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# Canadian finds peace with Elegua

*Without travelling to Nigeria or meeting its values growing up, Piscopo says the Yoruban spiritual format is the harbinger of man's foray into religiosity including western ideas of God in christianity*

By Peter Uduehi

Maria Piscopo does not like to call the methodology of Yoruban spirituality "a religion". Instead she says Yorubans, who gave the world a reason to be spiritual, because of their fervent and unshakeable belief in the oneness of the Creator, are strict advocates of the universality of the God spirit laced in pure African philosophy.

"Yes," she asserts, "what I believe in is embedded in African philosophy. This is not a religion.

concept of philosophy. Jesus did not speak of religion, he had no order, no church and no special format.; he spoke of love and justice and compassion. It was man that made a religion out of him with orders and rituals like the Catholic Church. The principle of God is philosophical, not religion.

In Yoruba tradition it is the same thing." Elegua, whom she calls, the principal conduit to God (the "quantum physics" of our world), is the base of the Yoruban

believes every human being is "African" by origins. She says she first came in contact with Elegua in her coffee cup. "Yes, coffee cup," she said. A picture appeared in the cup and was taken aback, scared. She tried to make it go away, but it stayed there for a while. Petrified, she proceeded to ask him who he was and what he wanted. Nothing happened. Days later she ventured into a shop in Toronto where she saw the same picture as the one in her coffee cup, this time the same face was on a candle. She asked the storekeeper who the face represented. She was told it represented "Elegua", a Yoruban God messenger. Piscopo felt Elegua wanted her to know him. She then began studying to know more about Nigeria's Yoruba spirituality, Eledumare (or God, principle of universality or oneness). The more she studied the more Elegua appeared in her life and intelligence and in no time she became an evangelist of Elegua.

Today, she says, "more Canadians have been informed through me of the true nature of Eledumare the Creator and his principal agent Elegua". Shango, Oshun, Ogun and Yamenya and other forms of Yoruban spirituality are philosophies of African oneness of God that Piscopo is determined to spread in the West without having an African travelling experience and mentoring. "I have never been to Africa and have never lived there, but Africa lives within me," she says, noting Africa lives in every human being but they don't

know it. Every so-called religion in this world, whether they come from China, Japan, England, America, are principled in African Yoruban concepts. This is the truth," she argues. Piscopo says she has been everywhere in terms of knowing all western faiths but Elegua has always brought me to him, to know only him.

She has learned "Elegua is compassionate, loving, forgiving, and "though might teach you a lesson about life, is kind and

**Continued On Next Page ...**



*Maria Piscopo found Elegua and she has not been the same since*

"Religion is man-made but philosophy comes from God. She went on: "I can tell you as someone who has studied every eastern and western religion, that the Yoruban spirituality is the father of every other

spirituality. "Through Elegua, I feel the presence of God always; Elegua has never failed me since I came in contact with him.

Piscopo, a Canadian who says she finds peace with Elegua, is of Italian extraction. She says she never expected a meeting with African philosophy even though she

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# For Maria Piscopo, peace is derived from Elegua

## Continued From Previous Page

will never hurt you. He will never let you down". But she says you have to earn Elegua's love. Piscopo believes Elegua chose her for her mission because she's the mother of twin children. In Yoruban tradition, she has been informed, mothers of twins are the mothers of the earth, of all Yoruba people of Nigeria, "so I understand twins are very respected in Yoruban culture and their mothers are divine over there (in Africa)."

Twins, or *Edun* (or *Ibejis*) as they are called in Yoruba, are represented by a special specie of monkeys who in turn represent wealth and they have come to the earth to eradicate pestilence and poverty. They are to be revered by all and their wishes honoured at all times. "I have never been there (Nigeria) but through Elegua I know so much about Nigeria now. When I first tried, for example, to figure out where Elegua came from, he showed me without hesitation that he comes from among the Yoruban people of Nigeria and pinpointed the area to me on the map." Piscopo has a word of advice for Cana-

dians and other westerners steeped in the notion that African spirituality is "evil or voodoo. They just don't understand it", noting that voodoo is a bad word for anything they don't understand. African philosophy is not harnessed in evil spirits. Elegua is a good spirit, she says, adding Elegua does not take kindly to anyone who commits evil against another person. "With Elegua, there is the law of Karma. If you do evil, it comes back to you because God does not like evil. Elegua is about the truth, and he exposes the truth."

A woman who told many lies about her husband while they were separated just because she didn't want him to have a good relationship with his children was exposed recently because Elegua doesn't like meanness, she said. "When you believe in Elegua and trust his presence in your life, you are always protected," she said, stressing that "this woman lied that her husband was sexually molesting their daughter, but each time she lied Elegua found ways of exposing her. This is the power of Elegua." Elegua, she postulates, is about balance, the concept of 'we before me', a concept that puts the world in order. "You have to give to receive...Elegua teaches all that." Piscopo believes there are

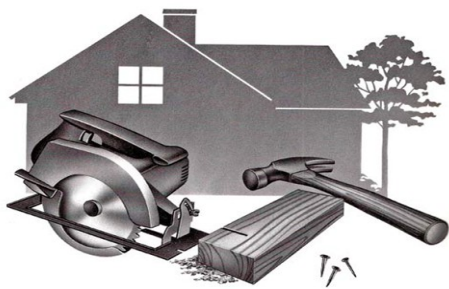
many characteristics of God, and Elegua has taught her that we ourselves are God, like Jesus tried to tell us in the holy trinity – being the father, the son and the holy spirit. Jesus came in human form, he is also God, and as such trying to tell us that he is like us. God is like us, about creation and we too are about creation holy in one and the spirit. For me, the Yoruban tradition is supreme because Elegua is the truth."

