

2023 BUDGET

Ofori-Atta, NPP MPs Boycott Debate



Ken Ofori-Atta, Minister of Finance

Most members of the ruling New Patriotic Party (NPP) Members of Parliament (MPs) who constitute the majority caucus of parliament were conspicuously missing in the chamber

yesterday during the commencement of debate on the 2023 budget presented to the house last Thursday by the Finance Minister, Ken Ofori-Atta. Also missing in action was the minister

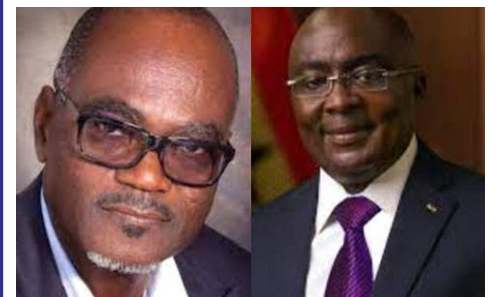
himself who initiated the parliamentary proceedings for the budget hearing. It is not clear whether the finance

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Most NATO Members Have Run Out Of Weapons For Ukraine – Says NYT

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Gold For Oil Initiative: Dr Kofi Amoah, CSOs Raise Major Concerns About The Policy



Dr Kofi Amoah and Vice President, Dr Mahamudu Bawumia

Business magnate and economist, Dr Kofi Amoah, has said there are serious considerations to make if Ghana is to embark and fully implement its new policy of paying for oil and other essential imports with gold instead of US Dollars.

The vice president, Dr Bawumia,

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Kutunse Chief Nii Ayikuma Teikuba II Warns Public Against Dealing With One Adumoa



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The INSIGHT

— EDITORIAL

THIS IS WORRYING!

Recent happenings in the state of Palestine regarding the annexation of lands and the committal of atrocities by Israeli forces to say the least is highly repugnant.

Never a day passes without one form of violence or assault being perpetuated by Israel against the people of Palestine.

These acts including seizure of Palestinian lands have been carried out with the highest level of impunity, apparently due to the support provided by America.

Across the West Bank and other occupied territories, there have been protests over plans by Israel to annex more of such lands.

Clearly, this show of impunity and disregard for international law is highly condemnable and unacceptable.

There is no denying the fact that the Israeli authorities' constant destruction of Palestinian homes in Occupied West Bank for new Jewish settlement has been done with the full support of the United States, in spite of persistent international condemnation of such lawless and dastardly acts. Apart from the West Bank's Area C, Gaza has also been turned into a huge killing field as Israel has over the years committed acts of genocide with impunity.

Nobody has been spared the atrocities of the Zionist state which has killed women and children, the old and the young, abled and bodied persons and people with disability.

We firmly believe that Israel is emboldened to carry out these atrocities because of the support it receives from the US and its surrogates around the world.

Undoubtedly, what the world expect to see is the easing of tension and an end to the brutalities in Palestine.

2023 BUDGET

Ofori-Atta, NPP MPs Boycott Debate

from front page

minister's absence was due to ill-health or other pressing engagements, but the development set most tongues wagging at the minority side.

At the time the Speaker gave the guidelines for the commencement of the debate, only 21 Members of Parliament were seated on the Majority side of the house.

Even though the majority had said they will not participate in anything that has to do with the budget following their call for the resignation of the finance minister due to the economic crisis, the reason for their absence has not been stated.

Members of Parliament yesterday commenced debate on the 2023 budget statement.

This comes after the Minister of Finance, Ken Ofori-Atta, appeared before the house in fulfillment of his constitutional mandate by presenting the government budget to the house.

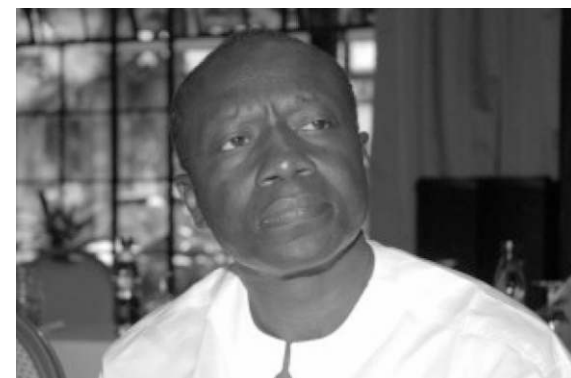
The presentation is in accordance with Article 179 of the 1992 Constitution and section 21 of the Public Financial Management Act, 2016 (Act 921).

Minority raises concerns over Ofori-Atta's absence

The minority in parliament who were not happy about the minister's absence raised concerns especially as he initiated the budget debate process.

Expressing unhappiness about the minister's conduct soon after the Speaker gave the guidelines for the commencement of the debate, the Deputy Minority Whip, Ibrahim Ahmed said there was a need for the finance minister to be present in the chamber as he needed to take note of their input.

"Mr Speaker, conspicuously missing on the floor is the mover of the motion and it is not for nothing that the constitution says the finance minister can lay the budget on the floor on behalf of the president. So, you can't just move the motion and remain there. It is appropriate that the minister must be here, Mr Speaker if he is not ready to do the job, he should let the house know.



Ken Ofori-Atta, Minister of Finance

He must be here to hear our input." Ranking Member of the Finance Committee, Ato Forson also said this is becoming quite characteristic of the finance minister. He therefore urged that the house should not debate on the budget until their input is considered by the finance minister.

Speaking on the matter, the majority leader said the constitution does not provide any where that the economic policy and the budget statement should be submitted to this house by the Minister of Finance.

