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## Editorial

-3 DEC 1980

### THE SESSIONAL ADDRESS

The President's Second Sessional Address, delivered to Parliament on 28th October 1980, must be read alongside his First Sessional Address if we are to appreciate the present intentions of the Limann administration. Within the general framework of Rehabilitation and Redirection, President Limann sought to resuscitate our battered economy. At the time we expressed concern about the general absence of concrete detail on the means for implementing the President's plans. Does the message contained in the present Address constitute a vindication of the plans announced last year? Are the prescriptions for the future any improvement on those of last year?

President Limann's Address covers 16 different ministries, ranging from agriculture to justice. Obviously this government cannot attach the same degree of importance to all these ministries. Every utterance made by government officials since last year leaves no one in any doubt that if we as a people are to make a significant improvement in our lives, this improvement must initially be made in three key sectors of the economy: agriculture, industries, and transport and communications. We thus can begin to answer the question by looking a little bit more closely at what the President has to say about these three vital areas.

In other words, unless there have been serious moves by the government to intensify efforts at local food production, to increase the quantity of local and imported consumer goods in the market, and to improve our roads and communication system generally, all our plans for reviving the economy can hardly be said to have got off the ground.

In the Second Sessional Address the President provides a rather academic, detached and objective analysis of our mounting problems. Apart from telling us about the growing international confidence in the country, the President has no success story to tell us. In fact what he has to tell is largely a tale of woe. On the two-year agricultural programme which has just about a year to run, for example, the President has no clear report of progress. In fact he has a historical and general excuse to offer for non-performance in this sector: "in the prosecution of agricultural programmes since recorded time and throughout the world, miracles have never been achieved overnight...we have to be realistic since mankind is still subject to natural forces and weather conditions which powerfully influence farming activities everywhere including Ghana."

In the Address, statistics on government investment in agriculture and other figures are given. We are told, for example, about the acreage of arable land in Dawhenya and elsewhere which have been brought under cultivation; and about equipment currently on order which will help to bring more land under cultivation. The real import of many of these figures is difficult to determine as there are no indications of starting points, requisite targets and the like which would provide a meaningful basis for comparison. With admirable candour the President tells us clearly that performance in industries and

in transport and communications by all actively concerned with the implementation of plans is, to say the least, disappointing.

What is equally disappointing about this Address is that even though the President shows an intellectual grasp of our problems he tends to give the impression that the responsibility for finding solutions rests with someone else.

Identifying the causes of the poor state of our roads the President correctly observes: "most of our roads have fast deteriorated due mainly to the lack of regular maintenance. Yet heavy sums of money have been voted annually by previous Governments for road maintenance. No one knows how such maintenance votes have been used in the past and it may not be asking too much for Ghana Highway Authority to justify the expenses made and also their very existence. The only mitigating factor which readily comes to my own mind is that our roads had not been built to carry so many of the heavy duty vehicles popularly known as "articulators" which started to come into use in 1968."

The President hints at careless and inefficient use of funds if nothing worse, by the Ghana Highway Authority which, in all probability, will be given \$25 million lent to us by the World Bank for maintaining our roads. If this is so, then, we expect the President to tell us just what he intends to do about mismanagement, inefficiency etc. in this organization which is likely to be entrusted with the onerous responsibility of maintaining our terrible roads. This is just an example of the way in which the President correctly analyses non-performance in the ministries, but fails to indicate what as the man in the position of authority he intends to do about it. In this way the impression, possibly false, is being given that he is not only powerless to do much about our mounting problems; also that he does not even realise that the responsibility for organizing a search for solutions rests primarily with him.

The problems which bear most harshly on the people of this country are the problems of a shattered economy. They are the problems which the bulk of our citizens believe people now in politics contracted to solve. The impression was given, when votes were needed, that the problems could be solved. Because it matters so desperately to them, people are unlikely to be satisfied with any answers other than genuine ones. And the President is personally answerable to the nation if solutions are not forthcoming.

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## **The Media**

### **THE PRESS COMMISSION: ONLY HALF A LOAF?**

by

P.A.V. Ansah

The Constitution of the Third Republic contains a number of novel features one of which is the Press Commission. Provided for in Articles 192-195 of the Constitution, the Commission was established by an Act of Parliament (Act 399) and received presidential assent on 20th March, 1980. Conceived in the best of intentions and not without some idealism, certain features of the Commission and the atmosphere in which it was set up have provoked questions as to whether in view of those circumstances, the Commission can be reasonably expected to achieve the objectives for which it was set up. We shall endeavour in the following comment to examine some of the issues involved and to see what promise the Commission's existence may hold for press freedom in the country. A brief recapitulation of the emergence of the Press Commission idea will not be out of order here.