Piscopo has no shrine to Elegua anywhere because she says Elegua doesn't believe in being enshrined or housed in a church or mosque setting. The African philosophy, she says, is what it is: a philosophy. "It's in your mind, your body and spirit. It's your thoughts, your feelings, actions, he's not a picture or a shrine, it's how you treat the next person...if you treat someone right you are honouring Elegua and God the Creator...it's the same concept when Jesus says 'if you do for the least of my brethren you do onto me'. I am glad to say I found Elegua."

Piscopo, who says she helps people seek the truth through Elegua, consults with clients by appointment and she can be reached at 647-242-9021.

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# Africa countries condemn Israel's strike on Gaza-bound aid

By Dana Wagner

Israel's raid on an aid flotilla bound for the Gaza Strip has left at least nine dead and several more wounded. On board were activists and aid workers from more than 30 countries, accompanying more than 10,000 tonnes of aid supplies intended for Palestinians in Gaza. Dana Wagner provides a round-up of responses from African governments and civil society groups.

The Israeli attack against an aid flotilla en route to the Palestinian people in the Gaza Strip has left at least nine dead and several more wounded. African countries have joined other members of the international community to express outrage at the latest show of aggression towards the Gazan Palestinians.

Prime Minister Benjamin Netanyahu defended Israel's action against the ships, in international waters at the time of the attack, as a preventive measure to stop aid from reaching the blockade around the Palestinian territory, citing security. The blockade around Gaza has been enforced by Israel and along the Egyptian border since 2004.

The attack against aid workers from more than 30 countries aboard the flotilla has incited civil society groups and foreign ministries in Africa. Here is a glimpse of the words and the movements:

## EGYPT:

Dozens protest outside the foreign ministry in Cairo. Many hold pictures of late president Gamal Abdel Nasser. Meanwhile Cairo-based Arab League held an emergency session Tuesday to discuss the attack.

The Cairo Institute for Human Rights is a signatory of a statement issued by 33 groups gathered in Kampala that condemns the Israeli attack.

Egypt has condemned the violence and the government has opened its border with the Gaza Strip at the Egyptian-controlled Rafah point to allow for access to aid. The crossing, opened 2 June, will remain open indefinitely.

## SOUTH AFRICA:

A night vigil was held 1 June outside St George's Cathedral in Cape Town. Protestors called on the international community to take action against Israel.[3]

'We need to do to Israel what the world did to apartheid in South Africa,' said Salim Vally, chairperson of the Palestine Solidarity Committee of South Africa, in an interview with the Mail &

Guardian. 'Boycott, recall the South African ambassador to Tel Aviv, and expel the Israeli ambassador.'

Vally is also part of the Coalition for a Free Palestine that represents a number of South African CSOs that in a statement expressed outrage at the 'Israeli massacre'.

The Congress of South African Trade Unions (COSATU) condemns the attack and in a statement calls for the international community to hold Israel accountable 'for the murder of foreign civilians at sea and illegal piracy of civilian vessels carrying humanitarian aid'.

A vote for the expulsion of ambassador Dov Segev-Steinberg has been posted online on the news site iafrica.

The South African Department of International Relations and Cooperation condemns the flotilla attack and in a press release states it also 'strongly condemns all military aggression by Israel against innocent civilians, including those in the occupied West Bank and Gaza'. The government recalled its ambassador to Israel 3 June.

## SENEGAL:

The Forum Social Sénégalais (FSS), a CSO based in Dakar, condemns the Israeli attack as a monstrous crime in a statement issued 2 June. The statement labels Israel a terrorist state and calls on the UN to lift the Gaza blockade. FSS also asks that Israel be tried for crimes against humanity.

A union of CSOs is planning a march and demonstration 4 June in Dakar to end at the government foreign affairs ministry at Place de l'Indépendance.

## MOROCCO:

Hundreds of demonstrators took to the streets of Rabat 31 May in protest of the flotilla attack.

La Coalition Marocain Pour La Cour Penal Internationale, a Moroccan CSO, is a signatory to a 33-group statement issued out of Kampala that condemns the Israeli attack.

## ALGERIA:

A small group of demonstrators including intellectuals and journalists against the Israeli attack was blocked 2 June by police in front of the US embassy in Algiers. Algeria does not diplomatically recognise Israel, but demonstrations in the capital are banned.

## SUDAN:

The government of Sudan issued a statement condemning Israel for the

attack and calling on the international community to act to end Israeli impunity.

## KENYA:

The Kenyan-based civil society groups Kituo Cha Sheria and the Kenyan Section of the International Commission of Jurists are signatories to a statement signed by 33 groups gathered in Kampala that condemns Israel's attack against the flotilla.