Osei Kyei-Mensah-Bonsu also said that the president can choose any minister to lay the budget before the house and the minister is not obligated to speak to it.

He however stated that the finance minister had given prior notice that he would be absent from the country but indicated the availability of the two-deputy ministers to take note of suggestions.

THE INSIGHT

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Most NATO Members Have Run Out Of Weapons For Ukraine – Says NYT

Arms transfers to Ukraine have left Western weapon stockpiles strained, making it increasingly difficult for NATO militaries to honor politicians' pledges to supply Kiev, the New York Times reported on Saturday. "Smaller countries have exhausted their potential," and according to one NATO official, at least 20 of the bloc's 30 members are "pretty tapped out," the newspaper [wrote](#). Only "larger allies," including France, Germany, Italy, and the Netherlands, have enough stockpiles to continue or potentially increase their weapon shipments to Ukraine. Since the start of Russia's military operation in Ukraine in late February, the US and its Western allies have been providing Kiev with billions of dollars in security assistance, to the tune of nearly \$40 billion, now comparable to the entire annual defense budget of France. Moscow has

repeatedly warned that the weapon shipments will only prolong the conflict and increase the risk of a direct conflict between Russia and NATO. As Ukraine continues to call for more weapons, EU stockpiles are running low, with Germany already "reaching its [limit](#)" as of early September. Meanwhile, Lithuania, which does not have any more weapons to donate, has [urged](#) the allies to give Ukraine "everything we have."

US President Joe Biden has vowed to keep the arms pipeline open for "as long as it takes," but even American military stockpiles have taken a toll after repeated shipments to Kiev. As early as March, just weeks after the conflict in Ukraine kicked off, the US Defense Department was already [scrambling to replenish](#) thousands of shoulder-fired missiles

supplied to Kiev. By August, US stockpiles of 155mm artillery ammunition were "[uncomfortably low](#)," according to the Wall Street Journal. The Pentagon's latest [fact sheet](#) detailed more than \$19 billion in direct military aid approved since February, including over 46,000 anti-armor systems, nearly 200 Howitzers, 38 long-range High Mobility Artillery Rocket Systems (HIMARS), and a litany of other heavy weapons, vehicles and ammunition – as well as over 920,000 of 155mm artillery rounds. The US think tank Center for Strategic and International Studies (CSIS) previously pointed out that the American military is "not structured to fight or support an extended conflict," while the defense industry is "sized for peacetime production rates," and expanding



Only larger states have untapped potential to continue arming Kiev, newspaper claims. FILE PHOTO © AP / Roman Koksarov

capabilities would take years. NATO is heavily invested in Ukraine, with the alliance's members also providing training and intelligence capability. Despite this "unprecedented support," the military bloc's secretary general, Jens Stoltenberg, has repeatedly claimed that "NATO is not a party to the conflict."

Moscow sees things differently. Multiple top officials, including Foreign Minister Sergey Lavrov, have accused NATO of waging war against Russia "by proxy," while Putin has described Russia as fighting "the entire Western military machine."

2023 Budget: Minority Demands Scrapping Of Three Revenue Mobilization Measures



Haruna Iddrisu, Minority Leader and MP for Tamale South

The minority in Parliament has demanded a review of some revenue mobilization measures outlined in the budget such as scrapping of the daily minimum threshold exemption for E-Levy and further reduction in the rate

to 0.5%.

Addressing a post-budget workshop for MPs in Ho over the weekend, minority leader Haruna Iddrisu warned decision to freeze public sector employment and cutting down of numbers admitted into teaching and nursing

schools will further exacerbate the already worst unemployment canker.

The Tamale South MP warned though his side is willing to support government's effort in resuscitating the economy, the 2.5% increment in VAT rate will be treated with the NPP's Kume Preko demonstration against introduction of the tax in 1995 in mind.

Majority leader Osei Kyei-Mensah-Bonsu however called on the NDC MPs to support government's effort in addressing the economic crisis arguing

the NDC also in the past opposed things that have ended up benefiting the country such as the discovery of oil in commercial quantities. Finance Minister Ken Ofori-Atta who described this year's budget presentation as the quietest ever argued the revenue measures are necessary for the country's economic salvation since borrowing is no longer an option. Speaker of Parliament Alban Bagbin on his part told the gathering the Finance minister Ken Ofori-Atta has learnt a bitter lesson about management of an

economy.

According to the speaker, it has never happened that MPs from a minister's own party will publicly demand for his dismissal as has happened to Ofori-Atta. He, therefore, called on the MPs to put the country and the welfare of its citizens first in their deliberations on the budget above partisanship.

The two-day workshop is to empower lawmakers and offer them insights into the 2023 budget as they ready themselves for the debate on the floor.

Source: starrfm.com.gh



INTERNATIONAL NEWS REPORT

Compiled By Peoples Dispatch

Protests Take Place In China Against COVID-19 Policies

Protests took place in China against the government's COVID-19 policies over the weekend. The protests started on Friday in the north western city of Urumqi, capital of the Xinjiang province, and in the following days spread to bigger cities including Beijing and Shanghai. Protests also took place in some universities in the country. The protesters have been raising issues related to the strict lockdown policies adopted by the local administrations in various parts of the country, demanding their withdrawal. There were reports of clashes

between the police and the protesters in Shanghai on Sunday. The protests broke out after at least [10 people died and nine others were injured](#) in a fire accident in Urumqi. There is a perception that the strict lockdown prevented people from escaping and that COVID-19-related policies were responsible for the deaths in Urumqi. However, some media organizations reported that this was not the case. The 'Zero COVID' policies adopted by China have been a center of debate in the country for some time. The

government has argued that the policy is necessary to prevent a large number of deaths. China's low death rate from the pandemic, which broke out in the country in late 2019, has been acknowledged globally. The US has seen over [20,000 deaths](#) due to COVID-19 this month already, while COVID-19-related deaths in China are almost [negligible](#). China had announced an easing of some of the norms earlier this month while sticking to the larger Zero COVID policy.

