



REPUBLIC OF GHANA

**WHITE PAPER
ON THE
REPORT OF THE COMMISSION OF INQUIRY
INTO MATTERS RELATING TO
THE PARTICIPATION OF THE BLACK STARS TEAM
IN THE WORLD CUP TOURNAMENT IN BRAZIL 2014**

JUNE 2015

WHITE PAPER ON THE REPORT OF THE COMMISSION OF INQUIRY INTO MATTERS
RELATING TO THE PARTICIPATION OF THE BLACK STARS TEAM IN THE
WORLD CUP TOURNAMENT IN BRAZIL 2014

1.0 Introduction

The Commission of Inquiry into matters relating to the participation of the Black Stars Team in the World Cup Tournament in Brazil 2014, hereafter referred to as “the Commission”, was set up under C.I. 82 of 2014, with the period of completion of its assignment extended under C.I. 83 and C.I. 84, both of 2014.

1.1 Terms of Reference

The terms of reference of the Commission as stated in section 5 of C.I. 82 were as follows:

- a. to inquire into matters relating to:
 - i. the preparation of the Ghana Black Stars Team for the tournament and possible lapses which might have caused the early exit of the team from the tournament,
 - ii. the management of the Ghana Black Stars Team and events in their camp during the tournament, and
 - iii. Ghana’s treatment of Ghanaian football fans who were sent to support the Black Stars by the Ministry of Youth and Sports;
- b. to advise the Government on the financing of the activities of the senior national team and other national teams;
- c. to inquire into all other matters of public interest concerning the organization of Ghana’s Black Stars participation in the Tournament; and
- d. to make recommendations to the Government for ensuring that, as far as practicable, all the findings are implemented.

1.2 Composition of the Commission

The Commission comprised the following members:

- His Lordship Justice Senyo Dzamefe – Chairman
- Mr. Moses Foh-Amoaning – Member
- Mr. Kofi Anokye Owusu-Darko – Member

Mr. Jonathan Acquah, Senior State Attorney, was Counsel to the Commission.

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1.3 The Report

The Commission submitted its Report to His Excellency the President on March 30, 2015. The Government has studied the Report thoroughly and carefully with a view to issuing a White Paper within the six months period stipulated in Article 280 (3) of the 1992 Constitution.

The Government has decided to accept most of the recommendations of the Commission. Where Government has not accepted the Commission's recommendations, this has been stated and the reasons for the non-acceptance given. Where the Government has accepted the recommendations in modified form, this has also been stated and the reasons for the modification given.

The White Paper is therefore divided into three Parts for ease of reference:

- Part I : Recommendations accepted.
- Part II : Recommendations not accepted.
- Part III : Recommendations accepted with modifications.

1.4 The Next Step

The next step after the issuance of this White Paper is the implementation of the recommendations which have been accepted, as well as those accepted with modifications.

- a. For this purpose, Government has accepted the recommendation of the Commission to assign implementation responsibilities in relation to payment of penalties, return of state property and surcharging of certain named personalities for losses caused, to the Ministry of Justice and Attorney-General's Department.
- b. Government also accepts the recommendation for the establishment of three (3) implementation teams namely Technical and Management, Funding/Financial Administration and Management, and Marketing and Sponsorship to ensure the implementation of the Legacy Recommendations. However, composition of these implementation teams will be determined by Government. Government directs the Minister for Youth and Sports to take appropriate action to establish the implementation teams.

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- c. Government, however, does not accept the recommendation that a Special Investigative Team be set up to look into matters that require further investigations. Government is of the view that there are existing institutions which have the requisite capacity to deal with these matters. Government has therefore decided that the Bureau of National Investigations (BNI) will be the body to conduct any further investigations assigned to the Special Investigative Team.
- d. Government will take steps to initiate the Commission Stakeholders Review Colloquium as recommended by the Commission. Government has, however, decided that the Colloquium will be held two years after the publication of this White Paper instead of one year as recommended in the Report. This is because Government is of the view that some of the recommendations may need more time to resolve. Examples can be found in Paragraph 4.18 of the Report where the Commission recommends that:
 - i. the Government of Ghana should canvass for the re-establishment of the Supreme Council for Sports in Africa (SCSA) within the African Union and the establishment of a United Nations Agency for Sports (UNAS) to superintend and regulate the activities of International Sports Organisations at the International and Continental levels;
 - ii. Ghana should canvass for the adoption at the Sub-Regional (ECOWAS), Continental (AU) and International (UN) system a new model for the relationship between Nation States and International Sporting Organisations (I.S.Os) where a single Domestic Sporting Association affiliates and relates with a multiplicity of I.S.Os dealing with a particular sporting discipline as pertains in professional boxing.