The government of Kenya said it 'expresses deep shock and regret at this tragic loss of civilian lives and calls for a full investigation of this deplorable incident,' in a statement released 1 June by the Foreign Ministry. The ministry also called for an end to the blockade encircling the Gaza Strip.

## UGANDA:

International NGOs, gathered in Kampala for the International Criminal Court Review Conference, issued a joint statement to condemn Israeli violence against Palestinians in Gaza after the attack on the aid flotilla. The statement was signed by 33 groups, including Uganda's Hope After Rape, Uganda Women and Children Organisation, Disabled Women's Network and Resource Organisation, Uganda Joint Christian Council and Human Rights Network-Uganda.

## SIERRA LEONE:

The Network Movement for Democracy Human Rights, Coalition for Justice and Accountability and Sierra Leone Coalition for the ICC, all based in Sierra Leone, are signatories of a joint statement of condemnation by 33 groups gathered in Kampala.

## CAMEROON:

The Cameroon Coalition for Human Rights is a signatory of the 33-group Kampala statement.

## DEMOCRATIC REPUBLIC OF CONGO:

The DRC-based groups Femme pour la Paix, le Développement et les Droits de l'Homme, Synergie des ONG's Congolaise pour les Victimes and Ligue pour la Paix et les Droits de l'Homme are also signatories of the statement by 33 groups in Kampala.

## NIGERIA:

The Muslim Public Affairs Centre in Nigeria condemns the Israeli attack and in a statement said 'it is sad to see that in the face of the unspeakable massacre that Israel committed [31 May], not for the first time, the international community remains almost totally silent'. MPAC called on the Nigerian government to condemn 'the Israeli siege'.

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# Are westerners out of touch when it comes to Africa?

## Think tank says 'yes'

An influential British think tank has warned the West that it will lose out to emerging nations unless it replaces its "humanitarian" approach to Africa with a more strategic focus on diplomatic and trade relations.

In a major report published on Thursday, the London-based Chatham House says the emerging economies of Asia, Latin America and Africa are finding commercial and political opportunities in Africa that are being overlooked by the continent's traditional partners. Chatham House is the name under which the Royal Institute of International Affairs operates.

The author of the report, Tom Cargill, Chatham House's Africa programme assistant director, says countries such as the United Kingdom fail to engage seriously with Africa diplomatically, and rely too heavily on "aid policies that rarely deliver influence" and on "historical ties that are fading."

He says the overwhelmingly humanitarian interest of many Western countries and traditional partners had led to stereotyped perceptions of Africa in terms only of problems.

"These views are increasingly patronizing, recursive, out of touch, and a deterrent to serious business interest," Cargill says.

"Meanwhile the emerging economic powers of the G20 see Africa in terms of opportunities – as a place in which to invest, gain market share and win access to resources."

### Consumption Boosts Growth

Cargill says that there have been dramatic improvements and prospects in Africa since the end of the Cold War, when much of the continent was mired in conflict and declining growth levels.

"Governance and growth rates have improved to the point where Africa has been the fastest growing region of the world for some years. Inflation has dropped, fiscal policy has improved and investment returns have increased," he says.

"Yet while conventional wisdom is that recent growth has been largely driven by higher commodity prices, there is much evidence that increased consumption has played a central role, driven by and further driving the emergence in many African countries of a more assertive middle class with disposable wealth and an appetite for consumer goods."

Cargill says this is highly significant because it points to a more critical and robust relationship between governments and tax-paying citizens, helping cement good governance and pro-growth reforms.

"Africa seems increasingly to be the final frontier for economic globalization; arguably it has already become the most politically globalized," he says.

Cargill adds that although aid is still crucially important to millions in Africa, business has flourished in many countries in the past decade as stability has increased.

"Nearly all governments in Africa now have a greater sense of what they need to do to stimulate growth and are seeking the tools to do it," Cargill says. "The financial crisis may have contributed to instability in those countries that have long suffered from it, but the continent as a whole is set to recover strongly as global growth returns."

Developmental Focus Essential  
Cargill says that while a strong diplomacy-led engagement is important, a separate and strong developmental focus is also critical.

"A purely or overwhelmingly diplomatic approach could bring back the kind of narrowly ex-

plorative and dismissive approach that characterized the relations of some countries with Africa in the past, and which did not recognize the potential of strategic partnerships," Cargill says.

"This is particularly important as more emerging economies become interested in strengthening their engagement across Africa, since they bring very different conceptions of what is acceptable business and diplomatic practice."

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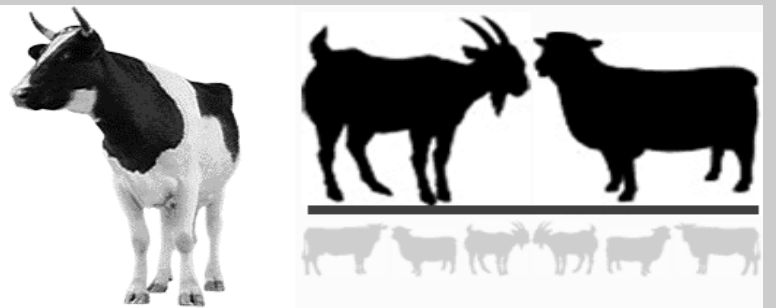
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## Nigeria: Again, Ibori's mistress Udoamaka convicted

*Leke Adeseri and Emma Ovuakporie of the Vanguard*

London — A LONDON jury has found Ms. Udoamaka Onuigbo, the mistress of former Governor of Delta State, Chief James Ibori, guilty on a three-count charge of money laundering. She was found guilty in counts 2, 3, and 4.