On Saturday, China reported more than [40,000 confirmed](#)

[cases of COVID-19 infections](#), [most](#) of them asymptomatic. Cases are on the rise due to new and more infectious variants of the virus. When the rest of the world has largely stopped lockdown measures, people in many cities in China were undergoing strict lockdowns, sometimes for months. Apart from lockdowns, China continues with repeated mass testing and strict tracing of the virus. Some cities have repeatedly enforced lockdowns, which has led to anger and frustration among sections of the population, occasionally erupting in small-

scale protests. In the aftermath of the protests, media reports said that local authorities had eased some of the restrictions in some areas. An article in *Global Times* said health authorities had dispatched teams to supervise the implementation of norms by local authorities. The article quoted experts as noting that "some local authorities have taken a "one-size-fits-all" approach and excessive policy steps, increasing the burden on local medical resources and residents, and some places have not fully followed the new measures, which has also amplified the impact on economic and public services to livelihoods."

Israeli Court Extends Ahmed Manasra's Solitary Confinement For Four More Months

An Israeli court in Beer Sheva last Thursday, November 24, extended the solitary confinement of Palestinian political prisoner Ahmed Manasra (20) for four more months. This is despite his lawyers and human rights groups expressing apprehension about the possible effects of prolonged solitary confinement on his mental health.

The Israeli court agreed with the state's contention that Manasra's mental condition was a threat to his safety and [ordered that](#) "isolation [of Manasra] is necessary" for his own safety as well as that of his co-prisoners and "to maintain order and discipline in the prison." Manasra has been under solitary confinement for over a year now. The Israeli authorities justify his isolation by claiming that they possess "secret

evidence" that he is a threat to himself and his fellow prisoners. The decision of the court invited sharp reactions from human rights groups in Israel and elsewhere, who have been demanding Manasra's immediate release from prison on the grounds of his deteriorating mental health. Adalah, legal center for Arab minority rights in Israel, said in a press release on Thursday that Manasra's continued imprisonment in isolation amounts to "torture and ill-treatment, and stand[s] in violation of international human rights law." Adalah claimed that the "Israeli judiciary systematically uses secret evidence to justify decisions that violate the human rights of Palestinians in all areas

under Israeli control." **A victim of Israel's systematic violation of Palestinian children's rights** Manasra, a resident of occupied East Jerusalem, was sentenced to nine and half years in prison when he was just 14 by an Israeli court. The court ruled that though Manasra was not involved in the "attempted murder" of Israeli settlers in 2015, he had "intentions" to kill. At the time of Manasra's arrest, he was just 13 years old. His cousin Hassan Manasra had been shot and killed by an illegal settler after two settlers were allegedly attacked by him. Manasra was also beaten up by the settlers and was run over by an Israeli driver. He sustained a skull fracture and was left bleeding on the ground. He was later reportedly tortured

during interrogation in custody. Furthermore, his trial was [deliberately delayed](#) so that he could be given a harsher punishment as the Israeli parliament was already debating a bill to allow jail terms for Palestinian children as young as 14. [According to](#) Samidoun – Palestinian Prisoner Solidarity Network, Manasra's mental health gradually deteriorated due to the effects of these events. His mental health further deteriorated in prison. Manasra has already served over two-thirds of his prison term, which makes him eligible for early release from prison on health grounds. However, anticipating such appeals, the Israeli occupation authorities in June categorized his case under

"terrorism," which provided grounds for the courts to reject appeals for his early release. Two such appeals have been rejected in July and September by the Beer Sheva court. Adalah stated that an independent doctor has observed that Manasra's isolation would lead to further deterioration in his mental health and that he requires immediate medical assistance outside the prison. Various other human rights groups [have called](#) for Manasra's release. Over [430,000 people from across the globe](#) also signed an online petition for his release. On Thursday, the European Union [issued calls](#) for Manasra's release, noting that as per the UN rules, any solitary confinement for more than 15 days amounts to torture.

Kutunse Chief Nii Ayikuma Teikuba II Warns Public Against Dealing With One Adumoa



Chief of Kutunse, Nii Ayikuma Teikuba II has asked his people and the public to disregard and discard the claim by one 'Adumoa' who prides himself as the chief of the area.

According to him, Adumoa is not the legitimate chief of the area so people should desist from transacting business with him, especially when it comes to lands.

"My family called me and said they've seen one Adumoa parading himself as the chief of Kutunse and that sertlite belongs to his grandfather — so the family called me and want to explain that Adumoa is not the chief of Kutunse. He explained that Adumoa was the chief but later de-stooled later.

"Adumoa was the chief of Kutunse but he was later de-stooled about 7 years ago before I was made chief. They've not even seen him ever since he was de-stooled so they do not know where he came from to call himself the chief of Kutunse reason the family called for this press conference"

Asked why Nii Ayikuma Teikuba calls himself the chief of Kutunse, he said "I was chosen by the family. I was the Asafoatse of the area so one day, they called me —

upon my arrival they started shootings and called the gods, did the customary rites and I was made the chief of Kutunse. I don't call myself the chief in the area but the family."

