

Nana Akufo-Addo (NPP — Abuakwa): Thank you very much, Mr. Speaker, for the opportunity to contribute to this debate. It is good to see that the Minister and his spin-doctor, the Minister of Communications, are both here to listen to us on this matter. Mr. Speaker, I intend to limit my intervention to two main issues.

Already, my hon. Colleague, the Member for Offinso North (Dr. K. K. Apraku), has, in his usual powerful presentation, alerted us to the sensitivity of this transaction; that at a time when there is a crying need for greater public investment in our social services, in our health system; at a time when the students are crying for an increase of public expenditure on tertiary education, they are met with a cry that there is no money but the President is entitled to have spent for himself \$19 million over the next five years on this aircraft.

Mr. Speaker, if anything demonstrates the need that has been consistently urged from this side of the House for us to review and prioritise public expenditure, this case justifies that call. I have no

doubt, Mr. Speaker, that if the priorities are spelt out properly, the purchase of an Executive jet will come very low down on the scale of priorities.

1.10 p.m.

Mr. Speaker, there are two matters of a legal nature, quasi legal nature that I intend to speak about. One concerns the transparency and the propriety of this transaction. Mr. Speaker, we have a sovereign Government entering into a transaction with a contractor which is a company registered in an offshore tax haven. Mr. Speaker, the history of our country would be enriched if the Ghanaian people would realise that the revolutionaries have now discovered tax havens. Mr. Speaker, those who were screaming against capitalism and imperialism are today in the Cayman Islands operating offshore companies in tax havens; these are the ironies that enrich our history.

Mr. Speaker, the offshore company, Gallen Limited, is described as the owner of this aircraft; that is what the Lease Agreement tells us. We do not know as we sit here who are the shareholders of this offshore company. It is never said anywhere. Nowhere in any of the Agreements are we told who are the shareholders of Gallen Limited. There is no representation by the shareholders; there is no reference to the shareholders. The identity of the shareholders or the true owners of this offshore company remains, up till today, while we are speaking about this matter, a mystery. It could be anybody. We know how the legislation for incorporating — *[interruption.]*

Nana Akufo-Addo: Mr. Speaker, these are the reasons why the hon. Deputy Minister is an economist and I am a lawyer; these are the reasons. Mr. Speaker, the statement I made was that as we speak in the House today on this important matter, the owners of the company with whom we have contracted a transaction worth some \$19 million over the next five years are unknown to the people of this country. Nobody knows who are the owners of Gallen Limited. If the hon. Deputy Minister knows, he does not have to reside in corporate niceties. All he needs to do is to tell the House these are the people who own the company.

Nana Akufo-Addo: Mr. Speaker, we are grateful, for the illumination from the Minister. So the bank that lent us the money is the static owner of this aircraft.

Mr. Speaker, this same bank, in the Agreement, through its affiliate, is unable to make any representation as to title. In the whole Agreement, the contractors, the person from whom we are taking the aircraft and to whom we are paying the lease money has never made any warranty, any representation that they are in fact the owners on record, of this aircraft. That is an extraordinary situation. Section 6 of this Agreement is where the representations of the owner are to be found.

The only warranty that the owner makes is that they will not interfere with the possession and quiet enjoyment of the aircraft. It never, and like in our case, we are required to show that we have the right to enter into an agreement that the capacity — We have never, and it is most unusual in a transaction involving material of this value and size that the owner, the lessor would make no representation as to title.

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Mr. Speaker, even more strange, and as my hon. Colleague the Member for Yendi (hon. M. A. Yakubu) has already pointed out, the indemnity provisions of this Agreement are couched in such a way that the owner, the bank, is completely indemnified of all matters arising out of this transaction. That is very strange. The lessee, the non-owner, is indemnifying the owners, the financiers of the transaction entirely for all matters arising out of this transaction; this is very strange. It is a very strange state of affairs; that is a very strange state of affairs. But on our side, we are taking upon ourselves the respon-

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sibilities, even the defects, assuming that there are defects in the aircraft, we the lessees are the persons who bear the responsibility for those defects. That is a very strange arrangement. What is the reason? What is the true purpose of such an arrangement? I am sure that the lawyers who drafted this Agreement might themselves have wondered what is the nature of the transaction that we have entered into. Are we in fact the owners of this aircraft? If so, why did the hon. Minister not come clean with the Ghanaian people and tell us that we have already bought the aircraft, and that this sham transaction that is being paraded before the people of this country ought to be set aside and the truth be told?