The jury in the Southwark Crown Court case number T20087009 finally agreed, yesterday morning, and passed a guilty verdict on Udoamaka, after having acquitted her on one of the charges.

However, Judge Christopher Hardy would, next Monday, sentence Christine Ibori-Ibie, who was convicted on Tuesday in the same trial and



**Ibori, right in this picture, was a high-roller in good times. He's currently being held in detention in Dubai awaiting extradition to Nigeria for economic crimes while he was governor of Delta State of Nigeria**

Udoamaka Onuigbo.

A Crown Court source told Vanguard: "Udoamaka and Christine have been remanded in prison." But sources said the women were planning to appeal the ruling.

The 12-member jury deliberating on the money laundering trial of Ibori's associates, Tuesday, found his sister, Christine Ibori-Ibie, guilty of all charges of money laundering and mortgage fraud. The jury, however, acquitted Ibori's former assistant, Adebimpe Pogoso, of the charges against her.

In the dock were Ibori's mistress, Udoamaka Okoronkwo, his sister, Christine Ibori-Ibie, and his former personal aide, Bimpe Pogoso. Also facing legal trouble are Ibori's lawyer, Bhadrash Gohil, and his wife, Theresa Nkoyo-Ibori.

At the Southwark Crown Court presided over by Justice Christopher Harding, the former governor's defence lawyers could not refute the prosecution's argument that Ms. Okoronkwo "handled paper work and transfer of funds" on behalf of Ibori using a company owned by the former governor in the UK Island of Guernsey.

The prosecution had earlier presented evidence to show that Ibori's sister, Christine, had, along with one Mr. Desai and two others, been used by Ibori to criminally acquire various properties in the UK. Unable to discredit the evidence, Christine Ibori's defence team sought to argue that she was actually "hoodwinked" by the men into taking part in the criminal deals. Even so, the prosecution countered that there was no evidence that she was hoodwinked, and that "even if Mr. Desai and others were less than scrupulous in their dealings, the very fact does not necessarily exonerate Christine Ibori since she had been proven to be part of the shady deals."

On Ms Okoronkwo, the prosecution and defence essentially agreed that she, among other things, handled the transfer of funds provided by James Ibori for the purchase of corporate vehicles for the Guernsey-based company, Zacon and Zetah.

Finding itself against the ropes, the defence team argued the technicality that Okoronkwo was not guilty of "management of funds for the company" as stated in the prosecution's opening statement, adding that in "Company Law", "handling paper work" was not the same as management.

When the judge accepted the prosecution's submission, the defence lawyers argued at length with him, insisting that the original indictment, on which the case had been conducted, was that of "management" rather than "handling of criminal funds."

Meantime, Chairman of the Economic and Financial Crimes Commission, EFCC, Mrs. Farida Waziri, has hailed the verdict of the London Court that found Christine Ibori-Ibie guilty of all charges of money laundering and mortgage fraud.

Fielding questions from journalists in her office, Mrs. Waziri said: "I am delighted at the verdict but that is the United Kingdom where justice reigns and not Nigeria where such words as 'it is politically motivated' or 'witch-hunt' are frequently used. Just see how justice was dispatched, unlike here where there are endless adjournments.

"The court process in Nigeria is endless and bails are given within 24 hours. There are cases I inherited that started in 2005 still pending in our courts, what can I do? I can't be the court and the judges at the same time.

"I have always advocated that we should have special courts to try corruption cases. We have such courts in Ghana. The corrupt have accepted that we all are victims of corruption both the rich and the poor in Nigeria.

"Those we are fighting sponsor all manners of stories in the internet and newspapers criticizing me and the new dimension now is direct attack on our men."

## Kenya: Obama's Hope for Country

*Walter Menya of the Nation*

Nairobi — US President Barack Obama spoke strongly of his wish to see a more prosperous Kenya in his first full interview dedicated to the country of his father's birth.

During the White House interview with a Kenyan journalist, President Obama urged Kenyans to seize "the moment" offered through the referendum on a new constitution to put the post-election violence behind it.

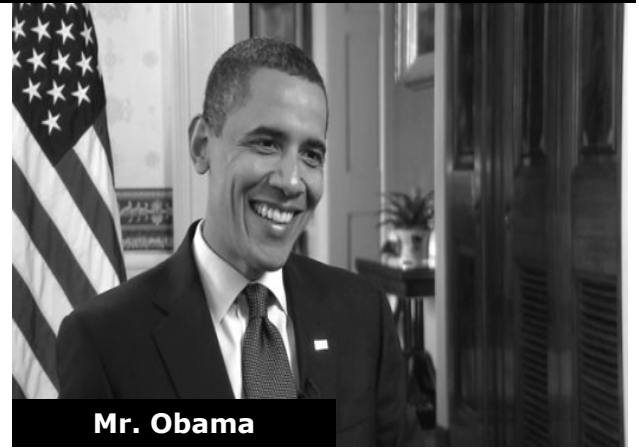
In comments that were welcomed by President Kibaki on Friday, Mr Obama sent the strongest indication yet that he wanted to see Kenya's constitution review come to a successful conclusion and announced plans to visit the country before his term expires.