The family said "ever since they de-stooled him as the chief, there was no person other than me. They saw me as the heir to the throne reason they made me the chief"

"After the necessary customary rites and I was made the chief, I called Adumoa to come home so we talk about what the family has done, in case maybe there would be another position for you because he was a National Security Personnel. I went to his office to apologize because the family had already done and made me the chief and see how we can settle this, I met his absence but his friends "Joe

and Wanky' so I discussed with them which they later told him about the happenings within the area since Adumoa was made the chief"

"They heard Adumoa has been de-stooled — they advised him but he didn't listen. They showed me papers indicating that the family has de-stooled him as the chief of the area so after I went there, his friends called him to come but immediately, he saw me he ran away so his friends were all surprised that he ran away"

Nii Ayikuma Teikuba II later told the media and the people of Kutunse that, Adumoa is not the chief of the area he's not been in the area for about 7 years.

"I haven't seen Adumoa for about 7 years I was made the chief so disregard any news of him been the chief is the area. Every invite from the state, I'm the only person to attend and also we have association at Amasaman [Ga West], I've been the only person to attend those meetings, the certificate from the family indicating my name as the chief of the area so I'm a member of the Ga West together with my Queen-mother"

"The family, "Abolapiam" told me the 'setlihte' is for us, our late chief, Nii Tackie-Oblie II gave the land to Dr Kwame Nkrumah, he never sold the land to Kwame Nkrumah so those who work on the land spoke to us and everything was documented. They compensated the

workers on the land but the owners of the land were not compensated by the government"

When they saw that the rest of the land were not being used, the Abolapiam family started selling the lands that made setlight to come with a copy of documents which indicated the Buffer zone.

They took some developers to court, we joined the suit and setlight people stopped appearing in court. We still have the case in court, the day we heard of the demolition in the area, we told our lawyer to file the case — but we've not heard from them meanwhile those farming on the land have been compensated but the owners of the land haven't been compensated"

"I can tell you due to that, some of the elders of Abolapiam family are selling the lands so the government have to intervene"

Speaking to the media, Adukrokoto II, stool father of Abola Piami in Accra also waded into the issue and said "I'm the stool father of the house. I did the customary rite to install Nii Ayikuma Teikuba II as the chief of Kutunse. So, Adumoa is not the chief so if he doesn't stop whatever he's doing to bring chaos in the area, I will drag him to court.

I installed him as the chief but we later dis-stooled him because of his bad behavior. I can confidently tell you that Nii Ayikuma Teikuba II is the chief of Kutunse because I did the customary rites to install him"

"Adumoa is not the chief of Kutunse, so whoever transact business with him does that in his/her own risk"

Papaye Opens Frafraha Branch

By Florence Anim

Ghana's fast-growing food restaurant, Papaye, has opened its newly established branch at Frafraha, off the Adenta-Dodowa road, to serve its customers in the Adenta Municipality of the Greater Accra Region.

The Papaye fast food restaurants for 30 years now have served customers the best of dishes, both local and international, across its branches nationwide. Speaking at the branch opening ceremony, the Managing Director, Mr. Emmanuel Tefe indicated that the call to establish Papaye's new branch at Frafraha was a result of a significant increase of concern among people of

Adenta, Frafraha, Amrahia, Oyibi, Dodowa, and its environs on providing them with their share of 'Papaye fast food cake'. "Today, we are here to deliver their request with our latest branch," he stated.

Mr. Tefe further stated that the newly established branch employs the use of technology to enable the workers serve customers efficiently and effectively, with a total staff strength of 600.

"The Frafraha branch is the ninth opening of Papaye in the country, with about 60 percent of our workforce from this community. We have branches in Osu, Tesano/Apenkwa, Spintex, Tema, Lapaz, Awudome, Haatso, and Kasoa, and we are bent on providing

the best of food quality to our cherished customers as we have done over the years," he said. The Executive Chairman of Papaye Group of Companies, Dr. Samir Kalmoni, in his speech, said Papaye has operated as a good corporate citizen over the years and adhered to the regulatory requirement on health and safety, been environmentally responsible, corporate socially responsible, and has been the torchbearer in the fast food sector in the tourism industry of Ghana. "Quality is our polestar and will not for any reason compromise it, hence urging our employees to focus, work hard and give the best performance. Remember the customer is the reason why we are still in business," he added.

Gold For Oil Initiative: Dr Kofi Amoah, CSOs Raise Major Concerns About The Policy

from front page

recently announced the policy, claiming it is the best way to deal with the dwindling foreign currency reserves and the insatiable demand for dollars by oil importers which is weakening the local cedi and increasing living costs.

"If implemented as planned for the first quarter of 2023, the new policy "will fundamentally change our balance of payments and significantly reduce the persistent depreciation of our currency," Bawumia said.

According to Dr Amoah, while he is not against Ghana finding its own way and methods to deal with its impending financial crises, but cautions "let's pick our fights carefully." Dr Amoah opines that the move could be interpreted as trying to "disgorge the USD as the major international currency for payment."

In an interview with GhanaWeb, Dr Amoah who has previously campaigned for Ghana to stop its excessive borrowing said broader consultations should be had with countries like China and Russia if this move is to see the light of day.

Also to express concerns about government's move to explore a gold-oil barter policy are society organisations who have questioned the feasibility of the mover.

The CSOs described the announcement of the policy as weird, premature and one with the potential to breed corruption.