2.0 PART I - RECOMMENDATIONS ACCEPTED

2.1 Introduction

With the exception of the recommendations that have not been accepted in Part II and the recommendations that have been accepted with modifications in Part III of this White Paper, Government accepts all the other recommendations in the Commission's Report. Among the highlights of the accepted recommendations are the under-mentioned.

It is repeated for the avoidance of doubt that the following list of accepted recommendations is not exhaustive. It consists of highlights of the accepted recommendations only. The full list of accepted recommendations consists of all the recommendations in the Report minus the list of the recommendations not accepted contained in Part II and the recommendations accepted with modifications in Part III of this White Paper.

2.2 Paragraph 3.1.4 (page 20): Flight/Transport

Government accepts the following recommendations of the Commission:

- a. The sum of US\$75,150.00 being the total cost of unused match tickets in Brazil should be surcharged to the travel agents, Travel Matters.
- b. Travel Matters should not be paid the cost of the internal flight arrangements in Brazil if it has not been paid.
- c. Travel Matters should be made to refund the cost of the internal flight arrangements in Brazil if it has been paid.

2.3 Paragraph 3.1.6 (pages 22-23): Feeding

Government accepts the recommendation of the Commission on the concept of a Project Planning Committee and the caveat that the Committee should include representation from the Ministry of Justice & Attorney-General, as well as procurement officers. Government further accepts the recommendation that the Ministry for Youth and sports should periodically report to the Chief of Staff on the work of this Committee.

Government also accepts the following recommendations of the Commission:

- a. In the present state of multiple supporters' groups, supporters must seek their own sponsorship to participate in tournaments and the state should, as a matter of policy, not directly employ public or state funds to airlift, accommodate and feed supporters.
- b. Where the Government deems it necessary to sponsor supporters, there should be a clear policy and criteria for selection of supporters to attend such tournaments to ensure transparency in the selection on the premise that the various supporters groups should come together to form a single National Group.
- c. Supporters/fans who intend to travel for tournaments must make their own arrangements with respect to feeding and accommodation.
- d. The engagement of caterers to feed supporters should be discouraged.

2.4 Paragraph 3.1.7 (pages 25-26): Fan Parks

Government accepts the following recommendations of the Commission:

- a. The activities of the Fan Parks as produced and managed by E-volution International should be further investigated and any net income accruing from the execution of the Fan Parks should be paid to the state with interest at the prevailing bank rate.
- b. Any misappropriation/misapplication of the funds given by GNPC to E-volution International on behalf of the Ministry of Youth and Sports should be refunded by E-volution International or surcharged to the former Minister for Youth and Sports (Hon. Elvis Afriyie Ankrah).

2.5 Paragraph 3.1.8 (page 28): Sponsorship and Funding of the Supporters' Project

Government accepts the following recommendations of the Commission:

- a. The state should not commit state funds to send supporters to tournaments (this is, however, subject to Government's position in section 2.3 above).
- b. Funding by private sponsors should be encouraged.
- c. The total amount of Gh¢13,757.00 paid to Corsel must be refunded by the company for non-performance with interest at the prevailing commercial bank rate.

Government goes further to direct that the amount be refunded by Corsel no later than one (1) month after the issuance of this White Paper.

2.6 Paragraph 3.2.1 (page 30): Ownership of National Teams and Benefits

Government accepts the following recommendations of the Commission:

- a. The Government of Ghana should continue to fund the national teams under the terms and conditions stated in the Commission's Report, namely,
 - i. enforcement and operationalisation of the FIFA Standard Co-operation Agreement by the GFA, Ministry of Youth & Sports (MOYS) and National Sports Authority (NSA) to harmonise the relationship between these three football related bodies;

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- ii. a distinction must be drawn between Prize Money accruing from tournaments entered into through qualifying matches funded by the State and developmental funds paid to the GFA by CAF and FIFA. Prize monies and sponsorship funds obtained in the name of the National Teams must be accounted for to the Ministry of Youth & Sports and the National Sports Authority through the Public Interest Committee (PIC) of the GFA and audited by the Audit Service.
- b. All organizations or individuals who leverage on the brand of the National Teams through sponsorship to generate income must account for the income generated to MOYS.
- c. All National Teams' sponsorship funds received by the GFA as managers of the National Teams must be held in trust and accounted for separately from the general funds of the GFA.

Government, however, reserves the right to add any other terms and conditions that it deems necessary.

2.7 Paragraph 3.2.2 (page 34): Sponsorship Monies of National Teams

Government accepts the following recommendations of the Commission:

- a. Since the National Teams belong to the state, all monies accruing from the leveraging on their brands, either directly or indirectly, belong to the state and must be accounted for accordingly.
- b. An account should be opened by the GFA with a local bank styled "Sponsorship Funds for National Teams".
- c. Sponsorship money must be fully accounted for and made public.

