

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

APPOINTMENTS COMMITTEE

THIRTEENTH REPORT ON MINISTERIAL NOMINATIONS

Mr Speaker, By a letter dated October 21, 1997 and copied to the Appointments Committee of Parliament, two petitioners, Messrs Roger Nti and Appiah Kodua both of Post Office Box 47, Begoro sought to prevail upon your Committee to disrecommend the nomination of Hon. S. O. Ampofo MP for Fanteakwa who had been proposed by His Excellency the President as Deputy Minister for Eastern Region.

Among others, the petitioners accused Hon. Ampofo of financial impropriety, abuse of office, corruption, moral turpitude and incompetence. They catalogued a number of charges against the candidate, covering irregularity in the administration of contracts, out of which he is alleged to have made dishonest gains which the petitioners alleged he used to acquire certain properties including land, vehicles, poultry farm and buildings.

As a result of the vehement denial of the material particulars of the charges by Hon. Ampofo, your Committee decided to take evidence. The two petitioners were therefore ordered to appear before the Appointments Committee with right of legal representation.

Mr. Baron Amofo on 4th November 1997 appeared as Counsel for the petitioners and assisted them to lead evidence to substantiate the allegations. The Appointments Committee spent two days to finish the evidence of the petitioners and one day to take evidence in rebuttal from Hon. S. O. Ampofo.

The object of their appearance before the Committee as explained by Counsel for the petitioners was, as he persistently put it, "to lead the Committee to where the evidence is".

With this attitude on the part of the petitioners, Counsel simply led them to trot through their petition without the addition of any further details. Apart from making a few

corrections in the body of the petition which were blamed on typographical error, the petitioners relied essentially on its contents.

One correction reduced the 100 hectares of land, ownership of which was ascribed to Hon. S. O. Ampofo initially to 100 acres and later to what the petitioners described as 100 ropes.

The petitioners also reduced the value of a 10 seater KVIP they alleged was to have been built at Nsuapemso but which turned out finally to be a 6 seater one. The value of the facility which they initially indicated to be c17million was reduced by them to c10 million.

The petitioners also sought to vary the import of their allegation of moral indiscretion made against Hon. Ampofo who they described as a husband of two sisters. In their explanation, the petitioners asked the Committee not to construe the word, husband, in the strict sense and that the relationship was rather one of concubinage.

Under cross-examination, Roger Nti who opted to speak on behalf of himself and his co-petitioner did not substantiate any aspect of their petition apart from making repeated reference to the availability of the supporting evidence in the records of the Fanteakwa District Assembly.

During the hearing, the petitioners decided to abandon their charge of low moral turpitude against Honourable Ampofo in respect of being a husband of two sisters.

When pressed on a number of occasions to disclose the sources of information in respect of some of the allegations against the Deputy Minister designate, Counsel raised objection to the Committee's request, his reason being that the petitioners were not bound to disclose their sources of information to our Committee.

At a subsequent meeting, the Appointments Committee, mindful of the depth of interest that its hearing on Hon. Ampofo had generated and considering the rather unhelpful attitude of Counsel and the petitioners in its quest to get to the root of the charges, appointed an eight (8) member sub-committee to make further enquiries into the allegations at various locations mentioned in the petition.

Mr Speaker, on 13th November 1997 you approved the request of your Committee to move to the said locations.

After the said visit and at the end of very careful deliberations, your Committee made the following findings:

1. The allegation that Hon Ampofo had a total of 100 hectares of land (later amended to read 100 acres and later further varied to be 100 ropes) was not supported by evidence on location. Your Committee found during investigation a well kept 7 acre maize farm which Hon Ampofo admitted to be the owner of at Apesika-Prabong. Upon admission by the petitioners that the cultivated area of the other farms were approximately half the size of the Apesika-Prabong farm, the Committee did not see the necessity to visit them.

The size of the Apesika-Prabong farm believed to be part of the 100 acre farm and also the 450 birds poultry farm at Nsutam were found to have been woefully exaggerated and were nothing close to being described as large.

Indeed your Committee wishes to recommend the industry of Hon Ampofo for investing in farming. Hon Ampofo's contribution to the national agricultural effort is recommended for commendation by this Honourable House.

2. The next issue considered by your Committee was the allegation of impropriety in the award and management of contracts as a result of which it was alleged Hon Ampofo appropriated various sums from which he was alleged to have acquired various properties. The evidence before your Committee was to the effect that as a result of the absence of a District Tender Board, Hon. Ampofo single handedly manipulated the contracts award process to the detriment of the District and consequently made illegal gains out of which he acquired the assets.

On the strength of this testimony at the hearing, the Committee enquired about the following at the Fanteakwa District Assembly:

- a. whether there was a District Tender Board in existence;
- b. if so, what was the date of its establishment and its composition.
- c. the approximate number of meetings held so far by the District Tender Board, and
- d. whether quorum was formed at its meetings.

