and Planning Committee and indeed all other expenditure relating to the organisation and the hosting of GEBA were to be borne out of the 90% as stipulated in the MOU. And that the sum of all the chargeable expenditures together with the direct payments from the Ministry makes up the 90%.
297. Responding as to whether MEF always had "Presidential Tables" for its awards events, CW5 maintained that all the awards events have had a "Presidential Table" or a "Presidential Row" depending on the type of Hall used for the event. He indicated that whereas a Presidential Table is used in banquet hall settings Presidential Rows are used in conference seating halls.
298. In answer to a question as to whether everybody who sat at the Presidential Gold Table made a contribution or sponsored, the event, CW5 stated that of the 11 companies represented at the Presidential Gold Table, Five (5) made contributions before the event whilst two (2) made ex-gratia contributions.
299. Responding as to whether MEF had received any complaint from any Company in relation to the event, CW5 stated no complaint had been received. Rather some of the companies had written to congratulate the MEF for the event. He mentioned some of the companies that had written to show appreciation as Geodrill, Unilever and B5 Plus and copies of the letters were tendered in evidence.
300. In a closing remark, CW4 thanked the Committee for hearing MEF and explained that the MEF outdoored the GEBA about a year ago to recognise, reward and encourage expatriate businesses to bring in more FDIs.

301. He said in other countries, expatriate investors have suffered expropriation. But here in Ghana, they have been accepted, partnered with locals and some have even gone ahead to naturalise to contribute to the economy of Ghana.

302. He affirmed the belief of the MEF in the Constitution and laws of Ghana and therefore asked for the principle of innocence until proven guilty to be upheld in relation to them.

303. He also noted the damage that the "*incorrect allegations*" were causing to the business community, especially, the expatriates and said the allegations "*can only be condemned by us*"

304. He was hopeful that notwithstanding the "*wild allegation*", the GEBA would be of immense benefit to the economy of Ghana.

**THE CONTROLLER AND ACCOUNTANT GENERAL (CAGB) - (MR EUGENE ASANTE OFOSUHENE - (CW6)**

305. CW6, in his submission, described a General Counterfoil Receipt (GCR) as a value book. He added that a GCR is a document used in acknowledging receipt or collection of levies, fees, income, taxes and other relevant resources and explained that the Law enjoins CAGD Department to print the GCR for Ministries, Departments and Agencies (MDAs) purposely for collection of revenue. CW6 also defined a value book as a form, voucher, booklet or a receipt book which is used in collecting revenue or for the purposes of transacting Government business.

306. CW6 also affirmed that accounts opened by MDAs are done by the authorisation of his Department. He made reference to the FAR, Regulation 14 (1) which mandates the Controller and Accountant General to open bank accounts for all MDAs. CW6 stated that all MDAs have to route their letters through the Controller and Accountant General before the Governor of Bank of Ghana would be advised to open an account on behalf of that particular MDA. He stated that the process is necessary even when the MDAs want to just change signatories to an account.

307. In an answer to a question as to what constitutes a Public Fund, CW6 defined Public Funds as Funds made up of the Consolidated Fund, the Contingency Fund and

any other Funds established by an Act of Parliament. He cited the District Assemblies Common Fund, the National Health Insurance Funds, the Ghana Education Trust Fund (GETFund), and The Road Fund as examples of other Funds established by Acts of Parliament. CW6 therefore, stressed that all the other funds necessarily end up in the Consolidated Fund. Further, he disagreed to the use of Public Resources interchangeably with Public Funds explaining that, a Public Fund is an account and Public Resources are the revenue, receipts or the incomes that go into Public Funds.

**308.** CW6 stated that the Consolidated Fund is the Central Government Fund which is managed, administered and controlled by his Department. Again, he stated that in the context of the Consolidated Funds are all other funds, such as Internally Generated Funds by MDAs and Donor Funds from Development Partners (DPs). CW6 also stated that there is often an intermediary account called the Revenue Account where MDAs lodge in Funds before being swept into the Consolidated Fund.

**309.** Responding to a question as to whether Donor Funds which are received and earmarked for specific purposes also go into the Consolidated Fund, CW6 explained that Grants and other Donor Funds are transferred directly into the Consolidated Fund and the Controller and Accountant General is then advised by the Governor of the Bank of Ghana. Therefore, they are always aware of how much has gone in by way of Grant or Donor Funds. Furthermore, he indicated that, for Donor Funds that are earmarked for a specific programme or project, the MDA would advise the Controller and Accountant General to open an account at Bank of Ghana specifically for that particular project. He also clarified that, for programmes and projects, if a particular programme or the grant is a project grant; the money would be moved from the Consolidated Fund and kept in another designated account specifically earmarked for the project at the Bank of Ghana. However, if it is a normal programme grant, the Funds would stay in the Consolidated Fund and Government, the Minister for Finance for that matter, would reserve the authority to disburse the funds just as any other money that has gone into the Consolidated Fund.

**310.** CW6 agreed that tax revenue, Non-Tax revenue, IGF and donor Funds are all part of the Consolidated Fund.

311. As to whether Internally Generated Funds are lodged in a holding account by MDAs before being transferred into the Consolidated Fund, CW6 explained that when the MDAs are collecting IGFs, they need to clear with Controller and Accountant General for him to open an account at the Bank of Ghana purposely for that particular IGF source. Also, he stated that even when the IGF is collected, the money would go into the account for that particular MDA. And if that particular MDA has the authority to retain part of the money that it has collected, that portion is retained and the rest is swept into the Consolidated Fund.

312. Responding to whether all funds deemed as Public Funds end up in the Consolidated Fund, CW6 stated that the moneys that have not gone into the Consolidated Fund are not part of the Consolidated Fund. He added that the general umbrella is Public Funds. So, if the money is still sitting in an IGF account as retention for that particular MDA, it is not part of the Consolidated Fund but it is part of Public Funds. So, the Consolidated Fund comprises of moneys that have actually moved into the Fund.

313. In answer to a question as to whether Funds thereof in a Public-Private – Partnership (PPP) would necessarily be classified as Private or Public Funds, CW6 explained that there is no law covering that, but impliedly and in practice, moneys sitting outside the Consolidated Fund could be trust money, if the money has been kept there in trust for a specific purpose. But even if it is held in trust, it is deemed to be part of public funds. He agreed and also admitted that this is a grey area since the law is silent on how Funds arising out of a PPP should be treated. So, if there is a PPP and they have generated their own resources, it would not be deemed as part of Public Funds, particularly, if the revenue source is not a Government one.

314. Giving his opinion as to how accrued Funds for the GEBA event should have been treated, particularly, where the MOU spells out how it should be treated, CW6 made reference to the MOU which is explicit on how Funds solicited would be treated in the Partnership. He quoted the MOU

*“That MEF would solicit all funds to host the GEBA Prize from inception to hosting of the event and that all funds will be lodged in a MoTI account till after the event is completed”.*

He added that per his investigations, the MoTI account under reference is an existing account of MoTI for the lodgement of its normal IGF, which meant it was opened under the authority of the Controller and Accountant-General.

315. Responding as to whether PPP funds could be lodged into accounts opened under the authorisation of the Controller and Accountant General, CW6 stated that ordinarily, such an account should not be used for receipts of private revenue. Probably for the convenience of the MOU between the MEF and the MoTI, they decided to lodge the money in the account, till the end of the event as stipulated in the MOU.

316. As to what advice he would have given should he have been consulted, CW6 responded that he would have advised for a separate account to be opened for the partnership. He added that in this particular issue, because there is a relationship between the private event organiser and MoTI, MoTI could have opened a new separate account through the Controller. Also, he expressed that it was fair for the Funds to be lodged in that account, provided it was accounted for, which they did. Again, he stated that the money went into the MoTI account because it was one of their IGF accounts and they felt it was appropriate to lodge those resources there. He added that this notwithstanding, those resources could not be deemed public funds.

317. Reacting to a question on what could have happened to the Funds when lodged into the Consolidated Fund, CW6 stated that the Funds would have been taken out of the Consolidated Fund.

318. In answer to a question, CW6 agreed that the PPP has a public element to it. In addition, he was unable to agree whether the public element would have any public character in any funds flowing from the PPP arrangement.

319. Responding to a question as to whether MoTI account in which the Funds was lodged was a sub-Consolidated Fund account, CW6 stated that it forms part of the public accounts.

320. Also, reacting to the question on the circumstances under which a GCR could be used to collect private moneys, CW6 explained that the GCR can never be used to collect private moneys. But it can be used to collect money that would go into the public

accounts. Again, he stated that from an accounting point of view, the GCR was used to lodge funds into a public account and that was right. Moreover, he expressed that it was appropriate for a GCR to be used to collect money that would go into a public Fund. He reiterated that the only way one can acknowledge lodgement of monies into a public account was by use of the GCR. And so once the money was going into a public account irrespective of the source, there was a need for a GCR to acknowledge that the money has actually gone into the public account.

321. Again, CW6 indicated that since the source of the revenue was not the Government, the account was used as a transit account and did not enter the Consolidated Fund. Also, he stated that there is no evidence to confirm that the money went into the Government Consolidated Fund and indeed, the information he had received from his Accountant at the MoTI confirmed that whatever came in, they took everything and left a balance of *Two Hundred and Ninety-nine Thousand GH Cedis (GH¢ 299,000.00)*. All the transactions happened on the NIB account and did not go outside that.

322. In a response to a question suggesting to CW6 to describe how Funds that are lodged into a public account are disbursed, CW6 explained that a ceiling is given to the MDAs and then the preparation of budget. After that, the budget is defended at the Ministry of Finance. Later the budget is aggregated and presented to Parliament for an Appropriation Act to be passed. Thereafter, the Ministry of Finance through the Controller informs all MDAs to access their funds. However, there is now a system called the Ghana Integrated Financial Management Information System (GIFMIS). This platform is used by MDAs to process all business transactions and to enable them access their funds. Now, for moneys to be disbursed, the transaction in which the allocation is to be made or paid must have been captured in the budget. After an Appropriation Act is passed, the Ministry of Finance would issue a warrant through the GIFMIS to all MDAs that they can now access their funds. That is therefore how disbursement is done.

323. CW6, therefore, agreed that when the funds are lodged into the public funds of Ghana, disbursement procedures are done through the GIFMIS system. However, he expressed the view that in the matter of MEF and MoTI, the Funds were not confirmed

to have been lodged into the Consolidated Fund and therefore, there is no way the GIFMIS system would have been used to disburse the funds.

324. Responding to whether only moneys lodged into the Consolidated Fund are disbursed through the GIFMIS, CW6 stated that,

*“Mr Chairman, with the GIFMIS system, the MDAs have gone through the processes, at the tail end, they need what we call cash disbursement, and such disbursements are solely made from the Consolidated Fund. Which means that moneys given to MDAs for the operations et cetera are solely from the Consolidated Fund.”*

325. Reacting to a question regarding whether or not the officers of CAGD in the various MDAs report on expenditures which are either not captured in the budget or are not disbursed through the GIFMIS, CW6 stated that there exists an instructional guide which enjoins every MDA, to prepare quarterly financial statements, copies of which are to be sent to the Ministry of Finance and the Auditor-General. Therefore, in a particular quarterly report, all transactions are captured.

326. In answer, CW6 stated that, he would not know whether cheques were issued in the name of MoTI since the invitation sent to him was not to brief the Committee on such matters but it to help the Committee to explain the use of the General Counterfoil Receipt and the opening of account of MDAs. However, CW6 assured the Committee that the bank statement could be supplied.

327. CW6 was referred to Regulation 30(1) of FAR which says that: cheques received into the Consolidated Funds are to be in the name of the Government of Ghana. However, CW6 expressed that, the FAR is a bit out of date and now what is available is PFM Act. He added that, often, either an Electronic Fund Transfer (EFT) or Bank Transfer Advice is used in Funds disbursement and Transfer.

328. CW6 agreed that the source of money determines its nature. Again, he reiterated the point that a Public account is a bank account and public funds are the source of funds going into the bank account hence the difference. He added that there is no difference between a public fund and public revenue. He gave an example that, tax



revenue is public revenue and it is a public fund. Also, grants could be classified as public revenue and a public fund. Loans are not public revenues but they come in by way of funds that have come into the Consolidated Fund but they are not revenues that one can spend on salaries.

**329.** In a response to a question on whether CW6 is aware of how the Farmers Day Funds are managed, CW6 stated that he presumes the Farmers Day would be part and parcel of the activities of the Ministry of Agriculture. So, if moneys are collected and lodged into an account, it would still be part of Public Funds and if there is a need for disbursement, they would go through the processes and get those disbursements made out of the public funds. He added that, the Farmers Day is an activity of the Ministry of Agriculture which is budgeted for and so revenue anticipations are made. Also, he explained that, funds would go through the process of approval and payments would be done through the GIFMIS process. This is because the moneys would have been lodged into the Consolidated Fund, and for expenditures, they would have obtained release letters and warrants from the Ministry of Finance to be able to disburse funds for such activities.

**330.** Reacting to a question on whether there is a law which stands to empower CAGD to give enough leeway for MDAs to work with the private sector as far as financial management is concerned, CW6 responded that he is not aware of any, but he stated that, the law captures government deals with other agencies like IMF, and other Development Partners. Therefore, all these dealings are with the Consolidated Fund. However, in the case of a private entity, he is unaware of any law. CW6 added that, Regulation 14 clearly states that the official receipts would be used only for the purpose of conducting business of Government and so anything outside this would be contrary to the regulation. However, it is a question of legality to determine whether any activity constitute financial business of Government.

**331.** CW6 confirmed that the current law which governs public revenue is the Public Financial Management Act, 2016 (Act 921). However, he expressed that his department is involved currently in designing, determining and processing of Regulations which would help to implement the Act. He added that hopefully by March or June, the Regulations would be ready.