Mr. Speaker, a great deal of learning has gone on this morning about what is the nature of the transaction. The Lease Agreement, this purchase agreement is obvious. It is obvious when one looks at the Agreement that it is a Lease/Purchase Agreement, a very normal standard transaction. The intention, which the Committee never heard, is there and its Report was that we were going to buy an aircraft. But because of the financial restraint at the particular moment we have transformed the Purchase Agreement into a Lease Agreement. But the Agreement says it quite clearly that the intention is, at the end, to actually acquire this aircraft. So the nature of the transaction, is it not a mystery? Is a Lease/Purchase Agreement financed for us allegedly by a bank? Why then, if the matter is that straightforward, do we have all of this learning — *[interruption.]*

Nana Akufo-Addo: I do not know to what extent, Mr. Speaker, you think that that kind of intervention assists the Majority in any way at all. I do not know.

1.20 p.m.

Nana Akufo-Addo: Mr. Speaker, we have been informed that at his presentation before the Finance Committee, the hon. Minister informed the House that the company, Gallen, in fact is no longer in existence. The company, Gallen Limited, is no longer in existence; that is the company with which we contracted, the party with whom the sovereign Republic contracted in, broad light of day. In fact, it no longer exists. Who is the person to whom our obligations therefore are due? To whom do we make out these payments of monies, these payments of monies that the Minister is so quick to make in his discretion and in the secrecy of his office? To whom are these monies to be paid? Gallen does not exist. So Mr. Speaker —
[interruption.]

Nana Akufo-Addo: I was informed that he made that statement — *[interruptions.]*

Mr. Peprah: I did not say that Gallen does not exist. Gallen exists. Gallen Limited is a company; it exists, it is registered — *[interruptions.]*

Mr. Speaker: Order, order!

Nana Akufo-Addo: We are grateful that it has not disappeared into the sand, the Gallen Limited. With respect, most of these are phantom companies that do not serve any purpose other than to provide some sort of spiral cover for this transaction. What then, Mr. Speaker, is the true legal position that we find ourselves in? Ever since 1969, the introduction of the Second Republican Constitution, the legal position is that expenditures out of the Consolidated Fund require parliamentary approval. That simple statement is not one that the Minister, in his present beleaguered stage, would quarrel over.

I do not believe, Sir, that even in the circumstances that he finds himself today, he would quarrel with that pronouncement. It is clearly stated in all our Constitutions since 1969 — articles 129 and 30, 1969, articles 140 and 141 in the 1979 Constitution and in articles 178 and 179 — And they make it clear beyond any equivocation that the expenditure of public monies and whatsoever in our state is a matter that is subject to the prior authorisation and approval of this House. That matter is not a matter that can be in dispute or in contention.

Mr. Speaker, I said, since 1969, because, as Mr. Speaker himself is well

aware, the special circumstances of the 1960 Constitution made it such that the all-powerful President, Dr. Kwame Nkrumah, had special reserved powers given to him in his dealing with public monies. That, happily for our people, has been removed in subsequent Constitutions. And that is why, Mr. Speaker, I limited myself to say, since 1969.

Now, Mr. Speaker, in conditions of urgency, all these Constitutions have also provided a mechanism by which urgent speedy actions can be taken on behalf of Parliament and the Executive in order to meet unforeseen and unexpected or emergency expenditure. In 1969, it was in article 132; in 1979, it was in article 143 and it is repeated in article 177 of the 1992 Constitution.

Mr. Speaker, in clear terms it is there and it is transparent that approval is necessary. So why is this Minister, who has acted in clear violation of expressed constitutional provision, seeking to justify his conduct? And I would quote, Mr. Speaker, with your permission from the passage in the Report of the Committee, the majority report. We have not seen that it is the work of the majority on the Committee. And it says at page four — approval of Lease Agreement:

“Some Members of the Committee expressed the view that the Lease Agreement should have been presented for parliamentary scrutiny and approval before its execution in accordance with article 181 of the Constitution. Explaining, the Minister of Finance intimated that the purchase Agreement was a preliminary step in a lengthy negotiation process. It was, therefore, important to exercise discretion and secrecy in order not to alert other competitors interested in the same aircraft before the conclusion of the negotiations.”