2.8 Paragraph 3.3.1 (pages 36-40): Budgeting and Funding for 2014 World Cup

Government accepts the following recommendations of the Commission:

- a. The process of budgeting, releasing of funds and effecting payment for tournaments should be improved as recommended at page 37 of the Report.
- b. The "Summary Annual Budgeting Format" for the Black Stars and all other national teams at the beginning of each season should be as provided for at pages 38-40 of the Report.

2.9 Paragraph 3.4 (pages 44-45): Black Stars Management Team

Government accepts the following recommendations of the Commission:

- a. The Management Committee of the National Teams should be governed by a performance contract to be put in place by the Ministry of Youth and Sports acting for and on behalf of the people of Ghana (the owners of the National Teams).
- b. The number of Management Committee Team members must be reduced to five (5) in order to reduce expenditure.

2.10 Paragraph 3.7.1 (page 63): Relationship between State (Ministry of Youth and Sports) & GFA

Government accepts the recommendation that the MOYS must ensure that GFA accounts for all monies given to it from state coffers.

2.11 Paragraph 3.7.2 (page 66): Relationship between MOYS, NSA AND GFA

Government accepts the following recommendations of the Commission:

- a. The Sports Bill must be passed into law as soon as possible to streamline the activities of the NSA to stop the dual structure and transitional stage the NSA finds itself.
- b. Staff at MOYS currently undertaking implementation tasks should be redeployed to the implementation agencies such as the NSA and the Sports College.

2.12 Paragraph 3.8 (page 74): Friendly Matches towards the World Cup

Government accepts the following recommendations of the Commission:

- a. The GFA as managers of the national teams for and on behalf of the people of the Republic of Ghana, who fund the national teams, must make a full declaration of the details of funding and expenditures incurred during friendly matches.
- b. In future, sponsorship funds and expenditure for all friendly matches must be made part of the budget for national teams at the beginning of the year and once the activity takes place, actuals must be made public.

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- c. The GFA must make available all contracts for friendly matches played, the match agents involved, amounts received, expenditures incurred as well as all amounts of money received from GNPC towards friendly matches to be subjected to forensic audit. The contracts relating to the friendly matches with Holland, Cape Verde, Nigeria, Montenegro, Japan, Togo and South Korea (2014) would be most critical to the forensic audit.
- d. The GFA must be investigated by way of a forensic audit to ascertain:
 - i. the claims of losses totaling US\$ 1,002,000.00 incurred during the matches involving Ghana v Cape Verde, Ghana v Nigeria and Ghana v Togo;
 - ii. the claim that the amount of US\$350,000.00 received from the Japan match was used to offset the deficit incurred in the Ghana v Cape Verde match;
 - iii. whether match fees for the Ghana v Holland and Ghana v South Korea matches were eventually paid by the match agents or organisers after the request by Cabinet to GNPC to fund the matches and how the funds were applied;
 - iv. how the GFA applied the FIFA World Cup preparation money of US\$1.5m and the US\$2m they received from GNPC before the World Cup vis-à-vis match agent funding of the friendly matches to the World Cup 2014 to clear any doubt of double funding, misapplication or misappropriation of funds.
- e. The US\$200,000.00 paid to the GFA President, Mr. Kwesi Nyantakyi, by the State towards a friendly match whilst preparing for the World Cup 2014 in Brazil should be further investigated vis-a-vis match agent funding of the friendly matches to the World Cup 2014 to clear any doubt of double funding and/or misappropriation of funds.

2.13 Paragraph 3.10 (page 80): Public Interest Committee

Government accepts the recommendation that the Public Interest Committee of the GFA should be operationalized with membership and composition as follows:

- a. three Government appointees with one of them being the Chairperson;
- b. two GFA members with one of them being the Vice-Chairperson;
- c. quorum for meetings being three members.

Government further accepts the recommendation of the Commission that this should be an overriding principle for which the State should fund the National Teams.

2.14 Paragraph 3.12 (page 95): Ownership of FIFA World Cup Participation Prize Money

Government accepts the following recommendations of the Commission:

- a. The use of the amounts of US\$2.5m and US\$3.5m received respectively by the GFA and MOYS in 2006 as well as the US\$11m received by the MOYS in 2010 should be made public by all parties.
- b. After every tournament like the World Cup, a Committee should be put in place to decide on the utilization or disbursement of the prize money.
- c. The cost of funding the actual tournament should be refunded to the state and the balance disbursed to finance specific projects approved by MOYS for each sporting discipline.
- d. All sporting disciplines after their allocation should present a proposal on how the allocated funds will be used and must be held accountable to it.