332. CW6 held the stance that, as of now, he is unaware of any other Regulation that provide for Government and private entities managing funds together. He indicated that, he can peruse all instruments in relation to PPP fund management and upon request could brief the Committee.
333. CW6 agreed that Receipt Books are also value books. In his submission on the description of a value book, he stated that, value books are all documents that the controller and its agencies issue in collecting revenue. He cited AMA as an example, where they collect revenue and issue receipt books. Therefore, they are all supposed to issue a GCR to account for all moneys collected. He added that tickets are all examples of value books. These value books are supposed to be kept under lock and key for security reasons. However, he said that GCR documents are not issued just anyhow.
334. In response to the printing, issuing or the management of the GCR, CW6 stated that CAGD as a Department is by law enjoined to print the GCR to be used by the various MDAs. Therefore, the GCR is printed, managed and controlled by the Accountant-General. Again, he explained that there are Officers of CAGD who are attached to the various MDAs and are given the proper training as to how to use the GCR.
335. Reacting to whether the Department had delegated any agencies such as MoTI to print the GCR, CW6 explained that even though the law has made a provision for that, they do not delegate and have never ever delegated that function to any MDA. He added that a guide on the GCR has been issued periodically in conjunction with the Auditor-General's Department to the users of the GCR.
336. Responding to how the heads of department to whom the GCR are issued are supposed to account for the revenue or the money collected by the use of the GCR, CW6 indicated that it is the responsibility of the heads of department to ensure that such value books are kept under lock and key and managed in accordance with the law. He added that, in recent times, the requisition for a GCR booklet is not free to MDAs.
337. Again, CW6 added that moneys collected by the issuance of the GCR goes to the IGF account first and it is eventually sent to the Consolidated Fund. However, in a situation where the MDA has the mandate to retain part of the IGF, it is done and the rest of the funds are sent to the Consolidated Fund. Again, he indicated that once a GCR is issued for the collection of funds, it must be accounted for. But as to the arrangement

of whether the money would go back to wherever, the GCR would have been accounted for and that is what they are very conscious of.

**338.** In a response to an example where the Government has an agreement with a private sector operator to collect road toll on the Accra – Tema Motorway, the private people are the ones who issue the ticket for the collection of the revenue. Does that revenue belong to the private company or is it still for Government? Here, CW6, in summary, indicated that the Road Fund Board outsources the collection of road tolls to private entities. He stated that there is an arrangement between the Road Fund Board and the outsourced private entities to make an advance payment to the Fund. Then later, the private entities would do the collection of tolls for itself. With this arrangement, the daily collection of road tolls are credited to the vendor's account and not the Government. According to CW6, he could not take a position as to whether the funds collected by MoTI could be termed as a Trust Fund or a Public Fund since the GCR was issued for funds into a public account owned by the Ministry.

**339.** In a response to whether value books or GCR is used by the agents of the private operators to collect tolls, CW6 indicated that once the vendor pays the moneys upfront, a GCR would be issued to acknowledge the payment of those moneys into the Consolidated Fund. He added that the day to day tickets is at the prerogative of the vendor to collect and make up his money. However, that ticket may not be a ticket designed by the CAGD but the vendor may buy the CAGD's ticket to use to collect the moneys, if it so wishes. But accounting for the actual money that has flowed into the Consolidated Fund would be by the quantum of upfront payment that would be accounted for by way of the GCR. He added that the day to day tickets used could be bought from the CAGD since there are security features which prevent its duplication.

**340.** CW6 also responded to an example where the office of the Administrator of Stool Lands collects moneys for Stools and Skins. Here, they keep those moneys and pay into the Consolidated Fund and after cases are determined, they go and take the moneys by the procedure.

**341.** CW6 agreed that he would have to advise his officers at the various MDAs in situations like this to follow the proper procedures when they want to collect moneys.

He specified that the right things would be always reiterated to all officers at the MDAs and he would hence allow for the law to take its course when his officers contravene.

342. CW6 restated that the area of PPP is not explicitly stated in our existing financial laws and that they would consider and make provisions on the FAR for the PFM Act to cover these areas of financial management.

343. In response to the definition of a levy, CW6 defined a levy as one of the sources of income to the Government. For instance, a levy could be money paid for the application of a passport or in the area of a typical municipal or metropolitan assembly, money paid for a permit. He added that a levy is income that is taken from one which is not a profit. It is not a matter of something worked for. So, it is a source of income and it is captured under IGF. Again, he stated that it is not a tax but a charge on you for a service you derive. For example, the Petroleum levy. He confirmed that all levies are approved by Parliament.

344. With reference to the MOU, under the responsibilities of MEF, which says "*funds are raised and deposited into a designated public account of MoTI,*" would these funds be termed as Levies? Here, CW6 responded in the negative. He stated that levies are charges for not necessarily deriving any income. It is a legitimate and mandatory charge made on person. When one buys fuel, there is a levy on it. One has no choice. So, the levy is a charge and not a tax. Tax is on one's income. Levies are different from taxes.

345. Again, CW6 stated that it is not wrong for an official and a member of the planning committee of the GEBA awards to become a signatory to such an account proposed to have been set separately in the name of MoTI-MEF solely for the organisation of the GEBA.

346. In Conclusion, CW6 expressed his gratitude to the Committee and stated that whenever his services are needed he would make himself available.

## **EVIDENCE OF EXPATRIATE BUSINESSES**

**Mr Gopal Tseraime Vasu, MD - M& G Pharmaceuticals - (EBI)**

347. EB1 is the Managing Director of M & G Pharmaceuticals Limited, a local manufacturer and distributor of pharmaceutical products. He informed the Committee that he got to know about GEBA on 5th September, 2017 when his company was invited by MoTI to attend the launching ceremony on to be held on 15<sup>th</sup> of September, 2017 at Movenpick Ambassador Hotel, Accra (Exhibit M & G 1).

348. The EBI stated that after attending the launching ceremony, the *Daily Graphic* published a call for nominations on the 1<sup>st</sup> November, 2017 which invited expatriate companies interested in the awards to submit their company's profile and that of their Managing Directors to KPMG. Similar publications were also made in the *Daily Graphic – Business Edition* from the 1<sup>st</sup> to 6<sup>th</sup> November, 2017. He indicated that they received an email on 3<sup>rd</sup> November, 2017 from the organisers (Exhibit M & G 2) to submit a corporate video to MoTI. Consequently, they submitted a 2-minute clip to the Public Relations Officer (PRO) of MoTI. He stated that they completed the nomination forms and submitted it on 7<sup>th</sup> November, 2017 to KPMG at Dzowulu.

349. As his contribution towards the organisation of the award, EB1 issued a cheque of GH¢15,000.00 to MoTI on 14<sup>th</sup> November, 2017. A receipt was issued on the 22<sup>nd</sup> November, 2017 after the cheque had been cleared by MoTI. Although the receipt for the payment was issued a week after he issued the cheque, he was not worried. He stated that the issuance of the receipt on a particular day for him was not important.

350. EB1 informed the Committee that he attended the award event with his son on 4<sup>th</sup> December 2017.

351. According to EB1, he did not receive any letter from MoTI apart from the one that invited him to the launch on the 15<sup>th</sup> September, 2017. As to whether he had meetings with the MEF representatives or officials before the 4<sup>th</sup> December, 2017 event, EB1 said no. He stated that the only time he met them was during the launching ceremony.

352. When he was asked whether he received an award, EB1 confirmed that he did not receive any award.

353. As to whether the GH¢15,000.00 that he paid to the organisers was in response to the categories of the packages, EB1 stated that he was not aware of any category. He stated that he had been supporting the MEF whenever they organised such awards stating that, in the year 2002 when the Ghana Quality Awards was organised he supported MEF with GH¢10,000.00. Although there was no basis for the moneys he paid, he only gave them what he can afford just to support the organisation of the programme.
354. When it was inquired from him whether the organisers approached him or his company to sponsor the programme, EB1 answered in the negative.
355. As to whether he decided to pay GH¢15,000.00 to support the programme on his own volition, EB1 stated that they receive a lot of requests from Government institutions and associations to support the organisation of various kinds of events.
356. Regarding as to whether he was aware that MoTI was organising the programme together with MEF before he supported it, EB1 stated that the letter requesting for support came from MoTI. He believed that both MoTI and MEF together organised the programme.
357. As to whether he was compelled after attending the promotional launch to contribute to the event, EB1 stated no. He indicated that during the launching ceremony they were very happy to see that for the first time in the history of Ghana, the expatriate community was being recognised. He mentioned that he became enthusiastic about the idea of recognising the expatriate community, since he had stayed in the country for 49 years.
358. As to whether when he makes contributions to support the activities of organisations such as Association of Ghana Industries (AGI) he expects to receive an award, EB1 answered in the negative. As to whether he would be surprised to receive an award after the contribution, he stated he will not, provided he deserved the award.
359. When EB1 was shown the letter from MoTI introducing the MEF to the Ghana Expatriate Businesses, he stated that he had never seen the letter and that he was seeing it for the very first time.

360. As to whether he was aware that there was a sponsorship package that was developed by the MEF, EB1 indicated that he was not aware.

361. As to whether he was aware that the nomination criteria that was advertised in the *Daily Graphic* also came with a sponsorship package that was developed by the organisers, EB1 stated that the advertisement in the *Daily Graphic* only had the photograph of all the nominees, but no sponsorship package was attached.

362. As to where he sat with his son when he attended the event, he stated that he sat on Table 28A/B.

363. When asked whether the table he sat at was anywhere near the Presidential High Table, he responded that it was very far from the high table on the left side of the stage.

364. As to whether the GH¢15,000.00 he paid had nothing to do with where he sat, EB1 stated that when the cards were sent to him, seat numbers were there already and he had no idea which table he was going to sit at. It was when he entered the hall and that he saw where Table 28 was and which he shared with other invited guest.

**Mr Joe K. Mensah – The CEO of KOSMOS Energy - EB2**

365. Regarding what he and his company knew about the GEBA, the EB2 stated that his company, Kosmos Energy, had always wanted to be a partner in terms of energising the country, and therefore they had engaged in a lot of corporate social responsibility activities over the period. For instance he mentioned that between 2012 and now KOSMOS Energy had spent about US\$950,000.00 on water projects. He indicated that when Ebola hit his company spent a quarter of a million dollars and that they have done a lot in the Western Region. He informed the Committee that Kosmos Energy tends to participate in all activities when Government approaches them. He stated that in 2017 the company supported the Energy and the Agriculture Ministry and so when MoTI came asking them to support the organisation of the awards they were eager to participate and that was why they supported the event.

366. As to how MoTI approached them for support, the EB2 indicated that they received an invitation seeking for support to organise the GEBA. They had several tiers to support, and he chose a branch, which was about US\$25,000, which he gave to MoTI.

367. When asked whether he had a copy of the invitation, EB2 responded in the affirmative. He explained that when they got the solicitation for support, a copy of the letter and a note stating the reasons why they wanted to support the event as well as the level of support, were sent to their Headquarters in Dallas for them to go through the Foreign Corrupt Practices Act (FCPA) as has been the practice of their company.
368. As to whether MoTI attached a brochure to the letter of invitation, EB2 answered in the affirmative stating that a glossy brochure which had all the events and all the activities that were going to take place was attached. EB2 stated that personally he would not know whether the letter of 23<sup>rd</sup> October 2017 was received in the same envelope with the glossy brochure or it came differently. He also stated that he did not know who delivered the letter to his office.
369. EB2 indicated that his decision to sponsor with US\$25,000.00 was because it was the lowest and that they were not going to sign up for the highest which was US\$100,000.00. After paying the US\$25,000, EB2 indicated that they were assigned a table that seated 10 people.
370. As to what went through his mind when he read the 23<sup>rd</sup> October, 2017 letter from MoTI (Exhibit Kosmos 2), which was asking them "to support the organisation in the hosting of this laudable initiative, with the benefits attached", EB2 stated that one of the things they always look for whenever they are supporting projects was to make sure that they demonstrate partnership with the country as well as ensuring that their brand was in the right position. He indicated that their philosophy of doing business in every country is to be relevant for people to know that they are not just making money for the company, but also providing support for the country. To him, the benefits attached was an opportunity to display his company's brand.
371. As to why it was necessary to seek the FCPA clearance, EB2 stated that even when they donate US\$ 5000 they seek clearance, because they want to make sure that the entity they are working with is credible. He stated that if the entity is not credible, it could tarnish their image as a brand.
372. As to whether he was expecting any benefits beyond the enhancement of their corporate image, EB2 answered no, stating that he does not need to pay money or



anything to have access to the President. He stated that he has access to the President anytime that he want.

373. As to how letters in his office are received, he stated that letters received are stamped at the secretariat or the registry and entered into a "letter received" book. As to why all the letters he tendered had not been stamped, he stated that because the letters came in a package, the package was stamped and not the individual letters.

374. As to how one can trace to know action that had been taken in respect of the letters received, EB2 stated that there would always be an email trail.

375. Regarding where he sent the video that was requested, he indicated that a representative from MoTI came for it.

376. As to how they knew that they were supposed to send a three-minute video to the organisers, EB2 stated that the information was part of the package they received. Also he stated that representatives of MoTI and MEF met them and informed them about the need to produce a three-minute video.

377. The purpose of the video he believed was to promote his brand to showcase the potential of Kosmos Energy. At the event, a lot of videos on companies were shown.

378. As to whether he was at the GEBA on 4<sup>th</sup> December 2017, EB2 answered in the affirmative. He stated that he sat at the President's table.

379. EB2 stated that he neither paid US\$100,000 nor received an award at the event when he was asked.

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**Mr Stefano Ramella Pessa – MD of Consar Limited – (EB3)**

380. EB3 is the Managing Director of Consar Limited, a construction company operating in Ghana for the past thirty-five years.

381. As to whether he had heard about the GEBA, EB3 responded in the affirmative.

382. Regarding the role he played in the GEBA, EB3 stated that he received an invitation to participate in the award by MEF. He indicated that he saw it as a unique opportunity for him to be recognised.
383. He stated that in his forty years' stay in Ghana, he had never seen such an award. He indicated that he was very happy to participate and thought it was an honour.
384. As to whether he received any letter from MoTI relating to the GEBA, EB3 responded in the affirmative. He stated that he did receive a letter dated 23<sup>rd</sup> October 2017 from MoTI informing them of the awards (Exhibit CONSAR1).
385. EB3 further informed the Committee that he received another letter dated 30<sup>th</sup> October, 2017 from MoTI inviting him to a dinner at Tang Palace Hotel on 10<sup>th</sup> November, 2017. At that dinner, the sponsorship package and the brochure explaining the purpose of the awards were distributed. He stated that several people from MEF and MoTI including the Honourable Ahenkorah were present.
386. When asked whether he knew MEF, EB3 answered yes.
387. As to whether he made a contribution, EB3 stated that he made a voluntary contribution of US\$25,000.00 and showed a receipt issued by MoTI (Exhibit CONSAR3)
388. As to whether he received an award, EB3 answered in the affirmative and informed the Committee that he received an award as the best construction company in Ghana alongside De Simone Limited.
389. As to where he sat on the day of the event on 4<sup>th</sup> December, 2017, EB3 stated that he sat at where he was assigned. He attended the event with his wife, son, project manager and Ghanaian directors, about ten people. He stated that he sat with his delegation and when the award was given, he went to the podium with his son and two Ghanaian Directors to receive the award.
390. As to whether he was compelled to pay US\$25,000.00, EB3 stated that there was no force from anybody for him to make a contribution. It was completely voluntary. He stated that he even paid the money a week after the event. He explained that although

he did not know whether he was going to receive an award or not he felt that it was a great honour for him to participate and contribute to the event since it was the first award being organised to recognise the contribution of expatriate businesses in the country.