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It then goes on to say:

“In his intimation this was the reason why the lease could not be submitted to Parliament early. Besides, the Lease Agreement as transacted under article 185 (5) of the Constitution which does not provide any clear-cut guidelines with regard to the constitutional procedure to deal with Lease Agreements and exactly when Parliament should be informed.”

My impression, Mr. Speaker, and I believe it is the impression of any fair-minded reader of these words, is that the Minister is trying in some way to find a justification for his conduct on the basis of a certain lack of character, a certain ambiguity in the meaning and intendment of article 181 (5) of the Constitution. And that is why he has found it difficult to comply with the expressed provisions of the Constitution.

Mr. Speaker, he goes on also to say that, and it is a matter that my hon. Colleague, hon. Sowu, has also mentioned, that at the end of the day, he did not pay this money out of the Contingency Fund but he paid it out of the Contingency Vote of the Appropriation Act of 1999. Mr. Speaker, this distinction is not one which any respectable Parliament would accept from a Minister. [*hear, hear.*] It is unbefitting of the Minister — and it is a clear acknowledgement of the weakness of his position.

Mr. Speaker, if we in this House upon whom the people of our country and the Constitution of our Republic have imposed the responsibility of being guardians of the public exchequer will accept such an argument, it is an argument that ultimately would be subversive of our role

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as the watchdogs of the public interest in this country. It is subversive of our processes, if a Minister can say that he will apply the Contingency Vote, unexpected, unforeseen expenditures, commit the country in advance because of the requirements of secrecy and discretion — *[interruption.]*

Mr. Speaker: Order, order. Hon. Members, let us have order in the House.

Nana Akufo-Addo: Mr. Speaker, could the hon. Majority Chief Whip tell us the date of the Appropriation Act? What is the date?

Nana Akufo-Addo: Mr. Speaker, at the time when the Act was passed at the end of March, 1999, the 31st of March, 1999, the Purchase Agreement had already been executed on the 4th of February. The Purchase Agreement was executed on the 4th February. Those are the papers that are before the Committee. I do not understand what the Minister is getting up to clarify. The date of the Purchase Agreement was on the 4th of February, 1999, almost seven weeks before. That was the commitment and it is that commitment, if it is already allowed on the 4th of February, that should be brought to the attention of the House.

1.40 p.m.

Mr. Akufo-Addo: Mr. Speaker, with respect to the double talk, this splitting

of hairs is becoming unbearable in this matter — *[interruptions.]*

Mr. Speaker: Hon. Akufo-Addo continues.

Nana Akufo-Addo: Mr. Speaker, the Minister is telling this House that when the Purchase Agreement was entered into in February, he had no idea of the nature of the liability, if any, that will be occasioned to the public exchequer and that therefore the whole matter was some kind of secret at that stage — *[interruption.]*

Nana Akufo-Addo: Mr. Speaker, at that stage a commitment was supposed to be made on behalf of the public exchequer — *[interruptions.]* Mr. Speaker, at the end of the day, however the Minister will put it, in February, he was entering into a transaction which was going to incur a liability for the public purse. That simple fact, as to the methods of doing the deal, whatever be the case, at the beginning of February, he was fully aware that a certain volume of money was going to be found by him, and he cannot find any money, to my knowledge, other than from the Consolidated Fund. I do not know whether this our Minister is in a position to find all these millions of money outside the Consolidated Fund. Where is the purse? Under his bed? *[interruptions.]* Mr. Speaker, he was fully aware that a liability was

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going to be created which will have to be met from the Consolidated Fund. That is what was required to be brought to our attention.