2.15 Paragraph 4.2 (page 102) Written Response by GFA President concerning invitation of Black Stars Players

Government accepts the suggestion of the Commission that for corporate governance purposes, the GFA President should not be a member of the Management Committee of any National Team to ensure that the Management Committees have a fall back position in times of conflict management. Government advises the GFA accordingly.

2.16 Paragraph 4.3 (page 103): Funding of other sports

Government accepts the recommendation of the Commission that any amount recovered after the submission of the Commission's report by way of refunds should be used to settle outstanding payments due sports men/women and National Sports Associations, after confirmation with the Ministry of Youth and Sports.

2.17 Paragraph 4.9 (page 111): Officers of the Ministry of Youth and Sports

Government accepts the recommendation of the Commission that there should be administrative changes at the Ministry of Youth and Sports (MOYS) as part of the process of streamlining the financial management system of MOYS.

2.18 Paragraph 4.10 (page 114): Responses by GFA to FIFA on the mandate of the Commission

Government accepts the following recommendations of the Commission:

- a. The Ministry of Youth and Sports (MOYS) must be proactive and not leave the management of the National Teams in the sole hands of the GFA.

- b. The MOYS must ensure the operationalization of the Standard Cooperation Agreement by FIFA which will formalize and harmonize the relationship between the Government of Ghana and the GFA with respect to the funding of national teams and related accountability by the GFA.

2.19 Paragraph 4.11 (page 119): Catering Statement of Account for Supporters

Government accepts the Commission's recommendation that the unaccounted for expenditure of GHC 189,000.00 should be investigated and anyone found culpable should be surcharged.

2.20 Paragraph 4.12 (page 122): "Co-efficient Theory" and Definition of "Management" by the GFA President

Government accepts the recommendation that the concept of "*co-efficient*" and definition of "*management*" as propounded by the GFA President should be dismissed.

Government further accepts that the management members as known and present at the World Cup who should have been paid appearance fee as budgeted are:

- Mr. Kwesi Nyantekyi (Chairman)
- Mr. Felix Ansong
- Mr. Moses Armah
- Mr. Yaw Boateng Gyan
- Mr. Ofosu Bamfo

Government also accepts that in future where the need arises to reward or compensate persons other than the mandated National Team Committee Members, the intent should be made in no uncertain terms from the budget preparation stage.

2.21 Paragraph 4.13 (pages 126-127): FIFA World Cup Prize Money and Related Matters

Government accepts the Commission's recommendation that as a way of eradicating the perceived or actual collusion between the MOYS and GFA, the Public Interest Committee (PIC) should be installed as a structural and administrative interface between the MOYS and the GFA to safeguard the public interest at all times.

2.22 Paragraph 4.15 (page 129): Lifting of Cash to Brazil

Government accepts the recommendation that cash should never be lifted to any tournament to pay remuneration of national teams or any other person.

2.23 Paragraph 4.17 (page 132): Age Fabrication

Government accepts the finding of the Commission that the Starlets were not necessarily banned because of fraud but due to technicalities having to do with the contradictions in the analysis of the MRI report from Ghana and that of the medical experts from CAF.

Government therefore accepts the following recommendations of the Commission:

- a. MRI tests should be conducted in two different medical centres. Where only one MRI test is conducted, it must be analysed by at least two experts.
- b. Where there is contradiction in any of the analysis it will be better to err on the side of caution and the said player should not be risked and featured in a match or tournament.
- c. For a player to be selected, all experts must come to the same conclusion of the player being within the required age limit.
- d. Parents or guardians should be educated on the risks of condoning age fabrication by their wards.

2.24 Paragraph 4.18 (pages 136-137): Ghana's Relationship with FIFA and CAF

Government accepts the following recommendations of the Commission:

- a. The state should not be cowed or distracted by threats of ban from International Sporting Organisations from exercising its internationally recognized responsibility of ensuring public order, public decency and high moral conduct in the use of public funds by officials of domestic Sporting Associations that are affiliated to these International Sporting Organisations.
- b. The Government of Ghana should canvass for the re-establishment of the Supreme Council for Sports in Africa (SCSA) within the African Union and the establishment of a United Nations Agency for Sports (UNAS) to superintend and regulate the activities of International Sports Organisations at the continental and international levels.
- c. The Government should immediately recall and enforce the FIFA Standard Cooperation Agreement as the basis for dealing with FIFA and the GFA.
- d. Ghana should canvass for the adoption at the Sub-Regional (ECOWAS), Continental (AU) and International (UN) system a new model for the relationship between Nation States and International Sporting Organisations (I.S.Os) where a single Domestic Sporting Association affiliates and relates with a multiplicity of I.S.Os dealing with a particular sporting discipline as pertains in professional boxing.

3.0 PART II - RECOMMENDATIONS NOT ACCEPTED

Part II covers the recommendations of the Commission that have not been accepted by the Government and the reasons therefor.