391. As to whether he was issued with a receipt the same day he paid, EB3 answered in the affirmative.

392. As to who distributed the package with the brochure, EB3 could not recall the person who distributed it.

393. As to whether he had supported any awards in Ghana, EB3 responded in the affirmative. He stated that he had not sponsored any event of MEF.

394. As to whether he had attended other award events in the past, EB3 answered in the affirmative. He stated that he donated GH¢100,000.00 to support the Black Stars during the World Cup in Brazil. He indicated that it was the Government at the time who invited him to support. As to who he paid the money to at the time, EB3 stated that he paid it to the Government to support the Black Stars.

395. As to whether he was happy with where he sat during the award ceremony, EB3 answered yes indicating he was even given a bigger seat than what he contributed.

396. As to whether he promised the organisers of the event that he was going to support the event, EB3 stated that he never discussed money with any one. For him, the question was whether he was attending the award event or not? And given the uniqueness of the event, he elected to attend and was happy to have contributed to the event.

397. As to whether he was called by the organisers to pay apart from the dinner where he was given the package, EB3 stated that no one asked him to pay.

398. When EB3 was asked whether there was a sponsorship package that categorised the benefits and the amounts and he selected the 'Green Circle Partner', which was the lowest, EB3 informed the Committee that although the lowest among the packages was

US\$15,000.00; he thought they needed to support the event with US\$25,000.00 after listening to the presentation.

399. When EB3 was asked what benefits he envisaged in supporting the organisation and hosting of the event as stated in the letter dated 23<sup>rd</sup> October, 2017, EB3 stated that he did not bother much about benefits. The fact that he had been invited to the ceremony and may be given an award for him was enough.

400. EB3 confirmed that the sponsorship package (Exhibit CONSAR4), which included the criteria for qualification (Exhibit CONSAR6) was given to him during the presentation.

**Mr Salem Kalmoni- Managing Director of Japan Motors Trading Company Limited. - (EB4)**

401. EB4 is the Managing Director of Japan Motors Trading Company Limited.

402. As to whether he knows anything about the GEBA, EB4 responded in the affirmative stating that he was a participant.

403. As to how he became part of the event, he stated that sometime last year, he received a package from which he had information on the GEBA. He indicated that after receiving the information, he was invited to a promotional launch in October 2017 which was attended by his Assistant Managing Director since he was out of the country.

404. As to who sent the package, EB4 could not tell, but indicated that at the time, it was the MoTI, he had in mind.

405. As to whether he received any letter in relation to the GEBA, EB4 stated that he received several letters- the first letter was dated 16<sup>th</sup> October, 2017 (Exhibit Japan 1); the second letter was dated 23<sup>rd</sup> October, 2017(Exhibit Japan 2) and the third letter was dated 24<sup>th</sup> October, 2017(Exhibit Japan 3).

406. As to whether he paid any money, he stated that he did not pay any money as of the time of the promotional launch.

407. When asked whether he was at the event on 4<sup>th</sup> December, 2017 at the Movenpick Ambassador Hotel, he answered in the affirmative.
408. He informed the Committee that as of the time the event took place Japan Motors had not made any payments to the organisers but the following day which was 5<sup>th</sup> December, 2017, a payment of US\$3,000.00 was made to MoTI. He tendered in the receipt of the payment.
409. As to where he sat at the function on 4<sup>th</sup> December, 2017, EB4 stated that he sat at the table where the President of the Republic, His Excellency Nana Akufo-Addo was sitting.
410. As to how he found himself at the High Table even though he did not pay US\$100,000.00, EB4 stated that he never paid anything to be on that table. What happened was that, Japan Motors was invited to participate in the awards. Although they attended the promotional lunch, they made a decision not to participate in the GEBA because it was too expensive, new, and they did not need another award. He informed the Committee that because they took a decision not to participate they did not submit an entry for the awards.
411. He stated that about two weeks to the event, CW5 came to his office and told him that he had been awarded. He stated that he was surprised but he was informed that the Awards Committee had decided to award Japan Motors since it is an old, well-known and reputable firm in Ghana. He mentioned that he felt extremely happy about the news.
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412. Later, CW5 informed EB4 that he was offering him a seat at the Presidential table. According to EB4, because the Company was going to receive an award and he had been invited to the awards, he inquired from CW5 whether he could be accompanied by his wife and some of his directors. CW5 then suggested to EB4 to buy a Table for US\$25,000. EB4 stated that since the Tables were very expensive, he negotiated with the organisers and offered them the US\$3,000 for a table of five his two directors their spouses as well as his wife.

413. As to whether the Tables were expensive, EB4 stated that judging from what they pay for tables at other functions, the GEBA packages were expensive. The packages he received had prices from the most expensive (US\$100,000) to the cheapest (US\$15,000). He also stated that the year 2017 was a difficult year for the motor industry.
414. When asked about his understanding of the "President" being referred to at the Presidential table, EB4 stated he understood it to be the President of Ghana. He indicated that everything about the awards scheme was under the auspices of His Excellency the President of Ghana, Nana Akufo-Addo.
415. As to whether if he had money to pay for the US\$100,000.00 that would have been for a seat close to the President of the Republic, EB4 answered in the affirmative.
416. As to whether he engaged with officials from MoTI directly or indirectly regarding the event, EB4 responded in the negative.
417. As to whether he was pressured to pay the money, EB4 stated no.
418. As to whether in the awards industry he was used to being requested to pay moneys in support or sponsorship before participation, the EB4 stated that the genuine ones do not demand anything.
419. As to whether it was a rule or in principle that tables are sold at these events, EB4 stated that in his experience, tables are sold all the time even if he was not directly asked to pay money towards an award or asked to sponsor, if he wanted to be there, he would have to pay for a table.
420. When EB4 was asked to explained why the cheque to MoTI was dated 4<sup>th</sup> December 2017 but the receipt was on the 5<sup>th</sup> December 2017, he stated that the amount was committed on the 4<sup>th</sup> December 2017 during his negotiation with the organisers but it was cleared a day after.

**Mukesh Thakwani-Partner of B5 Plus Steel Company - (EB5)**

421. EB5 is a partner of B5 Plus Steel Company, manufacturers of steel products based in Tema with offices in all the regions across Ghana.
422. As to whether he is aware of the GEBA, he responded yes. He stated that they received some letters from MEF concerning an upcoming GEBA. Consequently, he called some few friends who confirmed the genuineness of the organisers.
423. EB5 stated that they received a letter from MoTI indicating where they should send their support.
424. As to whether they participated in the launch of the awards which took place at the Tang Palace Hotel, EB5 responded in the affirmative. At the launch EB5 stated that they were briefed about the event and how it was going to be organised.
425. As to whether he sponsored the event, EB5 responded in the affirmative. He informed the Committee that his company donated GH¢220,000.00 in two separate instalment as sponsorship for the event. It was also agreed that the banners of his company would be mounted as a promotion.
426. As to whether he was compelled to pay the money, EB5, stated no.
427. Regarding the differences in the date on the cheques and that on the receipts, EB5 indicated that the cheques were post-dated.
428. As to whether he was aware of the benefit package, EB5 stated that B5 Plus Ghana Ltd was concerned about promoting their products as well as supporting MoTI organise the event. He stated that their main agenda at the end of the day was to mount their company's banner at the event grounds.
429. As to whether he knew the sponsorship would be shared between MoTI and MEF, EB5 answered in the affirmative and stated that he was informed that some of the money would be used by the organisers to organise the event. He indicated that the event was very well organised in every aspect.
430. As to what went into his decision to pay US\$50,000.00 but not US\$25,000.00, US\$75,000.00 or US\$100,000.00, EB5 maintained that they donated to enable his

company banner to be hoisted on the event grounds. He explained that as his benefit he was given a special dispensation together with other companies to mount their banners for promotional purposes.

431. As to where he first saw the sponsorship package, EB5 indicated that it was on the dinner day. When asked whether he was informed by the sponsorship document before he elected to pay the US\$50,000.00, EB5 responded in the negative. He explained that the sponsorship package was not in issue since he had already had a meeting with CW5 on what their company wanted. For them the most important thing was branding of their company at the event. Although he recognised that there were other benefits that comes with the sponsorship, their main focus was on the branding for their company.

432. As to whether it mattered to him that the event was being organised under the auspices of His Excellency the President, EB5 indicated that it does not make a difference that H.E. the President was a part of it, indeed, it was a great honour for all present. However he stated that that was not what attracted him to participate in the event.

**Mr Amar Deep Singh Hari-MD of IPMC (EB6)**

433. EB6 is the Managing Director of IPMC, an IT Company in Ghana located on 62 Kojo Thompson Road, Adabraka.

434. As to whether he had heard about the GEBA, EB6 stated yes. He stated that he got to know about the event in October, 2017 when CW5 called him to inform him about the awards. He stated that he received letters from MoTI, introducing the GEBA. Although he received the letters he could not read them since he had travelled out of the country.

435. When it was enquired from him whether he had participated in any awards ceremony, EB6 responded in the negative and stated that he generally avoid participating in many of these awards. He indicated that because this was a special award to recognise the work of the expatriate community in Ghana, he decided to support.



436. As to whether he had participated in any programme organised by MEF, EB6 stated that CW5 had been known to him for many years and he keeps on organising many programmes and often times, he supports him. The last programme he supported was the Accra Marathon.
437. As to how much he paid to sponsor the GEBA, he stated that he did not pay a single cent. He stated that but for his absence from the country he would have supported CW5 as he normally does anytime he organises a programme.
438. As to where he sat on the day of the event, he stated that he sat at the Presidents table at the far end with Honourable Ahenkorah.
439. He maintained that he had neither made any contribution to MoTI nor MEF. Regarding US\$10,000.00 he was reported to have paid to MEF, EB6 indicated that at first he thought he had given him US\$10,000.00 However, when he returned to Ghana he realised upon further checks that the amount that was issued to MEF was GH¢11,000.00 and not US\$10,000.00 as his office reported and it was for the payment of the outstanding balance for the Accra Marathon that was held.
440. As to whether he wrote a letter to MEF congratulating them for the event and stating that he paid US\$10,000.00 EB6 stated that he was not in the country at the time and he was misinformed by his staff.
441. As to whether the cheque that was issued for about GH¢11,000.00 was paid to MoTI or MEF, EB6 stated that it was paid to MEF which was an outstanding amount which he had committed to them for the Accra Marathon.
442. Regarding whether his company won an award, EB6 said no. He stated that his company did not apply to be awarded.
443. **Mr Saeed Fakhry- Managing Director of Interplast Ghana Limited - (EB7)**
444. EB7 is the Managing Director of Interplast Ghana Limited. He is also the Managing Director of Dream Realty and Inesfly.
445. When he was asked whether he was aware of GEBA, he stated that he had no idea of the award since he was out of the country but was informed by his office that he had won an award. EB7 indicated that he arrived in the country on the day of the

awards and requested his office to reserve a table for twelve people including himself. At the event, he was supposed to sit with his friends and not with the President at the high table. However when he arrived one of the organisers ushered him to the high table instead of him sitting with his friends.

446. As to whether he made any contribution towards the organisation of the event, EB7 responded in the affirmative. He stated that after receiving the top award together with one of his companies, he was very excited and donated an amount of US\$100,000.00 after the programme in support of the organisation.

447. As to whether he knew the President of Ghana, EB7 responded yes. He stated that he had known the President for about fifty years. In fact, the President's father was a friend a legal advisor to late father and later on the President himself became his legal advisor and friend also. He stated that he was only Lebanese national to have been invited and attended the President's wedding with the first lady. He stated that he can access the President at any time and does not need to pay before he can have access to the President.

448. As to whether when he received the award he had not made any contributions for the organisation of the GEBA, he stated no.

449. Regarding why he paid after the event, EB7 maintained that he was happy with the awards he received. He stated that it was a big honour done him and his company to have won awards during the event. He therefore donated to show his appreciation for the honour done him and his companies.

450. As to whether any of his companies submitted any details or information to the organisers to qualify for an award, EB7 responded no.

451. When asked whether he was aware that there were prizes attached to each of the tables, EB7 stated he was not aware.

452. As to whether he was shown the sponsorship package that MTI and MEF distributed to the expatriate business enterprises, EB7 responded no.

453. As to whether there was formal communication whatsoever between his Company and either MTI or MEF, EB7 indicated that he was not sure. He indicated that he received an invitation card.
454. As to whether he communicated to anybody connected to either MoTI or MEF, he said no. he explained that he was out of the country for about three months.
455. As to whether his officers communicated to the organisers of the awards, EB7 stated yes.
456. As to how he received the information that he had won an award, EB7 stated that it was by verbal communication.
457. As to whether he was aware of the person who communicated to the officers, EB7 stated no. He believed that it was one of the organisers.
458. As to whether he met the President throughout year before the dinner, EB7 stated yes.
459. **Ms Roshi Motman- CEO - Airtel Tigo - (EB8)**
460. EB8 is the CEO of Airtel/Tigo.
461. When EB8 was asked whether she knew about the GEBA, she responded in the affirmative.
462. As to how she became aware of the GEBA, she stated that sometime in November, CW5 of MEF informed her office about the nomination of her company to participate in the awards.
463. When asked whether her company received any communication from MoTI, EB8 stated that she did not know.
464. As to whether she or her representative participated in any fundraising event, she said yes, she attended a dinner at La Mangelles Lounge in Osu in November 2017.

465. EB8 stated that although she attended the award on 4<sup>th</sup> December 2017, she never made any payment.
466. As to whether she received the sponsorship package, she said yes. She further stated that her PR Department received an e-mail with the packages.
467. She informed the Committee that she made it clear to the organisers from the beginning that because of the business' governance model they are operating at Airtel/Tigo now, they could not sponsor the event.
468. As to where she sat at the event, EB8 stated that she sat on the Presidential table.
469. As to whether she had direct contact and 'face-to-face' meeting with CW5 in her office, she stated yes. As to whether during the meeting the benefit package was discussed, EB8 answered in the negative.
470. As to whether any documentation relating to the event was shared with her, EB8 stated that just two days before the event, she received a ticket from CW5 to attend the event.
471. As to when she knew she would sit at the high table, she stated that it was the last day when she received a Presidential ticket for the event from CW5. When she arrived at the event she was ushered into a small room for about 15 or 20 minutes after which she was ushered to her seat at the high table as indicated on the ticket.
472. As to whether her company submitted a video to KPMG, she responded in the affirmative and explained that since they were nominees, they were requested to submit the company video to the event.