Mr. Speaker: Hon. Members, let us be fair. We have been dealing with a whole range of loan agreements. Some negotiations precede the presentation of the papers to Parliament and what we do get in Parliament will be a decided situation between the contending parties, and then it is brought to us for approval. So clearly there are some preliminary negotiations — *[interruption.]*

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Nana Akufo-Addo: Mr. Speaker, none of the situations has brought about a payment of money — *[interruption.]*

Nana Akufo-Addo: Mr. Speaker, our quarrel is not with that procedure. Our quarrel is that before that procedure had been concluded he made a payment; that is the issue and that one we have not had that situation here. But before the process of authorising and committing the republic to a particular liability had been

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completed, he had already made a payment, a violation of the provisions that require him to come to this House for approval, that is our case. Our case is not about the process. We are in fact standing on the validity of that process in our opposition to the adoption of this report, that the process should have been carried out in its entirety before a penny of Ghana's money was paid on this matter. That is our point. Our point is not about the procedure. It is this, can the Minister in the vast of our authorisation exercise use his discretion in the secrecy — I believe that is the word he uses, the secrecy of his office to commit the public exchequer to such large sums of money without the authorisation of Parliament? He cannot and the Constitution forbids him to do so. [*uproar.*]

Nana Akufo-Addo — rose — [*interruptions.*]

Mr. Speaker: Order! Order! Order!

Nana Akufo-Addo: Mr. Speaker, all these matters have been answered by the Constitution in clear and unambiguous terms. All of this double talk to cover up and disguise a patently unsatisfactory transaction will do the reputation of this Minister whose back is on the biggest wall in our history no good whatsoever. Mr. Speaker, article 177 of our Constitution has made the provision which permits the Minister to act expeditiously. Mr. Speaker, with your permission I quote:

"There shall be paid into the Contingency Fund moneys voted for the purpose by Parliament; and advances may be made from that Fund which are authorised by the Committee responsible for financial measures in Parliament whenever that committee is satisfied that there has arisen an urgent or unforeseen need for expenditure for which no other provision exists to meet the need."

Mr. Speaker, the framers of our Constitution have answered our question. They have told us the mechanism which we are to use. Indeed the Minister finds himself in a difficult position — his boss wants an aircraft and he has to do everything in his power to make sure that his boss's wish is carried out and he will therefore — *[interruption.]*

Mr. Speaker: Hon. Member, I think for the benefit of the House, we are drawing the distinction between the "Fund" and the "Vote".

Nana Akufo-Addo: Mr. Speaker, first of all, the vote, the fund, all of that distinction, everything comes out of the Consolidated Fund, everything.

Mr. Speaker: The Contingency Fund is different.

Nana Akufo-Addo: Everything comes out of the Consolidated Fund — *[interruption.]*

Mr. Speaker: No, no, no, hon. Member.

Nana Akufo-Addo: Mr. Speaker, the Minister cannot tell this House that he has any source of funds other than the Consolidated Fund. *[interruptions.]*

Mr. Speaker: Order! Order! Hon. Member, these are constitutional issues, there is a Consolidated Fund and there is a Contingency Fund; they are two funds, separate funds; now they are saying that there was a Contingency Vote as part of the Consolidated Fund.

Nana Akufo-Addo: Mr. Speaker, with the greatest of respect, that argument, if carried to its logical conclusion will make meaningless the whole process of appropriations and the budgetary process. If the Minister can say —

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"I will keep secret certain important transactions that I intend to enter into, I will not tell Parliament, I will not even alert them in advance that I am engaged in negotiations of this nature, so that when they are making their appropriations, they should consider whether some sort of funds, some form of mechanism be put in the appropriation that allows me, if I am successful" —

this is what a candid Minister will do with a Parliament of any dignity and reputation. He would have come to this House and told us that —

"yes, I am involved in these negotiations, there may be liabilities for the public exchequer as far as these negotiations are concerned —" *[interruption.]*

1.50 p.m.

Nana Akufo-Addo: Mr. Speaker, my understanding is that when you put an expenditure in a budget, a Contingency Vote, basically, is meant to capture unforeseen developments, and it is meant to cover also unforeseen matters related to the substantial matters that the Appropriation Act has dealt with. In the event that particular allocations that have been made do not in fact meet the need, then you can fall on the Contingency

Vote. But for us to be told that the Contingency Vote is a source of financing transactions well known to the Minister which he refuses to disclose to Parliament, which Parliament itself has not fixed its eye on, which Parliament has no idea about but mainly because there is a concept, an amount of money called the Contingency Vote, he can fall upon that and act, and at the end of the day render the budgetary process which requires us to authorise expenditure meaningless, then the words would be mere words on a piece of paper and not living ideas for a constitutional government in our country.