Benjamin Boakye of Africa Centre for Energy Policy (ACEP) and Nana Amoasi VII of Institute for Energy Security (IES) reacting to it said, "We can always stress-test policy before announcements. Gold for oil is weird," says Mr. Boakye. "The common

denominator is the dollar. Total gold export was US\$4.8billion, just about how much we needed to import refined products." Mr. Boakye, who is ACEP's Executive Director, questioned how the government can raise enough dollars to buy all the gold produced in Ghana, or how it can buy all the gold produced in cedis.

Although it remains unclear how much gold government buys locally, he said the policy could struggle to address the current challenges in the economy.

He asked: "So, how much oil are we hoping to import with this announcement? Is it crude or refined products? Do we have a company dealing in both commodities to give us the discount? What happened to those scouts who went for cheap fuel in Abu Dhabi?"

"No commodity is stronger than the dollar today. A bet on the future doesn't resolve current challenges. By the way, how much gold has BoG purchased so far since the big announcement on gold reserve assets?"

Nana Amoasi VII, meanwhile, questioned how the government would buy gold to the tune of US\$380million, which is the amount the country spends importing finished petroleum products every month.

"Our monthly import bill for finished petroleum products is roughly US\$380million. Can government get gold to the tune of US\$380million every month for exchange of finished products?" he queried.

He also lamented that barter is not a transparent arrangement and could breed corruption.

He said similar arrangements – including Iran's 'oil for food programme' in the 1990s, Nigeria's recent 'crude oil for finished products' programme – all became avenues for corruption. He further stated that government is either short of ideas or is deliberately attempting to rob the citizenry.

Nana Amoasi VII also added that a more sensible move would be to find a strategic private partner to revamp and expand the Tema Oil Refinery (TOR), the country's only refinery. TOR, which has yet to refine crude in the last eight months, needs a capital injection of about US\$500million.

Just like Mr. Boakye, Nana Amoasi VII also wondered what had happened to the government team that went in search for reliable and affordable fuel for Ghanaians.

Background

Dr. Bawumia, in a Facebook post on November 24, 2022, said the government is negotiating a new policy regime where gold (rather than our US dollar reserves) will be used to buy oil products.

He said demand for foreign exchange by oil importers in the face of dwindling foreign exchange reserves results in the depreciation of the cedi and increases in the cost of living with higher prices for fuel, transportation, utilities, among others; hence, the barter of sustainably mined gold for oil is one of the most important economic policy changes in Ghana since independence.

"The barter of gold for oil represents a major structural change. My thanks to the Ministers for Lands and Natural Resources, Energy, and Finance, Precious Minerals Marketing Company, the Ghana



Dr Kofi Amoah and Vice President, Dr Mahamudu Bawumia

Chamber of Mines and the Governor of the Bank of Ghana for their supportive work on this new policy," he said.

The new framework is expected to be fully operational by the end of the first quarter of 2023.

"If we implement it as envisioned, it will fundamentally change our balance of payments and significantly reduce the persistent depreciation of our currency with its associated increases in fuel, electricity, water, transport and food prices. This is because the exchange rate (spot or forward) will no longer directly enter the formula for the determination of fuel or utility prices since all the domestic sellers of fuel will no longer need foreign exchange to import oil products."

But the Dr. Amoah and the CSOs are not happy about the move.

This is the full text of Dr Amoah's concerns with the new policy

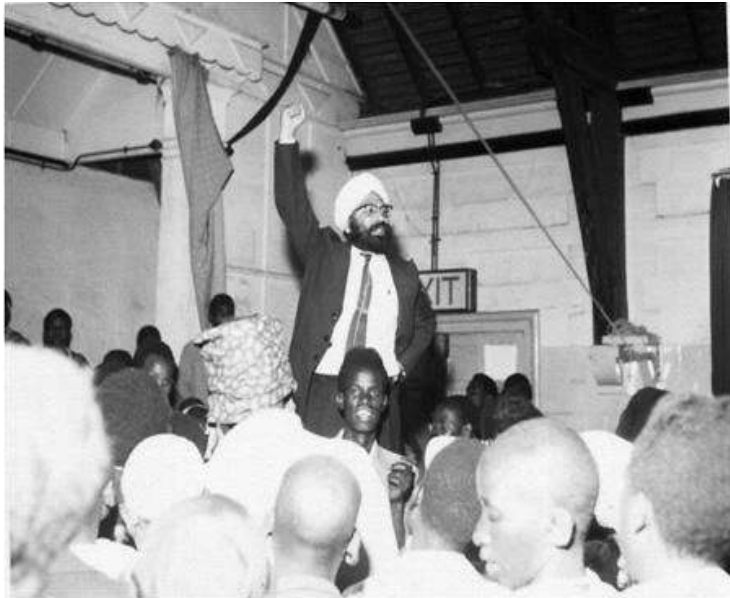
Ghana has announced making international payments in gold instead of USD

First let's find out how MUCH REFINED GOLD DEPOSIT Ghana really has, and if it's not already mortgaged as collateral.

Let's also see how many

countries, banks or other international institutions will accept gold from Ghana for payment without first exchanging the gold into USD. Is Ghana ready or capable to contest the US in any efforts seen as attempts to disgorge the USD as the major international currency for payment, not gold. Has China been consulted privately/confidentially for engagement? International currency for commercial transactions is a major source of global power, probably second only to the possession of nuclear arsenals. I'm not against efforts to creatively solve our impending financial crises, almost existential, but let's pick our fights carefully. Putin could demand payment for its oil/gas in rubles (when the value was being crushed by Western sanctions) because Russia had short-term monopolistic market position of its gas to Germany and other European countries, and Putin could justify it was in direct retaliation of the West's efforts to undermine its economy. There are other equally cogent methods for getting Ghana out of the hole but the President refuses to entertain such ideas from 'some' citizens even after several written requests.