## 9.0 OBSERVATIONS AND FINDINGS

The issues arising from the evidence of the witnesses for determination by the Special Committee are:

1. Whether or not the Ministry of Trade and Industry imposed levy(ies) and collected same;

2. Whether or not there were payments made to and received by the Ministry of Trade and Industry: and how disbursements were made;
3. Did the disbursement offend law; and
4. Related Matters
  - i. Whether or not there was extortion of monies from Expatriate Businesses;
  - ii. Whether or not the President of the Republic or the Presidency was involved in GEBA and other matters; and
  - iii. The Recall of Parliament

We shall proceed to deal with the issues one after the other in the order set out above.

**1) Whether or not the MoTI imposed levies and collected same:**

It would be recalled that the main substance of the Motion which necessitated the setting up of the Special Committee was “that this Hon House *investigates the levy and collection by the Ministry of Trade and Industry of the Ghana Cedi equivalent of various sums of money....*”

When CW1 appeared before the Committee he was asked this question:

**Mr. Asamoah:**   *--- The motion he drafted and brought before the Rt. Hon. Speaker and submitted on the floor says “the levy and collection.” I would then take it that there was a “levy”.*

**Alhaji Muntaka:**   *Mr. Chairman, when I drafted this Motion, I had in mind the possibility of the Ministry saying that they have rights under a law to collect this. So, I wanted to encapsulate almost every possible thought. When I looked at the definition, the use of “levy” was generic. I would just give the meaning I saw in the Collins Dictionary. It said: ‘A levy is a sum of money that you have to pay’.*

*So, it was for me to couch the Motion such that when I came to the floor, I could possibly not miss anything...”*

To our mind and understanding, the Member did not know exactly what he was asking for when he used “levy” in the Motion and that is the more reason why he subsequently abandoned “levy” in his answers to questions from the Committee.

**Dr. Assibey-Yeboah:** *Mr. Chairman, first, he gave us a definition of “levy” that it is a sum of money that has to be paid. My Wikipedia definition of “levy” is that it is a tax, fee or a fine.*

*In the context of our Ghanaian legislation, we should have, for instance, the National Health Insurance Levy. So, in the context of our legislation, what is his understanding of levy as used in his Motion?*

**Alhaji Muntaka:** *Mr. Chairman, like I said earlier, my use of “levy” in my Motion was to make it broad enough to convey every possible area, so that in moving the motion, I would not have been shot down...*

**Dr. Assibey-Yeboah:** *“So, per your understanding, the activities of the event organizers and the facilitation role of the Ministry in raising money falls within the scope of a levy”.*

**Alhaji Muntaka:** *“That is not the only terminology I used there. I also used ‘collection’. So, to be fair to me, I can say that all that I knew were collections. I said that to make my Motion broad enough, I decided to add ‘levy’.”*

Later on, CWI said this in response to a question from the Committee:

*“... for the avoidance of doubt what happened was a collection, I had ‘collections’ in my motion”. “...I would repeat that I have not said anywhere that the Ministry has imposed levies. They do not have the power to do that. It is only Parliament that has the power to impose levies.”*

The position of CW1 when he says that the Ministry has no power to impose levies is no different from the view of the Honourable Minister for Trade and Industry. The Honourable Minister had said in an answer to a question that the MoTI does not have the power to impose a levy, and so they did not impose any levy.

In a follow-up question, the Hon. Minister had this to say:

**Mr. Chairman.:** *Do you stand by your assertion that your Ministry did not impose any levy?*

**Mr. Kyerematen:** *Mr. Chairman, a levy is generally defined as an amount such as a tax, fee or fine imposed, charged, exacted and collected by compulsion or legal authority. As I have described early on, the sponsorship was voluntary contribution by individuals towards the organisation of the event. So the Ministry could not have imposed a levy because these were voluntary contributions and this is not the first time that you have events of this nature being organised soliciting for sponsorship. So, this could not in any way be described as a levy.*

*Mr. Chairman, indeed, how is it that in the public domain, the allegations were originally described as extortion, in the Motion that was moved and on the basis of which this Special Committee was established, the description that is being provided is that it was a levy. So where do we stand on this matter? Was it extortion" or a 'levy'? In all humility, the exercise that was conducted was neither 'extortion' nor the imposition of a levy.*

This view was reiterated by the Controller and Accountant-General when he appeared before the Committee.

**Mr. Chairman:** *In this said MoU, the responsibility of MEF was to raise funds and deposit those funds in a designated public account of MoTI.*

**Mr. Ofosuhen:** *That is right.*

**Mr. Chairman:** *Does that make it a levy?*

**Mr. Ofosuhen:** *Not at all. It is not a levy.*

Even though CW1, the mover of the Motion, abandoned the claim of imposition of levy, CW2 said among other things that:

*“we are not running away from anything we have said since this matter broke”.*

And yet, throughout his testimony, he did not adduce any evidence to support the allegation of levy having been imposed by MoTI.

In our evaluation of the totality of the evidence adduced before the Committee, we are unable to find that the Ministry of Trade and Industry imposed levies as captured in the Motion. It seems to us that there is no evidence to support the claim of an imposition of levy by MoTI and we so find.

Tied to “levy” was “collection”. It is our view that if the allegation of levy were to be sustained then we could safely conclude that the said levy was collected. We are unable to find that there was collection of a levy. In our considered view, “collection” as captured in the Motion is a consequence or by-product of the levy in the same Motion. They cannot be independently treated. In the event, it is safe to conclude for the avoidance of doubt that if there was no levy imposed, then no levy was collected.

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**2. Whether or not Payments were made to and Received by the Ministry of Trade and Industry; and how disbursements were made**

There did not seem to be any controversy as to whether payments were made and received by the Ministry of Trade and Industry. The Honourable Minister for MoTI told the Committee that as part of the arrangement towards the hosting of the first ever Ghana Expatriate Business Awards (GEBA), MoTI entered into a Memorandum of Understanding (MoU) with the Millennium Excellence Foundation (MEF), the initiators of the novel awards scheme.



Within the framework of the MoU, it was the exclusive responsibility of MEF to raise funds/sponsorship for the GEBA event. This is how it is couched in clause 1.8(i) of the MoU under the responsibilities of MEF:

*“Coordinate, design and solicit from sponsors nationwide, all the funding required for the successful hosting of the GEBA project.”*

In addition to the fundraising responsibility of MEF, and pursuant to the principle of transparency and accountability, clause 1.8(x) also enjoined MEF to:

*“Ensure that all funds raised is deposited in a designated MoTI account until the end of the GEBA Awards.”*

From these two (2) references from the MoU, it is not difficult to appreciate that MEF was to mobilize funds for the Awards event but that the monies raised should be paid into a designated account of MoTI. The Honourable Minister for MoTI in his press statement dated 21<sup>st</sup> December, 2017 provided the rationale for the payment of the funds raised into a MoTI account in paragraph 4 as follows:

*“As part of arrangements towards the organisation of the event, the Ministry of Trade and Industry insisted that all monies raised in support of the event be paid into an Account held by the Ministry to ensure financial integrity and accountability which the organisers agreed to...”*

The statement by the Honourable Minister is corroborated by the President and the Chairman of MEF respectively.

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- Mr. Asamo:** *Whose idea was it to have an account in the Ministry?*
- Mr. Morton:** *Mr. Chairman, it was the Hon. Minister for the Ministry of Trade and Industry.*
- Mr. Asamo:** *What was the stated object?*
- Mr. Morton:** *..., obviously, it was to ensure transparency and accountability in all the funds we raised.*

*.... And further to ensure the integrity of funds that were raised by us; that is what the Minister said”.*

Curiously, MEF would not agree to a suggestion from the Committee for a change in that arrangement. The President of MEF had this to say:

*“...I would want this to remain the same; the reason being that we do not believe that anything wrong was done. We believe that it was a process where, to ensure that there was transparency, which we wanted to achieve in the beginning, we should maintain the process where funds would go through the Ministry of Trade and Industry in future events purely because of transparency and accountability...”*

CW4, the Chairman of MEF had this to add:

*“Mr. Chairman, with your permission, I would like the Committee to look at things from the perspective of the Foundation. We approached the Ministry of Trade and Industry to partner us in bringing to fruition this new concept that we had. It was in our interest to immediately agree to an account being opened in the Ministry of Trade and Industries(sic), so as to give our partner, the Ministry, the opportunity to monitor the receipts and disbursement of money in that account...”*

Pursuant to this agreement or understanding between the MoTI and MEF, all funds raised by the MEF were paid into an existing Account of the MoTI at the National Investment Bank, Osu Branch.

A summary table tendered in evidence by the Honourable Minister and marked as MoTI3 shows that total receipts of funds raised by MEF came to Two Million, Six Hundred and Sixty Seven Thousand, Two Hundred and Fifteen Ghana Cedis (GH¢ 2,667,215.00). This has been cross-checked with the General Counterfoil Receipt (GCR) Book and the Bank Statement and there is consistency between the total figure in the GCR and MoTI3. In all, there were twenty five contributors to the GEBA event some of whom tendered in evidence photocopies of receipts received from the Ministry of Trade and Industry.

The Committee can confirm that payments were made and some received and has no reason to doubt the accuracy of the summary table of receipts submitted by the Ministry.

The only evidence received by the Committee which sought to suggest something to the contrary in terms of receipts came from CW1. He said in his evidence that: “... *this is because if 450 expatriates that were invited, my rough estimation says that looking at the number of people that were there, I want to believe that some might have truly not paid, but if 100 paid the least amount of money, US\$15,000.00, it is supposed to give us US\$1,500,000.00. By my rough estimation, if the Ministry says they have taken only GHC2,600,000.00, I have doubts because of the initial challenges and credibility gap that has been created by the number of contradictory statements,*”

Again, CW2, posited that: “... *the information we are picking up about what transpired in that account is different from what has been presented here. So, Mr. Chairman, for CW3 to state that following the event, the Ministry in collaboration with the event organisers have audited the account for the event and confirm that an amount of GHC2.6million was raised against expenditure of GHC2.3million.*

*Mr. Chairman, our view is that this is too incestuous...*”

The Chairman of the Committee intervened and requested CW2 to supply the Committee with the information he had picked up which runs counter to that of CW3 relating to how much was raised and disbursed. His response was:

**Mr. Ablakwa:**

*Mr. Chairman, you know that in our work as legislators, people would help us by offering us information and all of that. That is why I am not being conclusive at all. This is because we are still running our verifications or our checks. So, we are saying that all of this would have been settled if external auditors...*

**Mr. Chairman:**

*Yes, I agree with you that people feed us with information, but when one is not certain about the information, one does not put it out. This is because the damage one would cause to the Ministry cannot be repaired.... Somebody may be viewing you and listening*

*to you – the person may draw conclusion that even the Hon. Member said before the Committee that what the Ministry has put out as monies realised and disbursed is not true, yet you do not have any information to the contrary. So, please, we should beware about the way we put the information across.”*

**Mr. Ablakwa:**

*Mr. Chairman, very much so.*

*Mr. Chairman, I would agree with you vehemently that, that was not my intention at all, and that was why I started by saying that we have not really verified. We get all kinds of leads. Sometimes, they prove to be true, and sometimes they may not be true....*

The question is, what useful purpose does it serve when you are not sure of a fact and yet you canvass it forcefully before a fact finding Committee? The Committee was set up to find facts; it was not set up by Mr. Speaker to pander to speculative assumptions. The Committee, therefore, refuses the invitation by CW1 and CW2 to associate itself with their assumptive postulations as against the overwhelming documentary evidence put before the Committee by the partners (MoTI and MEF) and the participants (the Expatriate Businesses).

This leads us to a discussion of disbursement from the MoTI Account. The MoU spelt out the modalities for the disbursement of funds from the Account. Clause 1.8(xi) of the MoU on the responsibilities of MEF is very instructive. It provides as follows:

*“Submit request for payment from this account managed by MoTI for pre-launch activities, launch activities, fundraising activities, management and hosting with all logistics for the GEBA prize.”*

In compliance with this understanding, the MEF submitted requests for payment to the Ministry and same was paid accordingly. It must be underscored that the total expenditure of the whole event stood at Two Million, Three Hundred and Sixty Seven Thousand, Four Hundred and Twenty-Six Ghana Cedis and Six pesewas (GH¢2,367,426.06). The details of the expenditures are captured in a summary table of expenditures, MoTI4 tendered in evidence by the Hon. Minister.

The Committee also had the benefit of verifying these expenditures with MEF. In an answer to a question by Dr. Ayine, the President of MEF said:

*“MEF has received in total Two Million, Three Hundred and Sixty-Seven Thousand, Four Hundred and Twenty-Six Cedis and Six Pesewas (GH¢ 2,367,426.06). This is what we have received from the MoTI in total. The Forty Thousand Cedis (GH¢40,000) that we received from the Ministry was paid back after the organization of the programme.”*

MEF has since then supplied the Committee with a document which shows the payments it received from MoTI. Five National Investment Bank cheques were issued and the sum total of the face value is Two Million, Two Hundred and Fifty-Seven Thousand, Two Hundred and Eighty-Five Cedis and Sixty-Three Pesewas (GH¢ 2,257,285.63). The difference between this figure and the earlier one (GH¢2,367,426.06) is accounted for by the payment of taxes, allowances and a refund of monies advanced by MoTI.

In accordance with clause 1.62 of the MoU, it was agreed between the partners that:

*“MEF will retain 90% of all funds raised and to ensure enough funds are there to host the entire event and required expense....” The remaining 10% “will be retained by MoTI for subsequent hosting of GEBA and initiatives that are derived from the event....”*

This arrangement was confirmed by CW5 when a question was asked of him. He agreed that taxes, allowances and all other expenses relating to the GEBA event were to be met from the 90% share of the MEF. This was the understanding the Ministry also had. According to the Hon. Minister:

*“... in our understanding, that required us to have some control over the information and not the actual physical activity of soliciting. However, knowing how much had been mobilised, we could then indicate that 10% of that was going to be retained for subsequent events, and also to maintain financial integrity....”*

**(3) Did the disbursements offend any law?**

In the evidence of Alhaji Muntaka (CW1), he said he believed MoTI might have breached financial regulations. He further intimated that using an official receipt for

the purposes of receiving payments makes the funds by MEF public money and thus has to be regulated by the financial regulations. He further pointed to the definition of public resources in the Public Financial Management Act, 2016 (Act 921) and said public revenue includes:

*“revenue acquired through donation, bequest, borrowing, movable and fixed asset, deposit, receivables and rights”*. According to him then “collections” as captured in the motion implied a public resource.