3.1 Paragraph 3.1.6 (page 23): Feeding

Government does not accept the recommendation that where Government deems it necessary to sponsor supporters to international matches involving the Black Stars, the number should be limited to a maximum of 100 people depending on the availability of funds.

Government is of the view that the psychological effect of numbers of supporters is such that sometimes it may be necessary to sponsor more than one hundred people to support the Black Stars.

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Government, however, accepts the Commission's recommendation that the state should as a matter of policy not directly employ public or state funds to airlift, accommodate and feed supporters and that where the Government deems it necessary to sponsor supporters, this will be the exception rather than the rule.

3.2 Paragraph 3.1.7 (page 26): Fan Parks

Government does not accept the recommendation that there was a clear case of conflict of interest with respect to Mr. Fred Darko whose company undertook Fan Park business, which was one of the fund raising projects of the Project Planning Committee. This is because the Report states at page 24 that "He (Mr. Fred Darko) stated that his company, E-evolution, was already engaged in fan parks and that he had disclosed this fact to the former Minister and the Project Team".

Disclosure of interest is one of the negating circumstances of conflict of interest situations and once this interest had been disclosed, it was up to the competent authority to decide whether to award him the contract or not. Unfortunately, the Report does not indicate whether the Commission believed Mr. Darko's evidence of disclosure or not and, in the circumstances, the benefit of the doubt should go to him (Mr. Darko).

Government does not accept that in future, Fan Parks should be done in each region during such tournaments. Government has decided that this should be a decision to be made taking into consideration circumstances surrounding each tournament, including circumstances relating to funding and technology.

3.3 Paragraph 3.2.2 (page 34): Sponsorship Monies of National Teams

Government does not accept the Commission's recommendation that the current GNPC contract should be amended to cater for all National Teams so that the benefits can cover the other National Teams.

It is true that the GNPC is wholly Government-owned, but it is also true that it is a public corporation with a responsible management and Board of Directors. It takes decisions with the best interests of the corporation at heart and is accountable to the Government. It must be left alone to take its decisions and take responsibility for its decisions as well as any associated risks.

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It would be most imprudent for Government, as shareholder, to dictate to the corporation which contracts to enter into when the Government, as shareholder, holds the management and Board accountable for their decisions.

3.4 Paragraph 3.3.2 (page 42): Discipline in the Black Stars Camp

Government does not accept the recommendation that Mr. Kwesi Nyantakyi's money of US\$8,000.00 be refunded by Mr. Sulley Muntari, and for Mr. Sulley Muntari and Mr. Kevin Prince Boateng to each refund to the state the sum of US\$33,333.00 from the US\$100,000.00 paid to each of them as appearance fees.

The US\$8,000.00 represents the cost of Mr. Moses Armah's items which Sulley Muntari destroyed in his rage following his exchanges with Mr. Armah, and the US\$33,333.00 represents the *pro rata* equivalent of the appearance fee which the two players received even though they had been dismissed from the camp and therefore did not participate in the last match against Portugal.

Government considers that such a demand will only resurrect old wounds. Government therefore directs that the US\$8,000.00 be refunded to Mr. Kwesi Nyantekyi out of the balance of the Prize Money.

Government further advises that the two players should not be recalled into the Black Stars camp in order to maintain the discipline that appears to have been restored since Brazil 2014.

3.5 Paragraph 3.6.2 (page 53): Winning Bonuses

Government does not accept the recommendation under "Negotiation of the Amount" that "The amount to be paid for winning bonus for the Black Stars should be fixed at US\$5,000".

Firstly, it is inconsistent for the Commission to title the recommendation as "Negotiation for the Amount", and yet to fix it rigidly at US\$5,000.00. Secondly, the Commission's recommendation has the effect of freezing the winning bonus at US\$5,000.00 in perpetuity.

Government is of the view that it should be possible to introduce an element of flexibility into the fixing of the winning bonuses, including the possibility of negotiating it on a "per match" basis. It should be possible, for example, for the winning bonus for a win against Brazil to be higher than a win against a weaker football nation.

3.6 Paragraph 3.6.6 (page 58): “Unclassified and Indemnity Payments”

Government does not accept the recommendation that unclassified payments for protocol purposes, which cannot be officially accounted for, should not be included in the budget since all budget line items should be accounted for. Members of the football fraternity are aware that unforeseen and unanticipated, and yet unavoidable and inevitable, payments are a necessary concomitant of the game at the competitive level.

Government therefore directs that while such “unclassified” payments may be included in the budget line, their utilization must be strictly controlled and must be confirmed by the issuance of “Honour Certificates” by the officials entrusted with their utilization. As the Commission recommends at page 89 of the Report – “Honour Certificates should be used to only support cases when it is impracticable to obtain receipts or third party documentation for payments”.