That is the substance and the heart of where we are today, Mr. Speaker; that a Minister can tell Parliament that it does not need to know about what he is doing; he does not even have to inform it that he is at the moment — when it is passing the Appropriation Act — involved in certain negotiations which may have placed a burden on the public purse; he will go ahead and in secrecy use this vote because the money is there, it is under his control and then come back to Parliament and say that this is the justification for the contract.

Mr. Speaker, our budgetary process, the procedures that have been established for us to be guardians of the public purse, will be irredeemably subverted if the argument that the Minister is seeking to force on this House is allowed to have its day. Mr. Speaker, we have been regaled with a great deal of learning about article 181(5) — *[interruptions.]*

Nana Akufo-Addo: Mr. Speaker, the Minister signed this Agreement in Geneva on the 4th of February and came to present this Budget to us on the 5th of February. The Minister, having entered into the Agreement 24 hours earlier came to present his Budget the next day and he could have told us that a liability of this nature falls within the rubric of the unforeseen as a very curious Alice in Wonderland definition of the word "unforeseen" — *[interruption.]*

Mr. Speaker: Well, that is a matter of comment. I want us to discuss how the Contingency Vote can be used.

Nana Akufo-Addo: Mr. Speaker, that is the point I am trying to make, that when the contingency Vote is being talked about we are talking about matters first of all related to the substance of the Appropriations Act, the various headings, we do that. When people are bringing a bill of quantities on the construction of a house, you always have a little bit at the end whereby prices may change, particu-

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lar values may change and you will have a vote to meet it or for matters that are completely unforeseen outside and there we have the provisions of article 177 because the Contingency Vote that Parliament approves of in the Appropriation Act is the Contingency Vote related to the matters set out in the Appropriation Bill, and it provides us with a basis.

But for us to be told that the Contingency Fund can be a source of financing unforeseen, unknown, secret expenditures by the Minister, Mr. Speaker, our powers in this House as people who have been entrusted with the responsibility, both by our people and the national Constitution to guard the public exchequer, that responsibility will be undermined in a fatal manner if we allow such an argument to prosper. Mr. Speaker, we have been regaled this morning with a great deal of learning —[*interruption.*]

Nana Akufo-Addo: Mr. Speaker, it is obvious that in article 177 (1), the nature of the appropriations that can be made in an emergency way had been clearly set out. There we are told that you will pay into the Contingency Fund moneys voted for the purpose by Parliament and advances may be made from that Fund which are authorised by the Committee responsible for financial matters in Parliament whenever that Committee is satisfied that there has risen an urgent or unforeseen need for expenditure for which no other provision exists to meet the need. Mr. Speaker, as far as I am concerned, that settles the matter. It settles it in that the Contingency Fund is there, and the Contingency Fund is tied in a foreseeing manner to the matters in the Appropriation Bill. It is when it is either

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unforeseen or urgent but that no other provision has been made that you have to fall back on the Consolidated Fund and you come back to this House — and there, in order that the Minister can deal quickly, he is not required even to come to the full House. There, our worthy men in the Finance Committee headed by the Commodore and the others will be in a position to react quickly and give it if they are satisfied that the need is one that is either unforeseen or urgent. Mr. Speaker, that is the manner, that is the way that our Constitution has prescribed. Why are we going to spend so much energy of this House in attempting to find a basis for the unsatisfactory conduct of a Finance Minister caught with his hands, metaphorically speaking, in the tale. How then do we deal with this matter?

2.00 p.m.

Mr. Speaker, in my view the learning that we have been regaled with about article 181 (5) is completely misplaced. It is entirely misplaced. Mr. Speaker, what article 181 (5) is saying is that international transactions, economic transactions that can produce liabilities for the Consolidated Fund which are not loans have to go through the same process of prior authorisation as a loan. That is what it says: "Shall apply" but the "modifications are not to do with . . ."; it is not the principle of prior approval that is to be modified.

We cannot have a Minister of Communications rewriting our Constitution for us in this simple facile manner. That is not the way that we are going to have it. It cannot be done. It is not the principle of prior authorisation that can be modified. This is because the Constitution is saying "the principle of prior authorisa-

tion shall apply . . ."; it is mandatory, obligatory, compulsory; shall apply. We know that we may be keeping different books and we can keep different books in this to deal with loans and to deal with more sophisticated complex international transactions. There may be other procedural, administrative matters that we have to take if it is not qualified as a loan simpliciter. But that can never ever avoid the requirement of prior approval for the loan.