Makhan Singh (1913 – 1973): India's Unsung Hero In Kenya's Liberation Struggles



Makhan Singh after his release addressing workers, Nairobi. 1961.
Photographer unknown

Biography of Makhan Singh, who translated Marx's Capital while in detention in India, was a central figure in Kenya's early trade union movement in the 1940s, was imprisoned for 16 years, then sidelined by Jomo Kenyatta's post-colonial government. Submitted by Mike Harman on March 3, 2018 Makhan Singh not only organised the labour movement in Kenya, but also raised the slogan of total independence of the country. He remained in prison for 16 years. But the contribution of this valiant son of Punjab remains unknown in Kenya as well as in India.

WHEN I visited Kenya for the first time in 2005 as an educationist, it was inconceivable then that I would soon be writing a play on an unsung Indian hero Makhan Singh, who had migrated from Punjab in 1927, organised the labour movement of the country, became the first person to call for total freedom from the colonial rule, remained under detention for 16 years and was the first leader to be arrested and the last to be released after independence. If about 20 readings of the play Mungu Comrade in India, England and Canada attracted hundreds of people, who were riveted to the spoken action, it was not the magic of writing; they were actually enchanted by the mesmerizing protagonist who has rightly been termed as a "totally unadulterated idealist". Dr. Fitz De Souza, Deputy Speaker of Kenya's first National Assembly said about him, "he wouldn't compromise his principles on anything."

He was born on December 27, 1913 in Gharjakh, a town near Gujranwala (Pakistan) in the family of Sudh Singh who went to Kenya in 1920, about two decades after the British took Indian labour to Kenya to lay the

railway track from Mombasa to Kisumu to feed their commercial needs. In the 16th century the Portuguese had also imported workers from the then colony of theirs, Goa, to help build the coastal Fort Jesus. But it was in the last years of the 19th century when 37,000 workers and petty tradesmen were introduced from Punjab and Gujarat for the line that is termed by the African tribes and subsequently by Robert Hardy as The Iron Snake. The slithering of this 'snake', passing through the dense forests took life of about 2,500 workmen; roughly four persons per mile of the track. Another 6,500 were injured seriously. We have seen this terrain in the film made on the first-hand accounts written by John Henry Patterson in *Man Eaters of Tsavo*. It was against this background that Makhan Singh entered Kenya as a young student and did his London Matriculation in 1930 from Nairobi. He was a brilliant student. His class fellow Chuni Lal Madan, who later became the first Chief Justice of the Supreme Court of independent Kenya, wrote: "Makhan Singh had a magic brain and he used to excel in the subject of Mathematics". He wanted to go to England for his higher education but his father insisted that he should assist him in the printing jobs in his newly established press. The financial condition of his family compelled him to work for the press. But he accepted it only as a paid worker against fixed wages. His later life would reveal that it was not his arrogance; he, in fact, penciled his roadmap for future activities. The mid-1930s played a decisive role in shaping his fortitude. In 1933, from being permanently employed with the Railways, the Indian workers were reduced to the

level of being temporarily employed. When Makhan Singh was asked to become the Honorary Secretary of the Indian Labour Trade Union under the Presidentship of Ghulam Mohammad, their strikes of 1931, 33 and 35 had already failed. He started looking at the developments in the larger context and never restricted himself to parochial issues. Resolutions such as reduction of working hours to eight, reduction in the high taxes that workers were paying, and condemnation of executions done by Hitler were passed. Gradually, the scope of the union work was further extended to the whole of East Africa; name of the Union was accordingly amended. He started working in collaboration with his African counterparts and also Gujarati nationalists like Ambu Patel. He even warned Indians against their social biases of caste, creed, gender and nationality whereas he supported positive measures taken by the British like combining Kenya, Tanzania and Uganda as a single administrative unit. But he was dead against their policy of discrimination on the basis of race and region; he was on a complete fast for seven days until the government withdrew a sectarian law.

Fred Kubai, a freedom fighter and a close associate of Makhan Singh says, "He suffered honestly for Kenya's working class. I know him as a fighter, every inch a fighter, a Kenyan nationalist of the highest order and a brother in trade unionism and in our national struggle for independence." But on the downside his own people distanced themselves from him as he was asking for equal wages for Asians, African and European workers. His resolutions in support of Indian independence, unity of East African workers, revision of educational policies in India, release of Baba Gurmukh Singh and Teja Singh Sutantar were refused to be presented in the Gurdwara by Sri Guru Singh Sabha. Married to Satwant Kaur in 1934, he had had a son in 1937 who was named Hindpal Singh. He named his second son as Swarajpal Singh. He took an active part in the successful Mombasa general strike in 1939 and the following year he visited India with his family to apparently attend the wedding of his brother-in-law. However, disguised as a Muslim on May Day he addressed 30,000 textile workers who were on strike in Ahmedabad demanding