3.7 Paragraph 3.11.2 (page 87): Supporters

Government does not accept the recommendation that the former Minister for Youth and Sports, Hon. Elvis Afriyie Ankrah, should be made to provide the necessary third party vouchers from the transport companies or refund the amount of GH¢15,000.00 reported as spent, and that the use of Honour Certificate to account for this type of expense is not acceptable.

Government believes that in an operational matter like third party vouchers from transport companies, members of the project team who were responsible for these operational matters should provide the necessary third party vouchers or refund the amount of GH¢15,000.00 reported as spent.

3.8 Paragraph 3.12 (page 95) Ownership of FIFA World Cup participation Prize Money

Government does not accept the recommendations that in disbursing the Prize Money

- a. the cost of funding the actual tournament once deducted should be treated like a deduction from public funds and specifically used for sports infrastructure development, and
- b. where the Prize Money does not cover the cost of funding, government should not absorb any Prize Money into its consolidated fund and disburse same as part of its general public funds but the amount should be treated like a deduction from public funds and specifically used for sports infrastructure development.

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Government is of the view that, *ex abundanti cautela*, it must not deviate from time-tested norms, conventions and practices in the allocation of public resources.

3.9 Paragraph 4.0 (page 99): General Issues/Concerns

Government does not accept the Commission's recommendation to officially write to FIFA on the conduct of Mr. Kwesi Nyantekyi, GFA President, on his unwillingness to account for the State funds monies of US\$577,500.00 that he requested for to pay appearance fees to officials of the Black Stars management as budgeted for and approved.

Government does not also accept the recommendation that Mr. Kwesi Nyantekyi should refund the amount of US\$412,500.00 which he has failed to account for. Government considers the matter of the US\$577,500.00 as unfinished business (refer to sections 3.12, 3.13 and 3.14 below) and accordingly directs the BNI to conduct further investigations to bring the matter to a conclusion.

3.10 Paragraph 4.2 (page 102): Written Response by GFA President concerning invitation of Black Stars Players

Government does not accept the Commission's recommendation to single out Mr. Asamoah Gyan to be given formal leadership training/programme at a recognized institution and that if he is unable to show leadership in future for off-the-pitch issues, the GFA must find a suitable replacement for him as the captain of the Black Stars.

Government is of the view that for a matter so delicate that it could not be resolved by the Management of the Black Stars, the GFA and the Minister for Youth and Sports, putting the blame on the captain of the team because he was not able to drag his players to come and talk about it is inappropriate.

Besides, the captain of any football team must have the trust and confidence of his colleague players and the coach, even before the Football Authority comes in. If Mr. Asamoah Gyan has such trust and confidence of the players and the coach, and there is nothing to suggest that he does not, then accepting the Commission's recommendation will have serious adverse effects on the morale of the team. Government rather directs that the coach and the technical team should meet and do a post-Brazil review of the Brazil events with a view to deciding how best to comport themselves in the future.

3.11 Paragraph 4.4 (page 104): Invitation to Mr. Sulley Muntari

The Commission recommends three conditions as bases for Mr. Sulley Muntari's re-invitation into the national team, namely,

- a. an unconditional apology to Mr. Moses Armah;
- b. an unconditional apology to the President of the Republic of Ghana, the Commission and to Ghanaians in general;
- c. referral to a psychologist for counseling and /or undergo anger therapy.

Government is of the view that any apology from Mr. Sulley Muntari as recommended should be a voluntary act of contrition on his part but should not be made a condition for his recall into the team.

3.12 Paragraph 4.5 (page 104): Invitation to Mr. Kwame Ofoosu Bamfo

Government disagrees with the recommendation that Mr. Kwame Ofoosu Bamfo should not be paid any money in future from State funds as an official of GFA. For as long as he remains a member of the GFA, he will be entitled to any monies from State funds paid to members of the GFA qua members.

The Commission indicated that Mr. Kwame Ofoosu Bamfo did not respond to its invitation but was informed that he had travelled outside the country. The Commission did not, however, indicate that investigations showed that this was untrue and that Mr. Ofoosu Bamfo was indeed in the country. There is therefore no basis for sanctioning Mr. Ofoosu Bamfo.

Government directs that in the course of investigating how the US\$577,500.00 was disbursed by the GFA President, the BNI should establish from Mr. Ofoosu Bamfo how much, if any, he received as appearance fee.

3.13 Paragraph 4.8 (page 109): Responses on amount of appearance fees during private hearing

The Commission recommends that Messrs. George Afriyie, Felix Ansong and Emmanuel Gyimah should, in future, not be paid money from State funds or any form of monetary compensation whilst working with any of the National Teams.

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This was based on the fact that that Mr. George Afriyie and Mr. Felix Ansong had received the state funds but were 'not comfortable' to disclose the amount received; and that Mr. Emanuel Gyimah confirmed receipt of payment from the GFA President but strangely forgot the actual amount received.