Additionally, he referred to Regulation 16 of the FAR, which states that: *“Non- Tax revenue includes fines, penalties, forfeitures, fees, charges, rent on government lands and buildings, interest on government investments, dividends and all other revenue generated from the activities of departments”* to fortify his argument that the monies received by the Ministry is public money. To him, “collections” of money took place and had the character of IGF. He was quick to add, though, that the Ministry had no power to impose a levy, collection or sponsorship. Pressed further by the Chairman:

**Mr Chairman:** *You referred us to the definition of public resource from the PFM Act, 2016 (Act 921), page 68:*

*We have spoken about sponsorship in Exhibit 2 that the Ministry says MEF raised a sponsorship. If that is true, where does it fall within this definition?*

**Alhaji Muntaka:** *Mr Chairman, as I am very sure you know as an Hon Member of Parliament, when an Act is passed, there is a Regulation to give the meat and details of the Act. That was why I referred to the Financial Administration Regulations that expatiates the Act. I referred to 16 of the Regulation which explains in detail that anything that the Ministry does – with your permission, I would read section 16B:*

*“Internally Generated Funds are nontax revenue that are generated through activities of the Department”*.

*I strongly think that this is something they have collected through their activities.*

**Mr Chairman:** *Hon Muntaka, help us to proceed. I said that the claim – so far, it is a claim – by the Ministry was that MEF raised money through sponsorship. If that were the case, which of the public resource items listed would cover that?*

**Alhaji Muntaka:** *Mr Chairman, if you use the interpretation as on page 68 of the Act, we have “receivables”. If we use section 16 of the Financial Administration Regulation, it talks about the activities of the Department...”*

On the other hand, when asked to point to any of the revenue items to which the contributions to GEBA related, Mr. Ablakwa (CW2) categorically stated that they were “donations”.

It is instructive to note that the MoU between MoTI and MEF in clause 1.4 states

*“that the MEF will solicit all funds to host GEBA prize from inception to hosting of the event and that all the funds will be lodged in a MoTI account until after the event is completed.”*

The funds solicited by MEF were to fund the organization and hosting of GEBA and so cannot be monies arising from the normal activities of the Ministry (IGF) nor could the funds be properly described as receivables or donations due Government.

It was further established that the MoTI account into which monies were paid is an existing account of the Ministry for the lodgement of its Internally Generated Fund (IGF), opened under the authority of the Controller and Accountant General (CAG). As to whether a GCR could have been used to receive the moneys:

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**Dr. Ayine:** *That is true so let us go back to the GCR. Under what circumstance can it be used to collect private moneys?*

**Mr. Ofosuhene:** *Private moneys? It can never be used to collect private moneys – private moneys for private account but it can be used to collect moneys that could go into public accounts or public funds*

**Dr. Ayine:** *if it cannot be used to collect private moneys –*

**Mr. Ofosuhene:** *private money going into private account but not moneys going into the public account or public funds as it were. In this case, it was used in collecting money that was lodged into public account which is right*

The Controller and Accountant General cited instances where the police makes a swoop and seizes money. They are not allowed to keep the money in their custody, rather as an agency of the Ministry of the interior, and since they must account for the money which is to be kept in the Consolidated Fund, they must of essence issue the GCR.

A GCR Book was used because per the MoU, a dedicated Ministry bank account was being used for receipt of the money and in line with Regulations 28 of FAR which states:

*“(1) a collector who is satisfied that monies tendered are in order shall issue an original receipt to the payer and shall deal with the duplicate and triplicate copies as required by Departmental Accounting Instruction;”*

*“(2) temporary receipts or receipts other than in the authorized form shall not be used for collection.”*

*“(3) a person who issues a temporary receipt or unauthorized form for collection is in breach of financial discipline as defined in Regulation (1).”*

So, clearly, the Ministry acted within the confines of Regulation 28 of FAR by issuing the GCR in receipt of the payments.

Furthermore, Regulation 56(2) appears to recognise agreements for financial arrangements like the MoU between MoTI and MEF. However, the Controller and Accountant General conceded that the exact mechanism for managing a blend of funds arising out of partnership between government and a private entity remains a grey area.

**Dr. Assibey-Yeboah:** *So, Mr. Ofosuhene, if Government enters into a public-private-partnership, funds thereof, how would they be classified? Would these be private funds or public fund?*

**Mr. Ofosuhene:** *Mr. Chairman, depending upon the terms or whatever the fund that has been set up is to be used, if it is a public private*



*partnership and they have their own MoU that they are setting up this programme and that the resources that would come, would be kept in an account designated, if revenue source, it would not be deemed as part of Government funds.*

**Dr. Assibey-Yeboah**

*Mr. Ofosuhene, would you agree that this is a grey area? Because the law did not intend or the law is silent on how funds arising out of the public private partnership is treated.*

**Mr. Ofosuhene**

*Admitted, I agree with you. There is no law for that matter that says moneys that accrue out of public private partnership dealings should be treated. If it is not a source of public funds, it would not be deemed a part of public funds. Then it would solely a private business, or nowadays we call it covered entity. Then that is it.*

*So if there is a PPP and they have generated their own resources, it should not be deemed as part of public funds.*

**Mr. Chairman:**

*Earlier, in an answer, you agreed – there was a suggestion that was made to you by Hon. Member for New Juaben South which you agreed that, the area that we are looking at, PPP is very grey.*

**Mr. Ofosuhene**

*Mr. Chairman, it is very very grey, GREY in capitals*

**Mr. Chairman:**

*In that case, you have told us that you are revising L.I. 1802*

**Mr. Ofosuhene**

*Yes, Mr. Chairman.*

**Mr. Chairman:**

*Would you consider some provisions in the L.I. that you are preparing to clean it up?*

**Mr. Ofosuhene:**

*Mr. Chairman, we would do that. We are still in the process of working the FAR for the PFM Act. So, this is a point I actually would take up in the new Regulation*

Consequently, the Committee acknowledges that in operating the accounts in respect of the fund lodged, the Ministry sought to act in the best interest of ensuring prudence and accountability whiles meeting the need of the specific purpose of facilitating timely access to

the funds for the organisation of the GEBA. In the considered view of the Committee, the disbursement did not offend any law.

#### 4. Related Matters

##### i. Whether or not there were extortion of moneys from Expatriate Businesses:

A related issue that requires determination by the Committee is to ascertain if extortion was occasioned in the course of the organisation of the GEBA event. In the course of the hearing, CW2 (Mr. Ablakwa) in an answer to a question from a Member of the Committee as to whether the organisers and the Ministry extorted monies from the expatriates said:

*"..., it is my considered view that what happened amounts to some form of extortion. This is because what else can explain why a private organisation – Millennium Excellence Foundation doing fund raising – we have all been in the Ministries before...., what happens is that organisations apply for some collaborations of the sort – some endorsement of an event that they would want to organise. We do not go this far to provide account numbers of our Ministries and tell the companies the officer and the room – in this case room 308, and tell the companies to go there and present their cheques. Why did they then do all of this, when they said it was the private organisation that came up with the idea?"*

*To me, looking at all these facts; clearly, somebody at the Ministry wanted the Expatriates to know that we are watching and we are going to know who has donated or not.... .... This is why I believe strongly that this was some form of extortion because the fact that you need to go and pay to a particular room at the Ministry in the full glare of the Ministers and officials would be watching and knowing who is paying and who has paid, would certainly put a certain compulsion on the expatriate businesses to go and donate (emphasis ours). And that is why I believe that this amounts to some form of extortion."*

A member of the Committee defined extortion to mean "obtaining something especially money through force or threat" and asked CW2 (Mr. Ablakwa) if in his considered view Government extorted monies from the expatriates. He replied that "extortion can also mean exorbitant amount. If you are collecting grossly –exorbitant amount, you are engaging also in extortion."

Throughout his evidence before the Committee, CW2 (Mr. Ablakwa) failed to demonstrate how exorbitant the contributions were. And if one were to match his earlier use of the expression “donate”, it is difficult to agree with his assertion of grossly exorbitant amounts and the mere fact that someone goes to an office in the Ministry to pay money amounts to extortion. This is very awkward. Additionally, it is incomprehensible to suggest that because an amount voluntarily contributed is huge or colossal that said contribution qualifies as extortion.

In another breadth, CW2 admitted to the voluntary nature of the payment but that it had special antennas that checked who paid or did not pay. Whereas CW2 made strenuous efforts to establish extortion against the Ministry, the mover of the motion, CW1 held a contrary view. Responding to series of questions from a Member of the Committee, Hon. Muntaka eventually yielded by saying that he had not used “extortion” anywhere. For clarity, we wish to set out the said questions and answers “*in extenso*” below:

**Dr. Assibey-Yeboah:**

*Mr. Chairman, has any of the participants officially or unofficially petitioned him of any extortion by the Ministry or the organisers before, during and after the event?*

**Alhaji Muntaka:**

*Mr. Chairman, we are Hon. Members of Parliament and we have citizens that trust us and offer to us information sometimes without they not –*

**Dr. Assibey-Yeboah:**

*I asked a specific question – has any of the participants officially petitioned him?*

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**Alhaji Muntaka:**

*Mr. Chairman, I hope my Hon. Colleague would always let me finish. He could come up with a follow-up. I am ready to answer.*

*We are Hon. Members of Parliament and citizens have trust in us. They sometimes bring information, but they do not want to be known. Sometimes, they give us information and tell us that anytime we need*

*clarifications, we should call their phone numbers. I do not think it is for me to – because it is beyond doubt that monies were collected. I have been able to start with the Ministry's own statement. It is beyond doubt the organisation happened. So, as to who petitioned me or who raised the concern, it is for the Committee to find out when they invite others.*

**Mr. Chairman:** *Hon. Muntaka, answer the question. Did somebody petition you about extortion? Yes or no.*

**Alhaji Muntaka:** *Mr. Chairman, with the greatest of respect, confidentiality –*

**Mr. Chairman:** *The question did not ask you to name anybody. Has anybody petitioned you about extortion relating to the event? Yes or no.*

**Alhaji Muntaka:** *Mr. Chairman, yes people were not happy about what happened.*

**Mr. Chairman:** *So did they complain about extortion?*

**Alhaji Muntaka:** *Mr. Chairman, I have not used "extortion" anywhere. I would be happy for you to point to me where I have used "extortion". I always said they have collected monies, and I think that the method and mode was unethical.*

**Mr. Chairman:** *The question was, 'has anybody petitioned you about extortion? So, you are to answer whether somebody has petitioned you about extortion.*

**Alhaji Muntaka:** *Nobody has spoken to me about extortion, but people have spoken to me about how unhappy they are at the organisation.*

On the part of the Hon. Minister for MoTI, no expatriate had made a complaint of extortion to his knowledge. In his press statement of 21<sup>st</sup> December, 2017, (MoTI 7), the Hon. Minister was very categorical about the fact that no extortion took place.

*“From the information available to the Ministry, there was no extortion or indication of extortion of monies from any expatriate business owner as being alleged. Indeed, no single individual has come out to make a claim of extortion.”*

We need to revisit the definition(s) of extortion. In addition to the two definitions proffered earlier by Dr. Assibey-Yeboah and Mr. Ablakwa, the Hon. Minister also alluded to the following definitions in an answer to a question by a member of the Committee:

**Mr. Asamoah:** *Mr. Chairman, my second question is that did the Ministry compel, force or terrorise anybody to pay money to the Ministry either by extortion, levy, collection or otherwise including doing so psychologically?*

**Mr. Kyerematen:** *Mr. Chairman, this question that he has posed is very important and critical. But in responding to the question, I would want to provide two definitions of the word “extortion.” One is the general definition and the other is a legal definition. The general definition of “extortion” is the practice of obtaining something, especially money through force or threat. The legal definition which is section 247 of the Criminal and Other Offences Act says: “A public officer is guilty of extortion who, under colour of his office, demands or obtains from any person, whether for public purpose or for himself or any other person any money or valuable consideration which he knows that he is not lawfully authorised to demand or obtain the same.”*

He wondered how an exercise designed to mobilise voluntary contribution from sponsors could be said to be an exercise designed to use threat or force to obtain money from individuals. He didn't understand how this can be described as extortion - that a government institution or public officers who want to extort money from people, agree

to receive the extorted monies and lodge them in a designated account in the Ministry against receipts.

Throughout the proceedings no evidence was led to support the ingredients of extortion in all the definitions that were canvassed before the Committee – be it a threat, or compulsion, or force or grossly exorbitant.

Indeed, if extortion had taken place, the complainants ought to be the Expatriate Business Owners who allegedly suffered the incidence of extortion. Significantly, none of the Expatriate Businesses that appeared before the Committee on 23<sup>rd</sup> January, 2018, complained of having been forced or coerced or threatened to make a contribution. Rather, they expressed utmost satisfaction with the GEBA initiative. Probably, extracts from the evidence of the representatives of Expatriate Businesses at the hearing will suffice.

**Mr. Avedzi:** *On your own volition, you decided to give GHC15,000.00 to support the programme?*

**Mr. Vasu:** *Mr. Chairman, of late, we see a lot of Government institutions and associations; when they organise these kinds of events, we take a little of the support. It is not in the blue moon that we have paid this amount. There are hundreds of examples that I can give to you. ... So when these letters come like this, we do support them, honestly.*

Earlier, the Witness (Mr. Vasu) had said *"I only gave them what I can afford, GHC 15,000.00 just to support the organisation of the programme."*

When it came to the turn of Mr. Joe Mensah of Kosmos Energy Ghana, the following interaction took place.