better wages. He was arrested after a week and remained under detention for about five years. Instead of enjoying the fruit of freedom in India, he chose to leave its shores on August 22, 1947. Makhan Singh's real problems started on his return to Kenya. He got an order of deportation from the British government citing his entry as an act of oversight, despite the fact that Sudh Singh had already got permission from the British Government for his entry. He got support from members of British parliament and the Government of India. He was lucky that the Supreme Court ordered the government to try him in a court of law before deportation; and the case fell flat on technical grounds. The government again came back with a fresh deportation notification. Such frequent orders, arrests and releases between 1947 and 1950 filled him with iron resolve and his image soared sky high; he was reckoned as one of the front runner freedom fighters of the country. He had already translated Marx's *Das Kapital* while in detention in India and had also worked with Jagjit Singh Anand in publishing the weekly *Jang e Azadi* from Jalandhar. Though he had been writing for local Swahili and English media since 1935, the establishment started taking him very seriously only then. He opposed the celebrations when Nairobi got the status of a City on the ground that the town was clearly divided between the 'poor' and the 'rich' and the poor can't be the part of such festivities. It was on May 1, 1950 that speaking at Nairobi's Kaloleni Hall, Makhan Singh became first individual in Kenya to demand "Complete independence and sovereignty of the East African territories – Uhuru Sasa." He was arrested and remained in jail continuously for 11 years, without a proper trial and was released only after Kenya got independence. An ardent votary of communism, Makhan Singh also showed complete faith in and adherence to non-violence. The fierce Mau-Mau movement, which left thousands of Kenyans dead at the hands of British, took place when he was under detention. We cannot find his parallel in history; no other communist fought against the colonial rule so peacefully and successfully. In his later life he turned an atheist but he wrote a number of poems on varied subjects, including Guru Nanak and the apostle of peace Guru Arjan Dev. He recited his verses also in gurdwaras, Sanatan Dharma and Arya Samaj Temples. Makhan

Singh was impressed by Mahatma Gandhi. Though he never faced apartheid personally as Gandhi did; yet he decided to fight for the cause of Africans, unlike Gandhi. He decided to stick to Kenya under all circumstances, again unlike Gandhi. He didn't waver even when his mother died in Kenya and the British were ready to release him only if he agreed to leave the country after the ceremonies were over. But he gave more importance to his adopted motherland than to his biological mother. He fought relentlessly against the wishes of his own people who were from Punjab, for the equal wages for Europeans, Asians and Africans. He battled persistently for the cause of the poor and without any compromise. English writer Dana Seidenberg rightly terms him as the "most important Asian to have lived in East Africa in the twentieth century."

The perception that Makhan Singh was denied any post-independence role in Kenya because he was a communist is misplaced. Actually the manner, in which land ownership rights of poor Africans remained with the western grabbers, exposes the myth of sovereignty. The subsequent incidents in post-colonial era in Kenya affirm the sham called freedom. Under new regime a number of frontline leaders were either murdered or detained; few others were deported. They include Pinto Pio Gama, Tom Mboya, J M Kariuki, Pran Lal Sheth, Oneko and Odinga. Anti-corruption man Bildad Kaggia was humiliated for his honesty, and the most honest Makhan Singh was simply ignored. He falls in the league of Gandhi, Mandela and Martin Luther King. But in contrast to them he is like sunk ebony, the valuable wood; its weight drowns it; whereas the straw swim so easily.

Fred Kubai, a freedom fighter and a close associate of Makhan Singh says, "He suffered honestly for the sake of Kenya's working class. I know him as a fighter, every inch a fighter, a Kenyan nationalist of the highest order and a brother in trade unionism and in our national struggle for independence."

Norway Appeal Court Dismisses Appeal Against Ghana



Attorney General and Minister for Justice, Godfred Yeboah Dame

By a unanimous decision, the Oslo Court of Appeal, Norway composed of three Justices of Appeal (Pal Morten Andreassen, Irene Sogn and Rolf Ytrehus), has in a judgment dated Tuesday, November 22, 2022, dismissed an appeal filed by Messrs. Jongsbru AS, the sellers of a property identified by the Republic of Ghana for use as a chancery building in Oslo, Norway.

The Norway Court of Appeal considered an appeal by the appellant against the judgment of the Oslo District Court (High Court) in December 2021, dismissing its case and awarding damages and procedural costs in favour of Ghana.

After a retrial, the Oslo Appeal Court held Ghana to be “fully acquitted of all liability” and concluded that “a purchase agreement to which Ghana was a party could not be said to have been completed between the parties”. The Court awarded the sum of 1.5 million Norwegian Kroner (approximately 150 000 USD) payable by the appellant to Ghana as procedural costs incurred before the Court of Appeal. It further ordered the appellant to pay to Ghana 1 million Norwegian Kroner (approximately, 100 000 USD) as compensation for procedural costs at the High Court.

Facts of case

In 2018, Ghana decided to establish an embassy in Norway. The acquisition of a chancery building, either by purchase or by a lease, was deemed to be critical to the establishment of the embassy.

A delegation from Ghana identified a number of properties, including Sigyns Gate 3 at Frogner in Oslo, the property

the subject matter of the litigation. On 22nd November 2018, Ghana received an offer from Jongsbru to buy the property for 100 million Norwegian Kroner. The offer had a deadline of seven days, i.e. by 29th November, 2018. On 29th November 2018, Ghana's Charge d'Affaires, Regina Appiah-Sam, responded to Jongsbru's offer in these terms:

“On behalf of the Government of Ghana, Ministry of Foreign Affairs, we have the pleasure to accept the Offer with the following conditions:

1. ... It is a condition for the acceptance of the Offer and the final contract, that the building is without significant defects and that the renovation work is completed and performed in a satisfactory manner.

2. Before take-over there is a final approval without conditions from relevant authorities for the use of the property as an Embassy.

3. Agreement on a final contract of sale. We accept that the contract shall be based on the Sem & Johnsen standard contract.”