Mr. Speaker, if the Constitution says that a loan or an international transaction that gives rise to a liability for the public exchequer cannot come into operation because that is the language of the Constitution, that it cannot come into operation unless it has been approved, can we in this House contemplate a situation of a clear violation of this provision, if a Finance Minister makes a payment, that is, the agreement has come into operation before Parliament has authorised it? That is out of the matter in this case, that money has been paid before Parliament has approved it. The Constitution says that any transaction of this nature, whether called a loan for an international business transaction cannot come into operation unless Parliament has approved it. What then do we do with the current Finance Minister who in violation of this provision makes the payment — *[interruption.]*

Nana Akufo-Addo: Mr. Speaker, the Minister to his credit has not attempted to avoid article 181 (5). He said that he acted pursuant to article 181 (5). He has said so before the Committee and he has repeated it before this House. He has not attempted to indicate the constitutional and legal basis of his action. The argument we are making is that article 181 (5) just as much as 181 (1) to (4) requires that — *[interruption.]*

Mr. Speaker: Order! Hon. Members, I am quite sure I have the respect of the House at all times in all circumstances. But let us make it more manifest, especially, when the debates get heated. It is as simple as that. Hon. Nana Akufo-Addo continues. I am afraid it is past two o'clock. I do not know how much longer you will want to go.

Nana Akufo-Addo: Mr. Speaker, I have almost finished.

Mr. Speaker: Almost finishing? Very well.

Nana Akufo-Addo: Mr. Speaker, if the argument from the Minister and his defenders in the minority, if the argument — *[interruption.]*

Nana Akufo-Addo: Mr. Speaker, if, in the argument of the Minister and his defenders such as the hon. Member for Anlo (Sqn. Ldr. C. M. K. Sowu (rtd.)) is to be accepted, then what is he doing here? The Contingency Vote gave him the power to make the payment, why is he here? Why did he come here? *[interruptions.]* Subsequent payment but not the first one; to ratify; to rubber-stamp the illegality, is that it? But why did he not put it in the Contingency Vote? Oh, let him put it in the Contingency Vote. This argument is worthless, it is worthless, the argument is worthless. *[interruptions.]*

Nana Akufo-Addo: Mr. Speaker, the constitutional requirement is clear. No transaction of an international nature whether it is by way of a loan or other which produces a liability for the Consolidated Fund can be implemented or performed or can come into operation without the prior approval of Parliament. That is in black and white. And however this transaction is described, whether it is a lease purchase, whether it is a loan, whether it is a buy-back arrangement, whatever it is, a liability has fallen on the Consolidated Fund. And the Constitution is saying that such a liability cannot be imposed on the Consolidated Fund without the approval of this House.

Mr. Speaker, if the Finance Minister can evade this clear constitutional requirement by recourse to the Contingency Vote, in particular, that the Appropriation Act gives him, it is a way of evading the clear provisions of the Constitution and the words of the Constitution in this respect would become meaningless, they will become of no force or effect. The Minister, Mr. Speaker, has violated the clear express terms of the Constitution. He says that article 181 (5) was the basis of his

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action. That action did not permit him without our approval to commit the payment of \$5 million or whatever it was that he paid out as the first instalment on the lease — *[interruptions.]*

Sqn. Ldr. Sowu (rtd.): On a point of order. Mr. Speaker, the Minister did not pay \$5 million. He asked the question, what is he doing here? The first instalment of \$2.9 million was paid from the Contingency Fund but subsequent ones are supposed to be paid from the Budget and therefore that is what he is doing here.

Nana Akufo-Addo: Mr. Speaker, the payment that he made in anticipation of the approval of this House was a payment that was made illegally. It was made without recourse to law and it was made in violation of our Constitution. Mr. Speaker — *[interruption.]*

Nana Akufo-Addo: Article 181 (5), Mr. Speaker, says that the type of transactions characterised as international business transactions which are not strictly speaking loans but which could give rise to liability for the Republic cannot be entered into, cannot come into force. That is the heart of the matter. It is not being said, Mr. Speaker, that without parliamentary approval the agreement is a nullity or is void; that is not what the Constitution is saying.