**Dr. Ayine:** *It is in respect of the Ghana Expatriate Business Awards. Can you tell the Committee what you know about the Ghana Expatriate Business Awards, representing your company?*

**Mr. Mensah:** *Mr. Chairman, my company, Kosmos Energy, has always wanted to be a partner in terms of energising the country,*

*and therefore we have engaged in a lot of activities over the period, social responsibilities – we have for example between the period 2012 and now spent about US\$950,000.00 on water projects....*

*In the passing year, we have done for the Energy Ministry and the Agriculture Ministry; so when the Trade Ministry came asking us to support them, I was eager to participate and that is why I went through to help*

**Dr. Ayine:**

*So how did they come asking for your assistance?*

**Mr. Mensah:**

*It was an invitation that came that the Expatriate Awards was going to take place. And they would like support from us. They had several tiers to support, and I chose a **branch**, which is about US\$ 25,000.00 which I gave to the Ministry.”*

When asked if he had a copy of the invitation, he responded in the affirmative and went on to say that:

*“Most of the time when we get solicitation for support, the first thing we do is that we send a note to our Headquarters in Dallas, for them to go through the Foreign Corrupt Practices Act (FCPA). So we sent a copy of the letter and I stated the reasons why I wanted to support it, and then here I stated the level that I wanted to support, US\$ 25,000.00 was bronze. It is all spelt out in my letter here.”*

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The next witness to appear before the Committee was Mr. Stefano Ramella Pessa, the Managing Director of Consar Limited, a construction company operating in Ghana for the past thirty-five years. When quizzed as to whether he made a contribution to GEBA, he responded in the affirmative.

**Mr. Chairman:**

*Did you make any contribution?*

**Mr. Pessa:**

*Yes, Mr. Chairman. I did a voluntary contribution of US\$ 25,000.00 and I have a*

*receipt here from the Ministry of Trade and Industry.”*

Again the Witness related to the Committee that he was invited among others for sponsorship for the World Cup about four years ago. He continued that he donated GH¢ 100,000.00 which was far more than his contribution to GEBA. The witness in a response to a question by Dr. Ayine said they chose what they felt they must support the programme with.

**Dr. Ayine:** *My point is that, there was a sponsorship package that categorised the benefits and the amounts and you chose the lowest one.*

**Mr. Pessa:** *There was another package which was even lower, which was US\$ 15,000.00 but we thought we needed to support with the US\$ 25,000.00”*

Mr. Salem K. Kalmoni is the Managing Director of Japan Motors Trading Company Limited. He told the Committee they did not make any payments as of 4<sup>th</sup> December, 2017, but on the 5<sup>th</sup> December, 2017, they paid US\$ 3000.

Later, when he answered a question from Mr. Asamoah as to whether he felt pressured to pay the money, this is what he had to say:

*“We did not feel pressured to pay the money. We actually decided not to participate. I never felt pressured at all. We never cared about it.”*

The next witness to appear before the Committee was Mr. Mukesh Thakwani alias “Mike.” He is the Managing Director of B5 Plus Steel Company, manufacturers of steel products. The company contributed GH¢ 220,000.00 to the hosting of the GEBA event. When asked whether he was compelled to pay the two cheques amounting to GH¢ 220,000.00, he responded in the negative:

*“No. Mr. Chairman, no one compelled us at any point or did anything like that.”*

Two other witnesses who appeared before the Committee – Mr. Amar Deep Singh Hari of IPMC and Ms. Roshi Motman, the CEO of Airtel/Tigo informed the Committee that they made no payment or contribution towards the organisation either before, during or after the Awards.



Mr. Saeed Fakhry, on the other hand, said he made a contribution after the event in appreciation of the good work done by the collaborating partners.

Some of the Expatriate Companies who were invited to appear before the Committee but could not make it, wrote to excuse themselves. Some of these expatriate businesses volunteered to the Committee in their letters the information relating to the matter under discussion and their views are quite instructive. Mr. Theophilus T. Ayertey, Director of Human Resource of AMANDI wrote thus –

*“... However, we will like to confirm that we paid an amount of Sixty-Six Thousand Ghana Cedis Only (GH¢ 66,000.00) representing Fifteen Thousand US Dollars (US\$ 15,000.00) which was acknowledged with a Ministry of Trade and Industries(sic) receipt number 14/0190508 of 20<sup>th</sup> November, 2017. We will like to state categorically that this amount was paid purely on our own volition devoid of any coercion or pressure from any Government of Ghana institution or official whether expressed or implied.”*

The MOHINANI Group through its Executive Director, Mr. Ashok Mohinani wrote to the Committee and said that:

*“... I would however like to make it known to the Select (sic) Committee that at no point did the organisers of the event levy, demand or attempt to extort money from the Mohinani Group of companies neither did we sponsor.”*

From SUNON ASOGLI POWER, Mr. Delali Amaglo, the Public Relations officer wrote;

*“in relation to the subject matter however, I can confirm a volunteered donation towards the organisation of the event, without any coercion whatsoever from any person or establishment.”*

The M&K (Ghana) Limited also put the following across through its Managing Director, Mr. Karl Nasr –

*“when we were approached by the organisers, we were impressed by the fact that it was the first time of its kind to recognise and reward the contributions of the Expatriate Community to the Ghanaian economy, hence our involvement. Consequently, we paid the sum of Twenty-Five Thousand US Dollars (US\$25,000.00) for a table of ten (10) for our managers to attend....”*

Mr. Henry Oroh, the Managing Director/CEO of ZENITH BANK (GHANA) LIMITED, said in their letter to the Committee:

*"however, with respect to your request for information on the above subject, I would like to assure you that Zenith Bank voluntarily supported the Ghana Expatriate Business Awards without duress or compulsion from anyone or institution."*

Mr. Francis Sam, the Group General Manager of MELCOM GHANA wrote on behalf of the company;

*"however, we would like to state that we were in receipt of two (2) complimentary tickets to the event and voluntarily sponsored a table for some of our Senior Management and guests to support the function."*

The Managing Director of AVIANCE, Mr. Paul Craig wrote:

*"... I would like to categorically state that although Aviance Ghana made a small voluntary donation to ensure the event's success at no time was Aviance Ghana ordered to pay money to any institution or person."*

It is instructive to note that MEF was not left out in this discussion. Ambassador Victor Gbeho in his evidence before the Committee said among other things that:

*"The Millennium Excellence Foundation did not coerce or levy any person or institution to come out with sums of money that would enable them to sit next to the Head of State. The Foundation found voluntary sponsors to support the first class event that was held...."*

The sum total of evidence on extortion is quite revealing. None of the sponsors of the event alluded to compulsion, coercion, threat, pressure, duress, order, command, etc. to make a payment towards the event. The reasonable conclusion that any reasonable man can make out of the totality of the evidence adduced before the Committee and communications received from a cross section of the Expatriate Businesses, is that the allegation of extortion is baseless, unsupported, unfounded and unsubstantiated. It is trite knowledge that he who asserts must prove by leading evidence to support his/her claim.

Mr. Ablakwa (CW2), was unable to lead any credible evidence of extortion, notwithstanding the very strong and vitriolic language purporting extortion on the part of the government in a press release dated 18<sup>th</sup> December, 2017 titled:

*“Stop Desecrating the Office of the President and Refund Extorted Amounts to the Expatriates” (Exhibit OK8).*

**(ii) Whether or not the Presidency was involved in GEBA and Other Matters.**

A number of issues need resolution or determination here. During the hearing the name of the President of the Republic and the Office of the Presidency was invoked a number of times for various reasons. CW1 and CW2 contended that the use of “President” in the sponsorship/benefits package and also in the 23<sup>rd</sup> October, 2017, letter (Exhibit 3) showed that the President or the Presidency was involved in GEBA. CW1 and CW2 submitted that there were inconsistencies/contradictions between paragraph 1 of the 21<sup>st</sup> December, 2017, press statement by CW3 and the 17<sup>th</sup> December, 2017, statement. They both quoted the relevant paragraphs which we reproduce below:

*“I wish to state categorically as follows:*

- 1. Neither His Excellency, the President nor any official of the Presidency directly or indirectly or even remotely was connected with the said event. The President was invited as a Special Guest of Honour and he graciously accepted the invitation and attended the event.”*

This is the quotation from the 21<sup>st</sup> December, 2017 press statement issued by CW3. It must be underscored that what was described as a press statement of the 17<sup>th</sup> December, 2017 was actually issued on the 16<sup>th</sup> December, 2017. Paragraph 3 of the press statement reads:

*“Upon the conception of the novel idea, the Foundation informed the government, through the Presidency and further sought partnership with the Ministry of Trade and Industry in the organisation of the first ever award event targeted at recognizing and awarding the contribution of the expatriate and the naturalized expatriate community.”*

Commenting on the two statements, CW2 said:

*“the 21<sup>st</sup> December statement states that nobody at the Presidency was involved, and yet, the Hon. Minister of Trade and Industry on the 17<sup>th</sup> December, 2017 had put out a press statement saying that the Millennium Excellence Foundation had gone to the Presidency first before it was approved and the Ministry of Trade and Industry was brought in to partner the Millennium Excellence Foundation.”*

In an answer to a question posed by the Committee, as to whether the fact that, the country, the Government and the President decided to honour the "TITANS" of industry meant the Presidency was directly involved, CW2 said:

*"...the official statement of 17<sup>th</sup> December, 2017, brings in the Presidency. Then, the letter signed by the Hon. Deputy Minister of Trade and Industry (Hon. Kingsley Carlos Ahenkorah), the 2<sup>nd</sup> paragraph reads;*

*"THE PRESIDENT OF THE REPUBLIC OF GHANA, HIS EXCELLENCY NANA ADDO DANKWA AKUFO-ADDO, the Government and the people of Ghana will for the first time recognize and honour the "TITANS OF INDUSTRY within the Expatriate and Naturalised Expatriate Community in Ghana who have over the decades assisted in transforming the lives of Ghanaians.*

So, the Government itself has boldly brought in the Presidency in this Ghana Expatriate Business Awards. It is not we in the Minority who have done that.

CW1 spoke about inconsistencies and submitted that the said inconsistencies created doubt in his mind. In effect, he did not believe the assertion by MoTI that the President or the Presidency was not connected with the event. In his evidence before the Committee, CW3 disagreed with the assertions and conclusions by CW1 and CW2. According to him, MEF merely gave information to the Presidency about the event and that in his view could not be construed to mean that the Presidency was involved in the organization of the event. CW3 stated that he still stood by his statement and also denied that the two statements referred to above, bore any inconsistencies and contradictions. These came to the fore when Dr. Ayine was asking questions of the witness:

**Dr Ayine:**

*Hon Minister, you said in this letter, and I quote:*

*I wish to state categorically as follows:*

- 1. Neither His Excellency, the President nor any official of the Presidency directly or indirectly, or even remotely was connected with the said event. The President was invited as a Special Guest of Honour and he graciously accepted the invitation and attended the event...*

*Hon Minister, I am therefore asking you whether you still stand by this statement.*

**Mr Kyerematen:** *Mr Chairman, I stand by the statement.*

**Dr Ayine:** *All right. So, can we go back to your Hon Deputy Minister's letter of October 23<sup>rd</sup>, 2017? I believe that – [Interruptions.] Hon Minister, let us go back to exhibit labelled as MoTI 5.*

**Mr Kyerematen:** *All right, Mr Chairman.*

**Dr Ayine:** *Hon Minister, paragraph 3 of MOTI5 reads:  
“Upon the conception of the novel idea, the Foundation informed the government, through the Presidency and further sought partnership with the Ministry of Trade and Industry in the organisation...”  
Hon Minister, this was the press release of December 16<sup>th</sup> 2017, but by December 21<sup>st</sup> 2017, you denied that the President or the Presidency had any knowledge of this event.  
Hon Minister, is that correct?*

**Mr Kyerematen:** *Mr Chairman, respectfully, I do not see any inconsistency between these two statements. Why do I say so?  
Mr Chairman, he is referring to the fact that the Foundation informed the Government through the Presidency. This was an information.*

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*Mr Chairman, he again refers us to a subsequent press statement in which I have accepted and I confirmed that His Excellency the President or the Presidency was not directly or indirectly or even remotely connected to the said event.  
Mr Chairman, if we inform the Presidency, then do we suggest that by mere information, the Presidency becomes connected to the organisation of the event?  
Mr Chairman, respectfully, that is where I do not see the inconsistency.*

**Dr Ayine:** *Hon Minister, therefore, what was the purpose of the information to the Presidency, and was that in writing?*

**Mr Kyerematen:** *Mr Chairman, it is very clear in the statement that is being referred to, which you have quoted. It says, and I quote: "Upon the conception of the novel idea, the Foundation informed the government through the Presidency..." Mr Chairman, it therefore lies in the belly of the Foundation to describe the nature of the information; but on the face of the record, it is very clear. You said we informed the Presidency, and I am also saying that the information does not necessarily mean that the President was connected with the organisation of the event.*

It is very clear from the responses of the Minister that different interpretations have been put on the two statements and that the best people to explain the nature of the information to the Presidency is MEF.

Since CW3 deferred to MEF to explain the kind of information they relayed to the Presidency, we needed to hear from them on the matter. Ambassador Gbeho (CW4) had this to say concerning the information to the Presidency:

*"the Special Committee may wish to know that it was the brain child of our Founder, which was endorsed by the Board of the Foundation. When the Board paid a courtesy call on H.E the President last year, it listed this project as one of the items on its agenda in the coming year. The idea and concept was very well received by the President, who wished the Millennium Excellence Foundation well in its future endeavours."*

CW4 indicated to the Committee that when MEF paid a courtesy call on the President of the Republic, it was not specifically about the awards.

**Mr. Asamoah:** *You have told this Committee that you paid a courtesy call on the President of the Republic – was it a call specifically about the awards?*

**Mr. Gbeho:**

*Mr Chairman, I am afraid not. The Foundation has a track record of calling on each and every Head of State, since it was founded to convey first of all, its greetings to that Head of State, and secondly to give the Head of State an idea of what the Foundation has in the immediate future. So, we went to see His Excellency the President not too long after he had been installed and had a discussion with him during which we briefed him on what we have or what we had done up to that point and also, what we intended to do in the next few months. It was at that stage that he showed interest, but wished us well in other words that it was our duty to bring that idea into fruition.*

**Mr. Asamoah:**

*Ambassador Gbeho, did you go back to His Excellency the President of the Republic to ask for help in organising this event after the courtesy call?*

**Mr. Gbeho:**

*No, we did not.*

This piece of evidence corroborates the evidence of CW3 that the Presidency was merely informed by MEF during a courtesy call. We have no reason to disbelieve the account of CW4 (Ambassador Gbeho). We are fortified in this belief by the testimonial given by CW2 regarding CW4. He said among other things that:

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*“Mr. Chairman, to further compound this confusion also, we have brought to your attention an interview granted the media by the Chairman of the Millennium Excellence Foundation and that is the document with the picture of the venerable and highly respected Victor Gbeho.”*

We agree to the attribute(s) accorded CW4 by CW2. Accordingly, we have no reason to doubt his evidence relating to the information to the Presidency. We are unable to subscribe to the view that the phrase *“upon the conception of the novel idea, MEF*

*informed the government, through the Presidency...*” meant that the President or the Presidency was involved or connected with the organisation of the event.