Records on the passage of the Local Government (District Tender Boards) (Establishment) Regulations, 1995 Legislative Instrument 1606 which empowered the District Assemblies to constitute Tender Boards shows that it was gazetted on 31st October 1995 after which it was laid before the First Parliament of the Fourth Republic where it ran for 21 sitting days before passage. The Legislative Instrument would have become operative in or about December 1995.

The District Co-ordinating Director informed your Committee that the said Legislative Instrument was brought to the Assembly for the first time in August 1997 when the new District Chief Executive returned from an orientation and induction programme organised for new District Chief Executives. He explained that until the said August 1997, the Assembly had been using the guidelines issued by the Ministry of Local Government which is based on the Local Government Law of 1988.

This information was confirmed by minutes produced on a number of meetings of the said Tender Board dated 24th August, 1994 and 10th March, 1995. There were also minutes covering Tender Board meetings held on 8th May, 1996 and 26th September, 1996 during which period L.I. 1606 had come into force.

Your Committee by majority is satisfied from the minutes made available to it that there was a District Tender Board in existence which from the records met at least four times to consider the award of contracts. A significant observation however is that the said Tender Board had been operated on the strength of the guidelines from Ministry of Local Government.

It was observed that the District Assembly had no records on the publication of invitation to tender for contracts. This was explained to the effect that the Assembly normally used the Selective tender procedure.

With regard to the selective tender process, the District Co-ordinating Director reported that notices were placed on the Assembly's Notice Board but they had no records of such notices.

The Committee also investigated the issue of the award of contracts for the District Guest House Extension Project which Hon S. O. Ampofo was alleged to have awarded to himself. The District Co-ordinating Director said the Guest House Extension was constructed with the District Administration's own labour force as a direct labour project.

With the evidence available, the Committee is unable to establish any link, whether direct or otherwise between the assets acquired by Hon. S. O. Ampofo and the award and management of contracts by the Fantekwa District Assembly.

We find no act of wrong doing on the part of the Deputy Minister designate as far as the allegation of impropriety goes. The petitioners' claims in this regard are without merit and substance.

In arriving at the above conclusion, we were mindful of the fact that the assets being complained of are not extraordinary so as to be out of the reach of Hon. S. O. Ampofo, he having worked and earned income and other benefits both in public and private life over a period of years.

Further, in the absence of any evidence to the contrary, we accept Hon Ampofo's evidence that the Toyota pick-up with registration number GR 4319 J is the property of the National Democratic Congress. For the same reason, we accept his evidence to the effect that he does not own a house at Adukrom. We further find no merit in the petitioners' claim that Hon.Ampofo committed acts of financial impropriety in the course of managing the Ahomahomasu and Ehiamenkyene market projects funded by ASIP; the District Assembly Office block at Begoro; and the Asere Buso Clinic.

3. On the allegation of moral turpitude, the Committee contacted officials of the New Tafo branch of the Ghana Commercial Bank where the branch manager, Mr.Felix Karikari Kuffour discounted the claim of the petitioners that there was a lady in the Bank that was either pregnant or had delivered recently who answered to the petitioner's description.

Your Committee wishes to place on record its concern over the rather unfortunate and unmeritorious nature of some of the charges by the petitioners. While acknowledging the duty of every Ghanaian to assist the Appointments Committee in ensuring that persons appointed to positions of trust meet the social and moral expectations of the populace, your Committee hastens to caution the need for petitioners and witnesses that appear before it to exercise a high degree of circumspection in laying their claims so as not to injure the reputation of men and women who have offered to serve the nation.

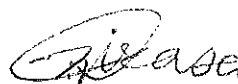
It is instructive also to remind ourselves and indeed the general public that the eligibility of individuals to ascend the high office of a Minister or Deputy Minister are clearly spelt out in Article 94(2) of the 1992 Constitution.

The said qualifications which are the same for membership of Parliament include among others the requirement that a candidate should not have been convicted of an offence involving dishonesty or moral turpitude.

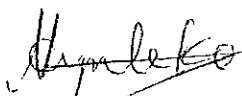
Your Committee is taking the liberty to espouse this constitutional requirements conscious of the possible credence that unproven rumours could gain amongst the public. It is your Committee's view that in addition to laying charges against a nominee, petitioners must go beyond the claim and prove their case. Your Committee, guided by this time honoured requirement of the due process has determined that the petitioners failed to substantiate any of the allegations against Hon S. O. Ampofo to its satisfaction. In respect of the physical assets inspected, it is the view of your Committee that, their sizes and values have been grossly exaggerated by the petitioners.

After a formal examination of the nominee to determine his ability to meet the challenges of the high office of Deputy Minister for Eastern Region your Committee by majority decided to recommend to the house for approval the nomination of Hon S. O. Ampofo as Deputy Minister for Eastern Region.

Submitted for your kind consideration.



HON KENNETH DZIRASAH
FIRST DEPUTY SPEAKER AND CHAIRMAN,
APPOINTMENTS COMMITTEE



CYRIL NSIAH
CLERK TO THE COMMITTEE

21ST NOVEMBER, 1997