



REPUBLIC OF GHANA

THE AUDITOR-GENERAL

My Ref. No: AG//20/5

Your Ref. No:

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8 May 20

**THE CHIEF OF STAFF
OFFICE OF THE PRESIDENT
JUBILEE HOUSE, ACCRA**

DEAR HON. AKOSUA FREMA OSEI-OPARE,

RE: REQUEST FOR AN AUDIT VERIFICATION:- REQUEST FOR PAYMENT OF ARREARS DUE MEMBERS OF THE FOURTH PARLIAMENT OF THE FOURTH REPUBLIC.

Please refer to your letter dated 22nd April, 2020 with reference number SCR/DH30/478/01/A and another dated 17th April 2020 with reference number FFMP/03P/04R/17420 from the FORUM FOR FORMER MEMBERS OF PARLIAMENT (FFMP) all on the above subject matter.

1. I wish to strongly advise that you ignore the request for additional payment being demanded by the FFMP because their argument that the request is based on recommendations of or lapses in the Chinery Hesse Committee report is invalid. The impression is being created that it is the committee and not the President who determines the emoluments for the legislature. Article 71(1) of the Constitution provides that the salaries and allowances payable, and the facilities and privileges available, to the legislature, Judiciary, Auditor General and others, shall be **determined by the President** on the recommendations of a committee. My understanding of the constitutional provision is that, the entitlements of the legislature are those approved by the President and not necessarily the recommendations of the committee. For instance, the report issued by the Prof Dora Edu-Buandoh's committee (PDEBC) recommended salary levels lesser than what was approved, hence higher amounts were paid to almost all (if not all) article 70 officeholders in 2017. Again, the PDEBC's report recommended a formular for the calculation of ex-gratia which was replaced by another one. Going by the Former MPs' argument,

AG's letter to Chief of Staff on Article 70 officeholders 2005 to 2009

can one then say that the Executive, the legislature, the Judiciary and others were all overpaid in 2017 for the period 2013 to 2017 just because the approved emoluments and ex-gratia were higher than recommended by the committee? Certainly no.

2. I now want to address the substantive issue of the Chinery Hesse Committee (CHC) Report for 2005 to 2009 which is the basis for the claim. H.E. Prof. John Evans Atta Mills wrote to the then speaker of Parliament Rt. Hon. Mrs. Justice Joyce Bamford-Addo a letter dated 5th November 2009 with reference number OPS.130/09/2224 on the subject matter BENEFITS OF ARTICLE 71 CONSTITUTIONAL OFFICE HOLDERS. In that letter H.E. stated that **"On March 31, 2009, I set up a five-member committee under the chairmanship of Mr. Ishmael Yamson to revisit the report of the Chinery-Hesse Committee on benefits for Office-holders under Article 71 of the 1992 Constitution. "I have considered the IYC Report and have accepted the recommendation that the Chinery-Hesse Committee (CHC) Report should not be accepted for implementation for the following reasons:**

- a) there seems to be more than one "final" report of the CHC;
- b) the IYC cannot confirm which of the "final" reports was allegedly approved;
- c) there are uncertainties, ambiguities and doubts surrounding the CHC reports leading to lack of authenticity;
- d) neither the President nor Parliament gave approval as mandated under Article 71(1) and 71(2) respectively of the 1992 Constitution of the Republic of Ghana."

3. In paragraph 2 of the President's letter, he stated **"I have noted that the IYC recommended that the existing facilities and privileges which are already being implemented should continue. Consequently, I have directed that existing emoluments, facilities and privileges for Article 71(1) and 71(2) office holders should continue to be applied"**. He went on to state in paragraph 3 that **"The existing emoluments, facilities and privileges which are already being implemented will generally be found in the Greenstreet Report of June 2000 and Chinery Hesse Report of December 2005"**.

4. Apart from the fact that the claim from the FFMP is invalid because the CHC report for 2005 to 2009 was rejected, it may also amount to abuse of

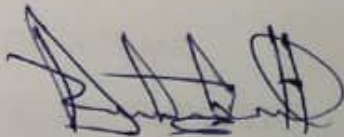
power or conflict of interest to make additional payment (20% salary increase per annum for four years) to former Members of Parliament (covering a period of 10 to 14 years ago) especially when some of them are now the executive – i.e. the approving authority. You are no doubt aware that other public servants are denied their salary arrears resulting from employment and promotion through no fault of theirs whenever the arrears goes beyond a number of months.

5. It is also a public knowledge that some MPs were or are undergoing police investigations for receiving double salaries which implies overpayment but several of the names are included in the list for additional payment submitted by FFMPs per Office of the President letter dated 22nd April 2020.

6. It is my considered opinion that the Former MPs are not entitled to what they are asking for, but it also came to me as a big surprise that our honourable former MPs are making such a request at a time of a pandemic which has taken the entire world by surprise.

7. Based on the above, I am unable to carry out the audit verification.

8. Please accept, Hon. Chief of Staff, the assurances of my highest consideration.



DANIEL YAW DOMELEVO
AUDITOR-GENERAL OF GHANA

Cc:

The Hon. Speaker of Parliament, Parliament House, Accra

The Hon. Minister of Finance, Ministry of Finance, Accra

The President, Forum for Former Parliament, Parliament House, Accra