Government does not accept the recommendation of the Commission. Once Messrs George Afriyie, Felix Ansong and Emmanuel Gyimah work with any of the national teams, they will be entitled to payment of state funds paid to other members who work with the national teams.

Instead, Government directs that the three persons should, in future, not be allowed to work with any of the National Teams.

3.14 Paragraph 4.12 (page 122): "Co-efficient Theory" and Definition of "Management" by the GFA President

The Commission concluded that the GFA President Mr. Kwesi Nyantekyi collected an appearance fee of US\$577,500.00 for seven (7) Management Committee members but only five (5) of them were present at the World Cup. The Commission, however, did not make any recommendation in relation to the appearance fee of the two (2) members who were not present in Brazil.

It has already been directed that the BNI should investigate this matter and bring it to a conclusion. If it turns out that only the five named members of the Management Committee who were in Brazil were paid the appearance fees, then the GFA Chairman should refund the amount of US\$165,000.00 being the appearance fees of the two Management Committee members who were not present in Brazil. The Government so directs.

3.15 Paragraph 4.14 (page 127): The Role of Hon. Elvis Afriyie Ankrah in lifting Supporters to FIFA World Cup

The Commission recommends that Hon. Afriyie Ankrah should be made personally liable for any expenditure that cannot be supported by either third party voucher or documentation. This will ensure that, in future, State officials who are put in position of responsibility take active interest in what they have delegated by way of monitoring and seeking accountability.

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Government is of the view that the members of the Project Committee are all mature and experienced persons of stature and substance and should, therefore, be held liable for acts and omissions for which they were assigned responsibility.

The former Minister should be held personally liable only in cases where a member(s) of the Project Committee cannot be identified as having been in charge of a particular matter for which funds have not been accounted for.

3.16 Paragraph 4.15 (page 129): Lifting of cash to Brazil

The Commission recommends that Ministry of Youth & Sports (MOYS) officials should account for the outstanding balance of US\$122,500.00 of the total amount of US\$4m that was lifted to Brazil.

Government directs, however, that the individual officials at the MOYS who had custody of the balance should be identified by BNI and made to account for the outstanding balance.

3.18 Paragraph 5.0 (page 139): Petitions and Related Matters

The Commission recommends that to help patronize the local league matches and support the local football clubs in their dire financial difficulties, the GFA should consider a quota system for minimum of two (2) players plying their trade within the local league for all our national (male and female) teams. Government rejects this recommendation. Not only will this derogate from the quality of the national teams; it will also lower the morale of Ghanaian players who may be plying their trade outside Ghana and who may on merit be much better than the Ghanaian players plying their trade within Ghana.

Government also rejects the recommendation that as part of its support to Football Clubs in these trying periods, the VAT on gate proceeds of domestic football matches should be waived for a period of three years. Accepting this recommendation will result in an avalanche of requests, nay demands, for VAT exemptions that cannot be accommodated.

4.0 PART III - RECOMMENDATIONS ACCEPTED WITH MODIFICATIONS

4.1 Paragraph 3.6.1 (pages 51-52): Appearance Fee

Government does not accept the Commission's recommendation that the State should allocate US\$100,000.00 for each player of the 23 players.

Government is of the view that pegging the appearance fee at a maximum of US\$100,000.00 has the effect of permanently freezing the fee at that level to the disadvantage of the players when the fees go up, especially when the historical trend as recounted by the Commission itself shows that the appearance fees paid by FIFA always go up.

Consequently, Government is of the view that the better approach is to fix the maximum appearance fee payable to the players as a percentage of the appearance fee paid by FIFA. Using the 2014 total appearance fee of US\$8 million out of which US\$100,000.00 was eventually paid to each player, this works out to 1.25%. This should be the maximum amount allocated for each player of the 23 players. Out of this amount, the negotiated amount to be paid to each player should not exceed 60%. Government so directs.

Government also rejects the recommendation that the remaining balance in the "World Cup Players Appearance Fee Account" after paying the players "should be divided equally amongst the 23 players and used to develop football pitches in the Community/District from which the 23 players hail. The pitches so constructed should be named after the players". The players, who are usually all of age, may see it as an imposition.

Rather than compulsorily using it to develop football pitches in the communities from which the players hail and for the pitches to be named after them, Government is of the view that the amount so divided should be utilized on projects of the players' choice in Ghana. The development of football pitches in their communities may be one of the project choices open to them. Government so directs.

4.2 Paragraph 3.7.2 (page 66): Relationship between MOYS, NSA AND GFA

Given the Commission's acknowledgement of the situation in which football administration is *de facto* carried on outside the purview of the NSA, the proposal for a single oversight National Team Budgetary Approval Committee to include football will not work. It will subject the football budgetary approval process to the same bureaucratic and red tape rigmarole responsible for creating the *de facto* situation in the first place.