But he clarified that the US was not pushing for the Yes vote at the referendum slated for August 4. The decision to vote Yes or No at the referendum was upto Kenyans themselves, the president said.

"I'm openly supporting the process. I'm not openly supporting the result," President Obama said. Advantage

"I think it's up to the Kenyan people to make a decision about the direction of their country but as a great friend of Kenya and as president of the United States, I am hoping that the Kenyan people, through a process of self-determination, are able to take advantage of this moment." He warned that the opponents of the constitution review were making a big mistake.

He urged Kenyans to take part in the forthcoming referendum to put the Kenyan governance on a more solid footing that can move beyond ethnic violence, corruption and towards a path of eco-



**Mr. Obama**

nomie prosperity.

"It has been a bumpy road over these last 47 years but I'm very encouraged by the actions of (Kenyan) Parliament to issue a draft constitution," he said.

Great honour

The interview took place in the Diplomatic Reception Room of the White House on the occasion of the 47th Madaraka Day. Excerpts of it were aired by KBC TV on Thursday night.

During the interview, President Obama who traces his roots to Kenya also announced his intention to visit the country before his term expires.

"Well, I'm positive that before my service as President is completed I will visit Kenya again, as President of the United States," he said.

In a statement on Friday, State House said: "We welcome the plans by President Obama to visit Kenya. This will be a great honour and appreciate the value he attaches to the government and people of Kenya.

"We also welcome his positive comments on the reform agenda that President Kibaki has prioritised with the added impetus as the country enters the final stretch to a new constitutional dispensation. The reform agenda is driven by the desire to bring about positive change to Kenyans. We will heartily welcome President Obama to the land of his father and look forward to furthering our relations during his tenure in office."

On Monday next week, President Obama's top emissary, Vice-President Joe Biden arrives in Nairobi en route to South Africa for the opening of the football World Cup.

He will convey the president's support for the constitution review as well as address the shared interests in peace and stability in the region, particularly in Sudan and Somalia when he meets President Mwai Kibaki and Prime Minister Raila Odinga during the two-day stay in Kenya.

Shaky coalition

"But Joe Biden, his presence as my top emissary is the same one that I'm expressing today: We want Kenya to succeed," President Obama said. Mr Obama chose Ghana rather than Kenya, his father's homeland, for his first trip to Africa as President of the United States in May 2009 mainly because of the slow pace of reforms then and a shaky coalition government.

"In skipping Kenya, the first African American president is signalling that he puts political values over ancestral allegiances," the Nation wrote back then.

Foreign Affairs minister Moses Wetang'ula then denied that President Obama had snubbed the country.

Things look to have taken a different twist and the US views the country from a different perspective: The country is on the verge of getting a new constitution, the various commissions created after the post-election violence are up and running albeit some slowly.

Kenya has also given assurances to cooperate with the International Criminal Court in trying post-election chaos suspects.

President Obama hailed the leadership of President Kibaki and Mr Odinga for steering the reform process this far.

He said the two principals were "saying the right things" and urged Kenyans to "take it to heart".

## Advantages and disadvantages of incorporating

*Ken Green, a chartered accountant, special to the African World, examines issues in business for entrepreneurs weighing the option of incorporating their firms giving tips on the subject in this the first of many essays for our readers. Green will be a regular feature in the African World*

If you carry on a business, there are many tax planning opportunities which become available to you by simply incorporating. By transferring your business to a corporation, you become the shareholder and employee of a separate taxable entity. If the corporation qualifies as a Small Business Corporation (SBC), other possibilities arise that will result in tax benefits for you. This article discusses some of these benefits as well as some disadvantages of incorporating:

### Advantages

#### Limited liability

Unlike a sole proprietor who is fully liable for the debts of the business, a shareholder is not responsible for debts or other liabilities incurred by the corporation. Of course, a shareholder who personally guarantees corporate debts is liable up to the amount guaranteed, and directors and officers can, in certain circumstances, be held liable for activities of the corporation. In general, however, your personal assets are protected from creditor claims and any lawsuits or other liabilities arising in the corporation.

#### Small Business Deduction

Active business earnings of a Canadian-controlled private corporation are eligible for special reduced rates of tax at both the federal and provincial levels. One of the major reasons a business incorporates is to obtain the benefit of the Small Business Deduction. This is a reduction in both federal and provincial tax that is available to Canadian-controlled private corporations (CCPCs) on their active business income up to a set Threshold - the small business limit. The small business limit must be shared by associated corporations - that is, corporations which are under common control and ownership. Therefore, if you hold businesses in separate corporations, your corporate group will only be entitled to the low tax rate on total income up to the small business limit.

#### Tax deferral on bonuses

By choosing an appropriate year-end, a bonus declared by the corporation can be deducted in its current fiscal year, but not taxed to you until the following calendar year.