All the Constitution is saying is that whatever agreements you have entered

into, whatever transactions you have arrived at, that agreement cannot come into operation. And if something cannot come into operation, and already the Minister in anticipation — I have no doubt that he did it in anticipation of this majority that he has in this House and knowing full well that the majority will support his actions, no matter how illegal — that is something that the Constitution says he cannot do.

Mr. Speaker, the burden of our contention is that this Minister has acted illegally. Mr. Speaker, in normal circumstances, in the Civil Service when Civil Servants make payments that are not authorised, they are generally personally surcharged with that. In the Public Services, if you make payments which are not budgeted for and without authorisation, you can be personally surcharged with the loss to the exchequer. I do not think that the time has come for my Friend, the Finance Minister, hon. Kwame Peprah, to be surcharged with this nearly \$3 million. But certainly, Mr. Speaker, it would be well within the rights of this Assembly to censure him for that conduct so that in future Ministers of Finance will not behave and conduct themselves in a manner in which he has done.

Mr. Speaker, we have to express our displeasure at the manner in which the powers of this House have been subverted. Mr. Speaker, when we are saying these things, I know that in a matter of a jet, it is an emotional matter for Members of the Majority, especially, since it concerns their all powerful President, Jerry John Rawlings and his comforts. I am aware that it is a matter of some sensitivity. But, Mr. Speaker, we are not talking about that. We are talking about the powers of this House; we are talking about the prerogatives of Parliament. And those prerogatives, Mr. Speaker, subsist and continue no matter whoever temporarily is occupying the seat of government. Mr. Speaker, in order for us to make these prerogatives a living matter, we are call-

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ing upon the Majority in this House to join us in censuring this Minister, in saying to him that the Parliament of our Republic will not accept such blatant illegality in the performance of his duties. And that the public interest is not served. Mr. Speaker, the public interest has not benefited from this transaction; constitutional government has not benefited from this transaction. The conduct is one that is reprehensible and however difficult the Majority may find it to deny the President this latest expensive toy that he seeks in the sunset of his career, the public interest is not served by this transaction. And Mr. Speaker, we are going to call upon the House and our colleagues in the Majority to join us in rejecting this transaction, in saying that this transaction and the manner in which it was transacted is not — *[interruption.]*

Mr. Speaker: Hon. Members, I myself have had the benefit of the jet with others.

Nana Akufo-Addo: Mr. Speaker, by the grace of His Excellency, the all powerful President. Soon we shall be calling him His Majesty in this House, Mr. Speaker — at his grace. Mr. Speaker, we are saying that this transaction is a most unsatisfactory one and that the manner in

which it has been conducted on our behalf by the Minister is one that does not meet with the pleasure of the House and the approval of the House. Therefore, Mr. Speaker, this report ought to be rejected. //

Mr. Speaker, my hon. Colleague, hon. Buadi at the beginning of this thing raised matters on which would like to conclude.

Mr. Speaker, by the rules of procedure that we have applied, the Minority is not in a position to attach its views to a report, especially when it clearly disassociated itself from what the Majority has done. And that therefore in a written and coherent manner the views of the Minority cannot be presented to this House on a major issue of principle like this.

Mr. Speaker, I believe it is a matter that we need to look at in terms of the methods and the procedure by which our committees do their work. Mr. Speaker, there are many Parliaments in the world that do not have the conceptual rule that our Parliament is insisting on whereby if indeed, the Minority collectively feels strongly about a matter, it is able to expatiate in a written form its views as an addendum and attachment to the Report for the larger consideration of the House.

I believe, Mr. Speaker, that this is a matter that we need to look. We have all been here for four years, Mr. Speaker, and we have seen how the Standing Orders work. I think the time has now come for us to have a wholesale review of these Orders so that some of these matters can be addressed. Clearly, Mr. Speaker, in the context of this debate the present position is not satisfactory. Mr. Speaker, with these few words I thank you for your indulgence. *[hear, hear.]*

Mr. Speaker: Hon. Members, it is half past two and I intend to take the adjournment now. You may want to make your presentations tomorrow.