Consequently, we find that there is no inconsistency between paragraphs 3 and 1 of the 16<sup>th</sup> December, 2017 and the 21<sup>st</sup> December, 2017, statements respectively, CW1 and CW2 took issues with the reference to the name of the President of the Republic in the 23<sup>rd</sup> October, 2017 letter. Within the context of the MoU, it was the responsibility of the Minister of Trade and Industry to ensure that the President of the Republic of Ghana together with other Senior Ministers of State were present during the hosting of the GEBA (see clause 1.5 of the MoU).

In the spirit of this provision, it can be said that the Minister was carrying out one of his responsibilities under the MoU. Assuming without admitting, that the view of CW1 and CW2, were properly anchored, would the argument be stretched to mean that whenever there is a social event be it national, local or private, for example, festivals and funerals of prominent persons where His Excellency the President name is used then we could conclude that any fund raising activity that goes on would be at the behest of the President? As the first gentleman of the land, the President’s name often appears as the headline personality, in many official and quasi-official events. Could that be construed as the President organizing the events or financial arrangement associated with those events be laid at the doorstep of the President?

In the context of the analogy, the argument by CW1 (Alhaji Muntak) and CW2 (Mr. Ablakwa) that mere use of the name of a President or the Presidency in a letter inviting people to the GEBA event or the attendance of the President at the event or the notification of the President of the impending event amounted to involvement of the President in the event is not sound.

The acceptance of the argument of CW1 and 2 which means that the President cannot perform any social functions beyond the immediate confines of his office.

Another issue or question that needs to be looked into is the allegation that seats at the event were sold for cash or to the highest bidder to enable them have access to the President. CW1 stated among other things that “...if you look at the package, those who were to pay US\$100,000.00 and US\$75,000.00 were to have an exclusive dinner with His Excellency the President at a later date.” He further stated that an “attachment” to



Exhibit3 confirmed this. He wondered how anybody could promise an “*exclusive private dinner for two (2) with the President at a selected date*” if no prior arrangement at the Presidency had been made. He doubted if the Presidency could say they did not know about this.

In responding to questions posed by Dr. Ayine, CW1 agreed to a suggestion that the arrangement was a sale of access to the President.

**Dr Ayine:** *...Hon. Muntaka, you seem to come as saying that this is basically a sale of access to the President. Some kind of facilitation fees being paid to have access to the President. Is that your view?*

**Alhaji Muntaka:** *Yes, Mr. Chairman. This is because all the documents that I have in my possession point to that.*

**Dr Ayine:** *Very well. The document that we refer to as Exhibit1 had attached to it certain benefits that accrued to those who were able to pay depending on the amount. Now, do you not think that is definitive in the sense that no other benefit beyond those benefits would be conferred on anyone who paid? In other words, after eating the dinner with the President, that is the end of the story. So, why should we be concerned about it?*

**Alhaji Muntaka:** *Mr. Chairman, we need to be concerned if persons would have to pay money so that we can have an exclusive dinner with our President. What would they discuss at that dinner? We need to be concerned at a time that all of us think that we need to fight corruption. We do not create the avenue for those things to even*

*possibly happen. This is because if you say you want to create an exclusive dinner with the President and for that matter you have to pay this whooping sum, how would anybody want to pay that sum just to go and have an exclusive dinner if not for a possible discussion about how, maybe, they can have undue advantage in conducting their businesses?*

Of course, it should be a matter of concern for any well-meaning citizen of this country if, indeed the GEBA event was used as a means of providing access to the President. CW1 (Alhaji Muntaka) in the course of responding to questions posed to him by the Chairman of the Committee admitted that he did not have all the facts relating to the allegations he was making:

**“Chairman:** *First, do you maintain that people paid to sit by the President?*

**Alhaji Muntaka:** *Mr. Chairman, I thought that it is now beyond doubt. Even the Ministry has accepted that they have taken GH¢2.6million. It means that people paid to be in that hall. The audio I gave to the Committee was on Starr FM, which is Exhibit 4, also emphatically admitted that some of the people around the table with the President paid US\$100,000.00 equivalent in cedis. S o I think that it is beyond doubt.*

**Mr. Chairman:** *Flowing from what you have just said that some of the people who sat around the President paid money and others did not pay, does it mean people paid to sit by the President?*

**Alhaji Muntaka:** *Mr. Chairman, it is your Committee that would establish whether everybody around the table paid or only some paid. I am only saying that, at*

least, from what I have heard, one person paid US\$100,000.00. If we look at the sum of money collected, the Ministry itself in its own statement said GH¢2.6million. It means that several people paid. So, it is for the Committee to establish how many people paid, who paid and where they were seated.

If, for example, there was denial that it did not happen and now there is admittance through the Ministry's own statement that people paid money, I believe there is no doubt about payment. It is as to how many – you would remember that in one of my submissions, I said that out of 450 expatriates that were invited, even if 100 paid, how much did they pay? I believe that would unearth how many paid, where they were seated and establish all the facts.

This is because if I had all the facts, I would have put it before Parliament. That was why I called on Parliament to form this Committee which Parliament graciously did. It is for the Committee to establish that. We wanted to get all the facts because the facts were coming in pieces and in a contradictory manner.

**Mr. Chairman:**

So, you do not have all the facts. I would want you to confirm that you do not have all the facts.

**Alhaji Muntaka:**

Mr. Chairman, I have submitted what I have. If I leave here and in the next minutes I get any additional things, I would surely submit them to you.

**Mr. Chairman:**

*I asked a question relating to your answer that if you have all the facts – so you do not have all the facts.*

**Alhaji Muntaka:**

*I do not have all the facts.”*

It beats the Committee’s imagination as to why an Honourable Member of Parliament who does not have the full facts about a particular matter would first, go to town and make scathing allegations to the effect that “*access fee*” was taken to enable people have access to the President. What was the motive? This is a witness who had some few moments ago emphatically stated that he thought the matter was beyond doubt when he was asked whether he was maintaining his position that “*people paid to sit by the President.*”

The contradiction in the evidence of CW1 (Alhaji Muntaka) is so monumental that the same stands discredited. We are, therefore, unable to put any probative value on it. We hereby discount it accordingly. Propaganda has no place in a fact finding mission especially so when one is giving evidence on oath.

CW2 (Mr. Ablakwa) also held the view that people paid to have access to the President. In an answer to the Chairman of the Committee, CW2 said:

*“Mr. Chairman, clearly, people were paying on the assumption that when they paid US\$100,000.00 and US\$75,000.00 they get to sit at the President’s Gold Table and they are guaranteed an exclusive dinner with the President at a later date. As to whether that private dinner had been arranged or if the event organizers were just pulling a fast one so that people would pay but they did not intend to keep their side of the bargain, I cannot tell.”*

Reference has been made to the payment of US\$100,000.00 and US\$75,000.00 to buttress the above point. Whereas the Hon. Minister (CW3) has said that he cautioned the organizers not to place people on the Presidential High (Gold) Table based on how much one had paid, the President of MEF denies the allegation of selling access to the President. He also reiterated that as at the time of the event, no individual or company had made a contribution of US\$100,000.00. Only one company contributed US\$75,000.00 before the event. That company

or its representative was not even on the Presidential Gold Table. There were other expatriate business owners who sat at the Presidential Gold Table and did not make any contribution.

The Managing Director of Japan Motors informed the Committee that he paid as low as US\$3,000.00 (GH¢13,000.00), while the Chief Executive Officer of Airtel/Tigo said they did not make any contribution at all. The story is the same for Mr. Singh Hari of IPMC.

In the case of Mr. Saeed Fakhry, he said he made a contribution of US\$100,000.00 after the event, not before, and that he did not communicate to the organizers that he would be making a contribution after the event.

- Mr. Chairman:** *So you sat at the High Table?*
- Mr. Saeed Fakhry:** *Yes*
- Mr. Chairman:** *But from the account you have given, the original intention was not for you to sit at the High Table?*
- Mr. Saeed Fakhry:** *Exactly*
- Mr. Chairman:** *Did you make any contribution for the organization?*
- Mr. Saeed Fakhry :** *Yes Sir, During the ceremony I received the top award and one of my companies, Interplast also won an award so I was very happy and pleased with this and it was donated after the dinner.*
- Mr. Chairman:** *How much did you pay Sir?*
- Mr. Saeed Fakhry:** *Hundred Thousand*
- Mr. Chairman:** *Hundred thousand Cedis or Dollars*
- Mr. Saeed Fakhry:** *US Dollars*

Mr. Saeed Fakhry said that he would disagree with anyone who would suggest that he paid the One Hundred Thousand US Dollars (US\$100,000.00) to have access to the President. According to him, he has a long standing relationship with the President of the Republic and he did not need to pay to access him.

**Mr. Chairman:** *Do you know the President of Ghana?*

**Mr. Saeed Fakhry:** *Yes, I know him for many years. In fact, his father was a friend of my father and was a legal advisor to my late father and later on the President, fifty years if not more, was my legal advisor and friend. We became very good friends; we were family friends. I was invited to his wedding with the first lady, ... He comes to my house, I go to his house. I have access to him, I have his telephone number, and he has the same thing with me. I think the President himself made a statement a few days ago about my relationship with him”.*

Ms. Roshi Motman, in her concluding remarks at the hearing said:

*“Mr. Chairman, ...I just want to say as the final comment that we thank you for the opportunity for us to come here, throughout my four-years tenure in this business, we have had a lot of interactions with government –Ministers, Presidents and we have never had to make payments or such things and even with very short notice – where the matters are urgent, we have been able to meet who we need to meet over the past four years.”*

The CEO of Kosmos Energy (Ghana), Mr. Mensah answered a question posed to him by a Committee Member to indicate whether he has access to the President:

**Mr. Asamoah:** *Were you ever expecting any benefits beyond what your corporate image offers you? You have told us that for these purposes, your belief is to project the country and your brand. In this particular event, were you expecting any other benefit, especially, to do with the President of the Republic of Ghana?*

**Mr Mensah:**

*No, I was not expecting any such thing, and to be honest with you, the way this thing is projected, I do not need to pay money or anything to have access to the President. I have access to the President anytime that I want, therefore I would not have to pay money to have access to the President.*

None of the other expatriate business leaders who attended upon the Committee said anything to the effect that they made contribution or attended the event with the view to having access to the President. From the forgoing, it is very untrue that people made payments or sponsored the GEBA event to have access to the President or to have a seat at the Presidential High Table. There is incontrovertible evidence to the effect that a number of the expatriate business owners who sat at the Presidential High Table did not contribute US\$100,000.00 or US\$75,000.00 or anything at all. What then is the basis of the accusations/allegations of “Cash for Seat” or “Sale of access to the President”.

Does “Benefits attached” as used in paragraph 3 on page 2 on MoTI2 refer to a physical attachment of a document? CW1 and CW2 argued forcefully that the benefits package was attached to the 23<sup>rd</sup> October, 2017, letter of MoTI authored by the Hon. Ahenkorah. In their view, “Benefits attached” meant a physical attachment as in the immediately preceding paragraph.

CW2 in an answer to a question posed by Mr. Avedzi in connection with “Benefits attached” said:

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*“Mr. Chairman, I have answered this earlier. Our view is that the attachment is part of the letter. This is because we have run our checks, the letters that went out to the expatriate businesses are exactly this. This is what the expatriate businesses received. So, I have no doubt in my mind that this is the full complement. They received the letter with these two attachments.”*

This is a very emphatic statement and it appears CW2 had verified the information he had with the “recipients” of the letter and the two attachments. Earlier on, he had told the Committee that:

*“...I have stated that when we engage the expatriate businesses who received*

*this 23<sup>rd</sup> October, 2017 letter, it is my prediction that you would find out that this is exactly the letter they received, because we have done our independent checks. I, however, leave that to the Committee to check."*

In the penultimate quote, CW2 is emphatic whilst in the recent quote he spoke about a prediction of the outcome even though he said within the same quote that "*we have done our checks.*"

CW2 has severally used "we" to refer to the Minority Caucus in Parliament. What he said therefore meant that if the Minority Caucus engaged the expatriate businesses..., his prediction was that the outcome would show that the expatriate businesses received the letter and the attachments even though they (the Minority) had done their checks already. The question is, why another check or verification?

The Hon. Minister (CW3) had in his press statement of 21<sup>st</sup> December, 2017 said that the sponsorship/benefits package had **no link** with the 23<sup>rd</sup> October, 2017 letter:

*"the structure, form, content and distribution of the Sponsorship package for the event are solely attributable to the event organizers, and the Ministry had no role in the design of the said package. For the avoidance of doubt, the letter signed by the Deputy Minister of Trade and Industry which has been sighted in the media had no link to the sponsorship package"*

This is the piece of evidence CW2 sought to discredit and ended up with the inconsistency in his evidence before the Committee. It is imperative to state that MEF which designed the sponsorship package denied the claims by CW1 and CW2 and emphasized that the two did not go together. The evidence of the Hon. Minister to the effect that the sponsorship package did not exist at the date of MoTI7 (23<sup>rd</sup> October, 2017) remains unchallenged and unquestioned.

Again, the recipients of the sponsorship packages have given evidence on oath to the effect that the sponsorship package were delivered to them at a dinner on 10<sup>th</sup> November, 2017, which is in sharp contrast with the claims of CW2. Some extracts from the evidence of the expatriate businesses will be helpful here:



**Mr. Chairman:** *I said 10<sup>th</sup> November, did you receive that package at Tang Palace hotel when you went for the dinner? Let me put the question right; I am talking about the package, those in colour and brochure. Are you telling the committee that you received it on the 10<sup>th</sup> November, 2017 when you went for the dinner at Tang Palace hotel?*

**Mr. Pessa:** *Yes Mr. Chairman, I do confirm that.*

Mr. Kalmoni of Japan Motors confirmed that he received the sponsorship package at the dinner, and not as an attachment to the 23<sup>rd</sup> October, 2017 letter.