#### Tax deferral

Net income of a sole proprietorship or a partnership is taxed directly in the hands of the owner. However, a corporation is a separate taxpayer with its own tax rates.

A corporation which is incorporated in Canada and is controlled by private corporations or individuals who are Canadian residents will normally qualify as a "Canadian-controlled private corporation". This status allows it to claim the small business deduction, a reduction of the normal corporate income tax rate on the first \$500,000 of a corporation's annual taxable income earned from carrying on an active business in Canada.

The tax advantage which the shareholder of such a corporation with active business income will enjoy is the ability to defer the payment of some income tax. A corporation eligible for the small business deduction pays tax at about 25% on its first \$500,000 of taxable income. The remaining tax, which is paid by the shareholders upon receipt of dividends from the corporation, is deferred until dividends are paid. When dividends are paid the balance of the tax is levied on the Shareholder.

The deferral is significant, especially for a taxpayer in the top marginal tax bracket, and means that approximately twice the funds are available for investment, since in effect tax money is being re-

tained in the corporation and invested.

#### Employee benefits

As an employee of your corporation, you can receive employment benefits that are deductible to the corporation and eligible for special tax treatment in your hands.

#### Estate planning

By setting up an appropriate share structure, you can hold and control the corporation while any increase in value accrues to shares held by your children. This will minimize any tax liability arising on your death. This can be accomplished by the use a common estate planning technique called an "estate freeze" so long as your assets are held through a corporation. This is a method of capping or "freezing" the value of your assets, while allowing future growth to accrue to other family members.

#### Income splitting

Your spouse and adult children may be able to subscribe for shares of the corporation and receive dividends from the profits of the business. In the case of your spouse, however, you'll need to ensure you don't run afoul of the corporate attribution rules. Due to the income-splitting tax (often referred to as the kiddie tax), the benefits of splitting dividends are eliminated for minor children.

#### Capital gains exemption

The other main tax advantage to incorporation of a small business is the ability to claim the \$750,000 capital gains exemption on a sale of the business. The complex rules provide, in effect, that to claim the exemption the shares must be of a Canadian-controlled private corporation, at least 90% of the assets of which are used in an active business carried on in Canada, or a holding company which owns such shares.

Where the shares qualify, the owner can sell them and the first \$750,000 of capital gains are exempt from tax. Note that the exemption applies to the individual and not the corporation. Once an owner has claimed \$750,000 of capital gains exemption, the exemption is no longer available on a sale of other qualifying shares.

#### Allowable business investment loss (ABIL) treatment

If your corporation qualifies as an SBC and the business should fail, you may be allowed to deduct an ABIL rather than a capital loss for the loss of your investment in shares or debt of the SBC. An ABIL is calculated in the same manner as an allowable capital loss in that only one-half of the loss is allowed as a deduction. The difference is an ABIL can be claimed as a deduction against other types of income as opposed to a capital loss which can only be applied against capital gains. If you have previously claimed a portion of your capital gains exemption, the ABIL may be converted into an ordinary capital loss to the extent you claimed the exemption.

### Disadvantages

#### Losses Trapped

Any business which is not operating at the break even point should not incorporate from a tax point of view, although it may be sensible to incorporate when considering limiting liability. A loss earned in a corporation cannot be transferred to its shareholders. Conversely, owners of an unincorporated business would be able to utilize losses which they incurred against other sources of income or against future earnings. Losses which arise in a corpora-

tion can only be offset against earnings in that corporation.

#### Double Taxation

A potential double taxation trap exists if an active business earns too much profit.

Corporate profits from active business income in excess of \$500,000 per year are taxed at full corporate rates. Integration of the personal and corporate tax systems does not work at that rate, resulting in an element of double taxation. Therefore all income in excess of \$500,000 should usually be paid out of the corporation by way of salary or bonus to avoid this double taxation trap. If the corporation requires the funds for operations, the income can be paid to the shareholder and then loaned back to the corporation. The salary receipt is, however, taxable to the shareholder.

#### Administrative Costs

Additional administrative costs are associated with incorporating, such as increased recordkeeping, corporate tax returns and other government filings. However, they may not represent a significant additional cost if your business is already a sizable concern.

#### Other Disadvantages

A corporation is also subject to strict rules governing the taxation of shareholder benefits, such as shareholder loans or the use of a company car.

Another set of rules to be aware of when deciding whether to incorporate your business is the Personal Services Business (PSB) rules. Generally, if you provide services through your corporation and if not for the corporation you could be considered an employee of the entity to which you provide the services, the corporation may be considered a personal services business - in other words you would be considered an "incorporated employee"

Where other conditions are met, the PSB rules will apply so income from the PSB will not be eligible for the Small Business Deduction. As well, deductions claimed by the PSB will be restricted. Generally, deductions are limited to salaries paid and employment benefits provided to the incorporated employee, plus certain other expenses that are deductible by an employee. Consequently, to fully benefit from incorporation, you must ensure that your business avoids the PSB rules. In most cases, this means that you have to be an independent contractor and not an incorporated employee.