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Government is of the view that while the recommended National Team Budgetary Approval Committee should be established for all other sporting disciplines, the unique position that football occupies in Ghana sports requires that the budget for international football matches be submitted directly by the GFA to the MOYS for approval by Cabinet, as has been the practice.

4.3 Paragraph 3.7.3 (page 68): Relationship between Parliament (Sub-Committee on Youth, Culture and Sports) and MOYS

Government takes note of the recommendation for Parliament to ensure that in the presentation of its annual budget hearings, the MOYS adheres strictly to the under mentioned expenditure patterns:

Type of Expenditure	Percentage of Total Budget
Capital Expenditure (Infrastructure and Investment)	20%
Grassroot Development	20%
Recurrent Expenditure (Bonuses, per diem, etc.)	60%

Government is of the view that “adhering strictly” to these percentages is too rigid a position to be adopted. Government directs that the percentages be regarded as guidelines and be taken into account by the MOYS “in the presentation of its annual budget hearings”.

4.4 Paragraph 3.9.2 (page 78): Travel and Tour Operators

Government accepts the recommendation that the accounts of the Travel and Tour operators must be reconciled to enable parties determine whether or not there are outstanding payments due the Tour Operators. Government, however, directs that the BNI should do the reconciliation.

4.5 Paragraph 3.11.1 (pages 82 & 84): Black Stars (From Qualifying Matches to the end of World Cup)

Government wishes to point out a factual error on page 82 of the Commission's Report. The game against Egypt in the return leg of the World Cup qualifiers was played in Cairo and not in Kumasi.

Government directs that as an alternative to the Chief Accountant (Mr. Prosper Apasu) and Chief Director (Alhaji Abdulai Yakubu) endeavouring to secure the signatures of the players who were allegedly paid bonuses in the Ghana-Egypt return match in Cairo but who did not sign against their names as recommended, the BNI should try to reach the players at their respective bases to confirm whether they received the amounts or not.

Government takes the position that in view of the political tension and anxiety in Cairo at the time, it is possible for some paperwork to have been overlooked.

4.5 Paragraph 3.12 (page 95): Ownership of FIFA World Cup Participation Prize Money

The Commission makes the following recommendations *inter alia* under this heading:

- a. The reason for the 2006 World Cup Prize Money reducing from US\$8.5m to US\$6m should be made public by both the MOYS and the GFA to ensure accountability.
- b. The reason for the 2010 World Cup Prize Money reducing from US\$14m to US\$11m should be made public by both the MOYS and the GFA to ensure accountability.
- c. The reason for the 2014 World Cup Prize Money reducing from US\$8m to US\$7.1m to be made public by both the MOYS and the GFA.
- d. The amount of US\$900,000.00 which is the difference of the amount between the expected 2014 World Cup Prize Money of US\$8m and the actual amount received of US\$7.1m should be surcharged to the GFA by deducting it from their share of the distribution of the Prize Money should they refuse to declare the purpose and use of the said amount of US\$900,000.00.

Government, however, notes that in its "Observations (d)" at page 94, the Commission noted that "FIFA makes deductions from Prize Monies for certain expenses incurred in respect of the Team. This goes to reduce the actual amount received".

Government therefore directs the BNI to investigate whether the reductions were the result of the FIFA deductions or any other reasons for that matter.

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Government is unable to accept the recommendation for the US\$ 900,000.00 to be deducted from the GFA's share of the Prize Money. This is because the Commission itself has proposed (page 95 m) that the GFA's share of US\$1,775,000.00 of the Prize Money should be used to improve the facility at Prampram. Any deduction will therefore adversely affect the facility at Prampram and not the GFA.

If, after the BNI investigations, it is found that the GFA cannot account for the US\$900,000.00, the amount should be surcharged to the GFA. Government so directs.

4.6 Paragraph 4.18 (pages 136-137): Ghana's Relationship with FIFA and CAF

Government accepts that a Technical Committee under the Ministry of Youth and Sports (MOYS) should be established to

- a. undertake a comprehensive review of the international legal framework governing the operations of International Sporting Organisations and their relationship with nation states.
- b. prepare a draft International Convention or Charter for the benefit of Government which shall canvass for the adoption of same within the African Union and the United Nations system.

Government does not accept, however, that the Technical Committee should be a 'Presidential Technical Committee'.

5.0 CONCLUSION

Government acknowledges the good work done by the Commission and on behalf of the people of Ghana expresses gratitude to the Chairman and members of the Commission.

Dated this 1st day of June 2015.

JOHN DRAMANI MAHAMA

President of the Republic of Ghana