Subsequent to due certification by Ghana's appointed valuers that the building was without significant defects and that the renovation works on same had been completed and performed in a satisfactory manner, Ghana pulled out of the transaction on various grounds, including a failure on the part of the sellers to satisfy the condition of a final approval from the relevant Municipal authorities in Oslo for the use of the property as an Embassy.

The sellers of the property, Jongsbru AS, sued the Government of Ghana in the Oslo District Court claiming sums totalling about seventy-eight million Norwegian Kroner for breach of contract, loss of profits, interest and costs of litigation.

Original judgment of the District Court (High Court)

On 16th December 2021, the Oslo High Court upheld Ghana's contention that on the issue of choice of law, the competence or legal capacity of Ghanaian officials to bind the Republic of

Ghana must be decided according to Ghana law. Whereas the Government of Ghana had led evidence by the Director of the Legal Directorate of the Ministry of Finance to prove the content of Ghana's financial and procurement laws, no attempt was made by the plaintiff to rebut same.

The Court found that Ghana's Minister for Foreign Affairs, in accordance with section 20 of the State Property and Contracts Act of 1960, had the competence to bind Ghana in agreements involving her ministry.

This authority had not been exercised in the transaction in question. Neither the Charge d'Affaires of Ghana at the time, Mrs. Appiah-Sam nor Ghana's lawyer, Mikkel Visllie had authority to enter into the agreement on behalf of Ghana. There was thus no valid or binding agreement between the sellers of the property and Ghana.

The Court further held that under Ghana law, the Public Procurement Authority must agree on the purchase of the property and the application of funds must also be approved by the Minister for Finance, before the Minister for Foreign Affairs must either personally execute the agreement for the purchase of the property or authorise another competent person by a power of attorney to execute the agreement. On the evidence provided by Ghana's witnesses, this had not been done.

Regarding the claim against Ghana's lawyer at the time of the purported sale, the Court found that the lawyer was fully responsible for the positive contractual interest in accordance with the Contracts Act of Norway. The Court was of the view that there is a particular reason for trusting lawyers who act on behalf of clients. The Court found that the lawyer did not have any reasonable excuse for not ensuring that there was a power of attorney signed by Ghana before purporting to convey acceptance of the offer by Jongsbru. The Court thus ordered lawyer Mikkel Visllie who acted for Ghana and his insurance company, Tryg Forsikring to pay to Jongsbru the sum of thirty-seven million, seven

hundred and twelve thousand, nine hundred and four Norwegian Kroner as compensation.

Appeal hearing

The Oslo Court of Appeal heard the appeal over four days - from 25th to 28th October, 2022, taking evidence from the witnesses of all the parties in the matter afresh. The hearing was observed by students of the Oslo Law School as part of their practical advocacy training.

Ghana's Attorney-General, Mr. Godfred Yeboah Dame, led a team from Ghana for the hearing. Mrs. Jennifer Lartey, Ghana's ambassador to Norway, Mrs Regina Appiah-Sam, Charge d'Affaires at the time the embassy was opened, Charles Osei-Marfo of the Oslo mission, Ms. Doris Brese, Ministry of Foreign Affairs and Mrs. Mangowa Ghanney, former Director, Legal at the Ministry of Foreign Affairs, testified as witnesses for Ghana.

Judgment of the Oslo Court of Appeal

The Oslo Court of Appeal dismissed the appellant's case in its entirety as unfounded and ordered to pay to Ghana 1.5 Million Norwegian Kroner (approximately 150 000 USD) as compensation for procedural costs incurred before the Court of Appeal. It further ordered Jongsbru to pay to Ghana 1 Million Norwegian Kroner (approximately 100 000 USD) for procedural costs incurred before the Oslo District Court.

The Court of Appeal observed that a prerequisite for the appellant's claim was that the company had incurred economic loss as a result of Ghana's decision not to finalize the sale. The appellant did not incur any such economic loss. On a proper application of the principles of offer and acceptance, Ghana could have withdrawn from the agreement (even if it was binding), as all conditions necessary for the performance of the contract had not been satisfied.

Regarding Ghana's defence about a lack of approval by the Oslo Municipal authorities for

the building to be used for an embassy, the Appeal Court found that based on the evidence presented by Ghana concerning the appellant's belated attempts to apply for the said permission and the municipality's responses, it was clearly established that no such permission would have been received by the relevant date for the contract to take effect, and therefore Ghana could have withdrawn from the agreement. The purchase would in no case have materialised, and the appellant would not have received the purchase price from Ghana, for a claim of economic loss to be validly asserted.

The Oslo Appeal Court noted further, that, the condition regarding authorization by the municipal permission to use the property as chancery, was vital to the purchase, and that, only Jongsbru, not Ghana, had any control over whether the condition would be met or not. Further, the consequences of the condition not being met, was set out specifically in the agreement.

The Attorney-General and Minister for Justice expressed satisfaction with the outcome of the appeal and hoped that it would mark the end of the dispute. Mr. Dame explained that, under Norwegian civil procedure rules, any civil judgment of the Court of Appeal may be appealed to the Supreme Court but the hearing of the appeal is not as of right.

A panel of three Supreme Court judges must first determine whether to allow the appeal to be heard by the Norway Supreme Court and explicitly allow same to be heard, before the court will be required to consider or hear it and then proceed to give a judgment on it.

“If the panel does not allow the appeal to be heard, the appeal terminates without any further processes at the Supreme Court. The ground on which the Norwegian Supreme Court will hear an appeal is where a new and major issue of law is raised in the matter and the court feels obligated to give legal clarity on the position. The Norway Supreme Court does not hear an appeal on matters concerning the facts or evidence in a civil matter,” Dame concluded.