#### Should I incorporate or not?

Because incorporation also means you are unable to use business losses to offset your personal income, it is generally advisable to defer incorporation until the business is profitable, unless there are potentially large business liabilities which could deplete your personal assets. In other words, if after paying all your business and cost of living expenses, you still have additional cash left, it may be advisable to incorporate your business. However, it is important to seek the advice of your Chartered Accountant to determine what business structure is appropriate for your business.

*Ken Green, CA, MBA is a Chartered Accountant specializing in providing accounting, tax and business advisory services. Ken can be reached via email at [ken@kengreen.ca](mailto:ken@kengreen.ca) You can also learn more about Ken's professional practice by visiting his website at [www.kengreen.ca](http://www.kengreen.ca)*

Two men arrested at New York's John F Kennedy Airport have been charged with conspiring to commit an act of international terrorism.

US authorities say they intended to join a jihadist group in Somalia and kill American troops overseas.

Mohamed Mahmood Alessa, 20, and Carlos Eduardo Almonte, 24, were held before they could board separate flights to Egypt and then continue to Somalia.

They are due to appear on Monday in a federal court in Newark, New Jersey.

US justice officials say state and federal law enforcement agents have been investigating Mr Alessa, of North Bergen, New Jersey, and Mr Almonte, of Elmwood Park, New Jersey, since 2006.

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**Chebeya: murdered?**

Recently, the UN Secretary General Ban Ki-

moon called for an independent inquiry into the incident. The government has ordered its own investigation.

In a statement read out on television, Interior Minister Adolphe Lumanu said on Sunday that President Kabila was "determined that all light be shed" on Mr Chebeya's killing.

"To allow the enquiry to be conducted smoothly, the national defence council decided as a precaution to suspend inspector general John Numbi," the statement said.

DR Congo is struggling to recover from years of civil war and insecurity. The UN has about 20,000 peacekeepers there.

## DR Congo suspends police chief over Chebeya death

The head of police in the Democratic Republic of Congo has been suspended following the death of a human rights activist, officials say.

Three police officers have also been arrested and the president is determined to resolve the case, the interior minister said.

Floribert Chebeya, head of the group Voix des Sans Voix, was found dead in his car near Kinshasa on Wednesday.

He had reportedly been due to meet the police chief that evening.

Both the police and Voix des Sans Voix have said the meeting never took place.

### 'Precaution'

The police chief, John Numbi, is seen as a close ally of President Joseph Kabila, the BBC's Thomas Fessy reports from the Congolese capital, Kinshasa.

Activists say Mr Chebeya had received regular threats over the last 20 years.

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# Round-trips and Indian hot money

India is changing its tax laws in a bid to introduce greater transparency into its financial transactions with Mauritius.

The aim is to stem 'round-tripping' of funds by politicians, businessmen and criminal syndicates, and assuage concerns about the unregulated and 'hot' money which transits through the Mauritian economy and into India. The licit and illicit financial flows from Mauritius account for as much as 90%, or tens of billions of dollars, of foreign direct investment in India each year.

Round-tripping via Mauritius involves the use of the 1983 Double Tax Avoidance Agreement (DTAA), a tax holiday advantage provided by Mauritius and other tax havens, to re-route money transferred illegally out of India. The illicit funds are then transferred back to India as legitimate foreign investment in the Mumbai stock market via participatory notes. These 'P-Notes' are used by overseas investors not registered with Indian regulators, allowing them to acquire shares anonymously, which triggers allegations of widespread money laundering. Much of the money invested through P-Notes is legal and comes from sources like hedge funds, which seek to benefit from the non-taxation of capital gains on Indian stocks bought in Mauritius, but Indian officials worry because they cannot separate the good money from the bad.

Questions over financial flows are hotly debated in Indian politics. The opposition Hindu nationalist Bharatiya Janata Party claims that over \$1.5 trillion – enough to wipe out India's external debt – has been parked around the world in tax havens like Mauritius and 'significant sums' are routinely round-tripped back into India, especially via the P-Notes conduit. These funds have been particular targets of BJP members of Parliament Lal Krishna Advani and Bhartruhari Mahtab, who told the press that 'dirty money' was coming into the bourses through the back door.

Tax authorities are obviously concerned about the massive loss of revenue to the state on the huge sums of money that transit through Mauritius. Federal revenue intelligence officials told Africa-Asia Confidential that billions of dollars are transferred daily from India to locations around the world via the informal but highly-organized hawala system. Hawala is based on a global network of money handlers. It again came into the spotlight when linked to a failed truck bomb in Times Square, New York City, on 1 May. The officials say that a 'large proportion' of Indian hawala money ends up in Mauritius ready for laundering.

Market analysts say that most of the money that annually flows into India from Mauritius as foreign direct investment enters the largely bullish Mumbai stock market. Indian investors, they said, preferred dealing with Mauritius not only because of its geographical proximity but also because nearly 70% of its residents are ethnic Indians. Earlier this year, Mauritius tried to defend the DTAA. Milan Meertarhan, the Chief Executive of Mauritius's Financial Services Commission (FSC), argued that Mauritius was not a tax haven, denied the prevalence of round-tripping of funds to India and said that his government was ready to address Indian concerns about the DTAA. With hedge funds and others able to set up in jurisdictions like Singapore and the Cayman Islands, officials in Port Louis have worked hard to maintain the tax treaty with Delhi.