**Mr. Asamo:** *...I am asking you if the benefit package, the brochure, where it says that you should pay a US\$100,000.00 or US\$ 75,000.00 and all that, was it ever discussed with you by anybody before you were informed about the good news?*

**Mr. Kalmoni:** *It was discussed during the dinner event where we were invited. That is correct.*

Again, the interaction with Mr. Thakwani revealed the following:

**Mr Chairman:** *Did you at any time participate in the launch of the awards or a dinner?*

**Mr Thakwani:** *Yes, we were at the dinner.*

**Mr Chairman:** *Where did the dinner take place?*

**Mr Thakwani:** *It was in Tang Palace.*

**Mr Chairman:** *Do you remember the date?*

**Mr Thakwani:** *No, Mr Chairman, I am sorry. I have forgotten about the date.*

**Mr Chairman:** *All right. But the venue was Tang Palace?*

**Mr Thakwani:** *Hundred per cent.*

**Mr Chairman:** *So, what happened at the Tang Palace?*

**Mr Thakwani:**

*At Tang Palace, we were seated and were told what we would do. If I remember, Mr Morton was there and briefed us what we would do for this programme that is coming up.*

*They were looking for sponsors. B5 Plus has already been sponsoring government bodies. So, I asked them why we were invited. They said that we were one of the sponsors of Ghana Club 100, AGI and a lot of government – anything positive happening like this marathon that we sponsored. We had nothing to do with it but we were the sponsors, just like Mike's Examination.*

**Dr Ayine:**

*Where did you see that document for the first time?*

**Mr Thakwani:**

*I think it was on the dinner day".*

The CEO of Airtel/Tigo, indicated to the Committee that she received the sponsorship package from MEF through an email. The covering letter to the sponsorship package is dated 24<sup>th</sup> November, 2017, one clear month after the letter dated 23<sup>rd</sup> October, 2017.

The above analyses clearly shows that the 23<sup>rd</sup> October, 2017 letter did not have the benefit/sponsorship package attached to it as alleged by CW1 and CW2.

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**(iii) Recall of Parliament**

In what circumstances ought the constitutional power of recall of Parliament be triggered? This question is of major public interest in view of significant public concern about convenience, cost and the potential for abuse of the right of recall.

Any fifteen percent of the membership of Parliament may trigger a recall under article 112 (3) and Mr. Speaker is bound to summon Parliament within seven days of receipt of the request without question as to the object or purpose. Mr Speaker cannot also

question the legal or procedural validity of the matter the proponents of the recall may be bringing before the house.

Article 112 (3) is worded as follows:

*“Notwithstanding any other provision of this article, fifteen percent of members of Parliament may request a meeting of Parliament; and the Speaker shall, within seven days after the receipt of the request, summon Parliament.”*

This imperative is reinforced by Order 38 (1) of the Standing Orders which says:

*“The Speaker shall, pursuant to clause (3) of article 112 of the Constitution, upon a request of fifteen percent of Members of Parliament summon a Meeting of Parliament within seven days after the receipt of the request, except that the meeting shall commence not later than seven days after the issue of the summons”*

CW1 compelled the Speaker to summon Parliament by invoking article 112 (3) and Order 38 (1). CW1’s motion to investigate the imposition of a levy by the Ministry of Trade and Industry was seconded by CW2 who cited articles 103 (1) and (3) and Order 191 in support of the appointment of a special committee to do the investigation.

Yet before the Special Committee set up at their instance, both witnesses quickly abandoned their key plank of “imposition of levy” for want of evidence. Neither could CW1 and CW2 sustain the allegation of extortion canvassed so vigorously in the media.

Given the weak evidentiary basis of the Motion brought before the House, should a recall have been the best option? A member of the Committee asked the following:

**Mr. Asamoah:** *“...you recalled Parliament to an emergency sitting per article 112(3) and Standing Order 38(1). Do you believe it was justified in terms of the cost, the drama and the resource complications some Hon. Members of the House faced?...”*

**Alhaji Muntaka:** *“Yes, Mr. Chairman, because the Constitution made it so.”*

**Mr. Asamoah:** *"Mr. Chairman, considering that he raised the matter on the floor of the House, do you not believe that you had other options, which were more cost effective and could have resolved this matter far earlier? In particular, I am referring to the opportunity you had under Orders 49(1) and (3) where you could have asked for a half hour motion. I am also referring to the possibility of Order 50(4) (a) where you could have declared a genuine emergency, and Mr. Speaker would have had to hear you and possibly set up the committee while we were sitting? Indeed, I am looking at Order 78(k) where you do not even need notice to raise this matter on the floor if it is of an urgent nature. ....do you not believe that these other methods would have served the House better and raised the integrity profile of the House higher?"*

**Alhaji Muntaka:** *"Mr. Chairman, ...I have been in this House long enough to know that during Budget Hearing, this House gets very tired.  
...If people say it was abuse of process or we could have waited for a better time, I disagree with them because that is why we have democracy."*

Contrast the reasons of 'tiredness' and 'democratic right' as above given before the Special Committee to the reasons given several days earlier, when in responses to a radio-interview (audio-submitted to the Committee by CWI himself) Alhaji Muntaka appeared not to lack options, saying to a radio interviewer:

**Alhaji Muntaka:** *"...My brother, initially, I was going to ask a Question for the Minister to come and Answer. Now listening to the (Dep.) Minister, I am convinced that there should be a Parliamentary probe into this."*

**Interviewer:** “So, specifically, going forward as far as parliamentary probes are concerned, what is it that the Minority intends to do; when and how?”

**Alhaji Muntaka:** “We have so many options. Like I have told you, my intention was to ask a parliamentary question for the Hon Minister to come and give details....Secondly, we could ask the Minister for Trade and Industry to come and make a Statement explaining all these. Thirdly, we could come with a Motion demanding that Parliament in detail set up a parliamentary probe into this.”

None of the options outlined in the public domain by Alhaji Muntaka demanded a recall of Parliament before being put into effect. Neither did the information put in the public domain via numerous media outlets prior to the recall, appear to nullify available options in favour of a recall of Parliament.

The circumstances outlined above seems to lead to the justifiable conclusion that there may have been wilful abuse of the process of recall.

In the event, in debating the Motion in the House, Mr Speaker sought to put in some parameters of self-restraint to help curb abuse of the constitutional power of recall of Parliament and prevent frivolous, vexatious and capricious matters coming before the house mandatorily. The view of the Rt. Hon. Speaker as captured in the proceedings of the 5<sup>th</sup> January 2018 is set out *in extenso* following;

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- i. *When did the matter under consideration arise?*
  - ii. *Can it be perceived in terms of what lawyers normally describe as ‘Novus actus interveniens?’ Is what has arisen something new? In other words, when we go on holidays, the question must be asked whether it is something that with all reasonable foresight could not have been pursued for which matter we must come back necessarily? We must be careful when a matter is such that it is within our ordinary premise. We go on vacation and then say that we would want to come back at whatever expense and inconvenience.*

- iii. *Could the matter have been raised during the regular sitting session with prudent vigilance?*
- iv. *Has the matter been raised in any form whatsoever during the session? If not, why raise it in a moment Parliament goes on recess.*

The Committee is of the opinion that given the cost and inconvenience as well as high drama of a Parliamentary recall, Members ought to be guided by the views of Mr. Speaker in order that the mandatory power of recall is invoked not only responsibly but also sparingly.

This will preserve respect for and enhance the utility of the tool of recall for use for serious matters of state of sudden nature requiring urgent resolution in the public interest where there are no other options immediately available to Parliament.

## **10.0 SUMMARY OF FINDINGS**

### **1) Whether or not Ministry of Trade and Industry Imposed Levies and Collected same**

In our evaluation of the totality of the evidence adduced before the Committee, we are unable to find that the Ministry of Trade and Industry imposed levies as captured in the Motion. It seems to us that there is no evidence to support the claim of an imposition of levy by MoTI and we so find.

Tied to “levy” was “collection”. It is our view that if the allegation of levy were to be sustained then we could safely conclude that the said levy was collected. We are unable to find that there was collection of a levy. In our considered view, “collection” as captured in the Motion is a consequence or by-product of the levy in the same Motion. They cannot be independently treated. In the event, it is safe to conclude for the avoidance of doubt that if there was no levy imposed, then no levy was collected.

### **2) Whether or not Payments were made to and Received by the Ministry of Trade and Industry; and how disbursements were made**

There did not seem to be any controversy as to whether payments were made and received by the Ministry of Trade and Industry. The Honourable Minister for MoTI told the Committee that as part of the arrangement towards the hosting of the first ever Ghana Expatriate Business Awards (GEBA), MoTI entered into a Memorandum of Understanding

(MoU) with the Millennium Excellence Foundation (MEF), the initiators of the novel awards scheme.

Within the framework of the MoU, it was the exclusive responsibility of MEF to raise funds/sponsorship for the GEBA event.

In addition to the fundraising responsibility of MEF, and pursuant to the principle of transparency and accountability, the MOU also enjoined MEF to deposit all funds raised in a dedicated MoTI account.

From these two (2) references from the MoU, it is not difficult to appreciate that MEF was to mobilize funds for the Awards event and that the monies raised should be paid into a designated account of MoTI.

That the evidence of the mover and seconder of the motion was full of speculations and that the Committee refused to pander to speculative assumptions.

## **2) Whether the Disbursements offended any Law**

It was clear from evidence that the Ministry of Trade and Industry acted within the confines of Regulation 28 of FAR by issuing GCR in receipt of the payments.

Furthermore, Regulation 56(2) appears to recognise agreements for financial arrangements like the MoU between MoTI and MEF. However, the Controller and Accountant General considered that the exact mechanism for managing a blend of funds arising out of partnership between government and a private entity remains a grey area.

In addition, the Committee acknowledged that in operating the accounts in respect of the funds lodged, the Ministry sought to act in the best interest of ensuring financial prudence and accountability while meeting the need of the specific purpose of facilitating timely access to the funds of the organisation of the GEBA.

In the considered view of the Committee, the disbursement did not offend any law.

#### 4) Related Matters

##### i. Whether or not monies were extorted from Expatriate Business Owners:

The sum total of evidence on extortion is quite revealing. None of the sponsors of the event alluded to compulsion, coercion, threat, pressure, duress, order, command, etc. to make a payment towards the event. The reasonable conclusion that any reasonable man can make out of the totality of the evidence adduced before the Committee and communications received from a cross section of the Expatriate Businesses, is that the allegation of extortion is baseless, unsupported, unfounded and unsubstantiated. It is trite knowledge that he who asserts must prove by leading evidence to support his/her claim.

That no credible evidence was led to establish extortion, notwithstanding, the very strong and vitriolic language purporting extortion on the part of the government by the accusers.

##### ii. Whether or not the Presidency was involved in GEBA and Related Matters

The Committee agrees to the attribute(s) accorded Ambassador Victor Gbeho by Mr. Ablakwa that he is venerable and highly respected. Accordingly, the Committee has no reason to doubt the evidence of Ambassador Gbeho relating to the information to the Presidency. We are unable to subscribe to the view that the phrase "*upon the conception of the novel idea, MEF informed the government, through the Presidency...*" meant that the President or the Presidency was involved or connected with the organisation of the event.

Consequently, we find that there is no inconsistency between paragraphs 3 and 1 of the 16<sup>th</sup> December, 2017 and the 21<sup>st</sup> December, 2017, statements respectively. Within the context of the MoU, it was the responsibility of the Minister of Trade and Industry to ensure that the President of the Republic of Ghana together with other Senior Ministers of State were present during the hosting of the GEBA.

In the spirit of this provision, it can be said that the Minister was carrying out one of his responsibilities under the MoU. Assuming without admitting, that the allegations were properly anchored, would the argument be stretched to mean that whenever there is a social event be it national, local or private, for example, festivals and funerals of prominent persons where His Excellency the President's name is used then we could conclude that any fund raising activity that goes on would be at the behest of the



President? As the first gentleman of the land, the President's name often appears as the headline personality, in many official and quasi-official events. Could that be construed as the President organizing the events or the financial arrangements associated with them?

That none of the other expatriate business leaders who attended upon the Committee said anything to the effect that they made contributions or attended the event with the view to having access to the President. From the forgoing, it is very untrue that people made payments or sponsored the GEBA event to have access to the President or to have a seat at the Presidential High Table. There is incontrovertible evidence to the effect that a number of the expatriate business owners who sat at the Presidential High Table did not contribute US\$100,000.00 or US\$75,000.00 or anything at all.

The Committee found that the 23<sup>rd</sup> October, 2017 letter did not have the benefit/sponsorship package attached to it as claimed.

### **iii Recall of Parliament**

The Committee is of the opinion that given the cost and inconvenience as well as the high drama of a Parliamentary recall, Members ought to be guided by the views of Mr. Speaker in order that the mandatory power of summoning Parliament as captured in article 112(3) is invoked not only circumspectly but also sparingly.

That this would preserve respect for and enhance the utility of the tool of recall for serious matters of national importance.

## **11.0 RECOMMENDATIONS**

The Committee after its deliberations makes the following recommendations:

1. That the Controller and Accountant General and the Ministry of Finance should consider in the formulation of the new Regulation of the PFM Act, adequate provision to cater for public private partnership arrangement and emerging or contemporary issues.
2. That there is a need to have a second look at the recall mechanism and ensure that it is not needlessly invoked at any time because of its mandatory nature in the Constitution. Upon a recall, Mr. Speaker may have to establish that there is a "prima facie" case and

if Mr. Speaker is not satisfied that there is a good reason for the summoning, he may dispense with the meeting. This test is likely to curtail frivolous and vexatious request for a recall.

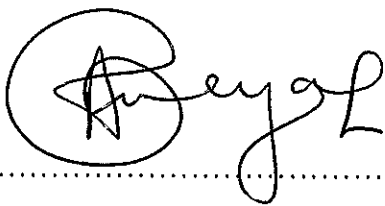
3. That the practice of some Members of Parliament trooping to the media to make allegations against highly placed officials must cease. The Committee is of the view that Members of Parliament who indulge in such acts ought not to be heard in Parliament if they should thereafter bring those matters before Parliament for Parliament to deliberate on the matter.

#### 11.0 CONCLUSION

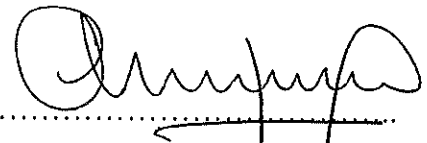
The Committee, after the hearings and the analysis and evaluation of the evidence adduced before it has come to a conclusion that there is no merit in the allegations levelled against the Ministry of Trade and Industry as contained in the Motion and which culminated in the setting up of the Special Committee.

Accordingly, the Committee recommends to the House to approve and adopt its report.

Respectfully submitted.



HON. KWASI AMEYAW-CHEREMEH  
(CHAIRMAN OF THE SPECIAL COMMITTEE)



MRS. ROSEMARY A. SARKODIE  
(CLERK TO THE COMMITTEE)

2<sup>ND</sup> FEBRUARY, 2018