A squabble between India's cricket organisers has shed new light on the financial flows from Mauritius. Without the 1983 DTAA and corporate tax

rates as low as 3%, the financial services sector in Mauritius would collapse. The cricket controversy comes at a crucial time because the draft 2009 Direct Tax Code, which is now under debate and due to come into force in 2011, would abolish the benefits enshrined in the DTAA. In that sense, the DTC would strengthen the Indian domestic financial sector by increasing the tax-take but India's private sector complains that such measures will deter investors.

First introduced in 2009 by the Indian National Congress-led coalition government, the draft DTC was a minor revolution in that it would allow the DTC to trump all of India's 80-odd international tax treaties. The move was criticised by consultancies like KPMG, which said it had 'shaken the faith of foreign investors'.

The revised tax code was open for debate in the early part of 2010, but powerful business and political lobbies support the status quo, which lets unregulated money flow in from Mauritius. Analysts said that the government was preparing to drop the clause that would allow the DTC to override India's tax treaties. According to India's Department of Industrial Policy and Promotion, around 43% or \$35.2 bn. of the cumulative foreign fund flow of \$81 bn. into India between April 2000 and May 2009 was routed via Mauritius. This is despite India having similar DTAs with nearly 77 countries, including Britain, France and Germany. Foreign direct investment to India for the same nine-year period was \$7.6 bn. from the United States, \$7.7 bn. from Britain and \$2.1 bn. from Germany.

'This potential hot money from Mauritius accounts for a little more than half the FDI inflow into India each year which can not only influence stocks but also take flight swiftly in turbulent times,' says financial journalist Virendra Kapoor. Despite talk of regulatory moves, no Indian government has taken serious moves to reform the tax arrangement with Mauritius since it is considered necessary to keep the stock market indices high. Consequently, a booming stock market also facilitated the corporate sector in raising funds locally for expansion through initial public offerings, effectively spreading the 'feel-good factor', Kapoor said.

During the last decade, financial scandals have repeatedly arisen. Under pressure from the opposition, successive Indian governments have all declared their intent to re-jig DTAs, particularly that with Mauritius. However, a group of powerful businessmen, politicians and financiers in both India and Mauri-

tius have always managed to stall it. The Mauritius link is a sophisticated and well-oiled mechanism which no one in government is willing to seriously investigate or alter.

The cricket controversy relates to the secretive ownership via Mauritius of at least one of the eight teams in the Indian Premier League, which plays a truncated version of the traditional game with the competing sides playing for 20 overs each. Intelligence sources say that high-profile politicians and leading businessmen are involved in the IPL controversy and it was 'highly unlikely' that anything concrete or 'actionable' would emerge.

Opposition politicians argue that the Indian economy would not have been hit as hard by the global recession had it not been for the P-Notes. 'The P-Notes, which were "hot money", were then [after the US financial crisis surfaced] just shipped out of India without any hindrance – to the tune of \$60 bn. – in October 2008-January 2009, causing a stock market crash domestically,' former Commerce Minister Subramanian Swamy said. 'It is this that caused the financial crisis in India and not the US sub-prime loan defaults or exports drying up.' In late March, the Securities and Exchange Board of India reported that money from P-Notes had reached an all-time low – only 13% of assets under management by foreign institutional investors, down from 55% in June 2007.

After a series of Indian securities scams in 2000-2001 which exploited the Mauritian tax rules, the FSC agreed to cooperate with the Securities and Exchange Board. High-profile trials were conducted, but Mauritian promises of help were not kept and business continued as usual. Talk of modifying the DTAA arose again in 2006 and Mauritius said it would reform tax residence rules. With the ongoing tax reform debate and the cricket controversy making headlines, there is pressure for change but – like previous scandals – that too will pass. *(Correspondence With permission from Africa-Asia Confidential, Special to the African World)*

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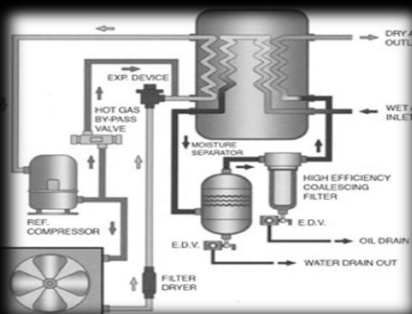
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**COSMETICS & BEAUTY PRODUCTS:**

- Spiritual Perfumes
- Miss Paris
- Divine Grace /Seven Power
- Holy Michael
- Goya Olive Oil, etc.

DISTRIBUTOR OF  
VITAMALT PRODUCTS,  
NIGERIAN **FANTA** &  
**SCHWEPPE**S



**416-534-5923**



**FISH:**

- Fresh Fish
- Stock Fish

**NOSTALGIA:**

- Derica Peak Milk
- St. Louis Sugar
- Glucose D
- Sardine
- Vitamalt / Maltex
- Custard
- Nido
- African Herbs

**ALSO AVAILABLE:**

- NIGERIAN VIDEOS (Sales & Rentals)
- VCD / VIDEO TAPES
- PHONE CARDS
- MAGAZINES (OVATION, ETC.)



1550 JANE STREET (JANE & TRETHERWAY, BESIDE CASABLANCA RESTAURANT)