#### **Some Background**

The idea of a Press Commission (or a Press Trust as the proposal was referred to before the T.A. Mensah Constitutional Commission) had been advocated in Ghana since the overthrow of the Nkrumah regime, but it had not attracted much attention until during the campaign for "Union Government," when it became very forcefully articulated particularly by the Association of Recognised Professional Bodies (ARPB). During the negotiations between the ARPB and the Acheampong government following the withdrawal of services by the professional bodies and strikes by university students in 1978, the setting up of a Press Trust to regulate the operations of the state-owned mass media was one of the central demands of the Association.

At that time, the performance of the state-owned mass media had deteriorated to almost abysmal levels. The papers were filled with distorted reporting, malicious fabrications and nonsensical editorials; views opposed to the government were not published and there was even refusal to sell advertising space and air time to the Association of Recognised Professional Bodies which was spearheading the opposition to the crass and inept dictatorship led by I. K. Acheampong. Radio and television were also being used in the same one-sided manner to force people to embrace the then latest discovery in the history of political thought - Union Government.

Of course, not only were the public information channels polluted with a ceaseless cacophony of Unigov slogans; more drastic physical punishment was administered by organised thugs and isolated ruffians to ensure that dissenting views on Union

Government were not openly expressed through rallies, symposia and other forms of group communication. With the political demise of Acheampong in July 1978 and the consequent opportunity to return to the paths of political sanity, the question of freedom of expression and of the press had become topical and central to all discussions on the political future of the country; no wonder, then, that the Constituent Assembly and the Constitutional Commission before it were seized of the matter.

### Composition of Commission

Before the Constituent Assembly set to work, all discussions and proposals on the Press Trust had envisaged a fairly large membership of between 15 to 20. The rationale for such a relatively large number of persons to constitute the Press Trust was that a larger body would be more difficult to manipulate than a smaller one. For reasons which are not immediately clear to those who were not in the Constituent Assembly, that august body settled for a membership of 12.

The bodies represented on the Press Commission are well known and it will be tedious to mention them here. Most of them had been suggested in earlier discussions and memoranda on the subject, but the addition of the National Development Commission (a creation of the new constitution) and of the Ghana Association of Writers surprised not a few people. The relevance of the National Development Commission to the work of the Press Commission is not immediately obvious to many people, including this writer. This writer is also not aware of the exact size of the Ghana Association of Writers, but all indications are that it is a minuscule body of creative persons of uneven and indifferent talent and achievement. In giving them representation on the Commission, the Constituent Assembly appears to have accorded them a status that is not justified by their numbers, their collective talent, their past record in defence of the freedom of expression, or even sheer public visibility.

On the other hand, a body like the Trades Union Congress which had been mentioned in all previous discussions was not given representation on the Press Commission. The explanation given is that at the time the Constituent Assembly was sitting, the T.U.C. as a body was sponsoring a political party, and that therefore if the Congress had been given representation, all the other parties - of whom there were about a dozen at the time - could have justifiably claimed representation. The T.U.C. therefore lost a position on the Commission with the result that the Commission as at present constituted appears rather elitist - which in the circumstances is inevitable.

On this last point, perhaps a caveat is necessary. Questions have been raised in some quarters about the representativeness of the Commission, and the Muslim Council is known to have been peeved that the mainstream Christian groups have representation while the Muslims don't. The point is that a body such as the Press Commission cannot function effectively if its membership is so large as to be unwieldy. It was never intended that it should be representative of the various sections of the nation in the same way as Parliament is, for

example. For practical considerations of functional efficiency, therefore, a line had to be drawn somewhere; and in drawing the line, account was taken of certain highly visible national institutions; further, consideration was also given to organisations which at that time had made strong representations on the issue. There was, of course, some arbitrariness in all this, but the only alternative was to have a body as large as Parliament or even larger, which would have been preposterous. But it needs to be emphasised that the non-representativeness of the Commission by itself cannot add to or detract from its potential for good or evil.

### Partisanship and the Press Commission

The main idea behind the setting up of the Press Commission was to remove the control of the state-owned media from the hands of the government of the day and vest it in a neutral, independent body of citizens representing the taxpayer whose taxes support the state-owned media. This was felt to be the only way in which the media could be insulated from direct, partisan political pressure so that those who operate the means of communication could perform their duties impartially and professionally without feeling that they had to sing their master's voice - the master being understood as the government of the day and the ruling party. Our own past and recent history had taught us that constitutional guarantees and politicians' profession of faith in the freedom of expression and of the press notwithstanding, we needed to buttress such guarantees further with an institutional framework within which the freedom could be concretised.

This institutional framework was going to be useful only to the extent that its membership could inspire the necessary confidence in both the media personnel and the citizenry at large. In other words, we were counting on the perceived neutrality, impartiality and objectivity of the members to assure us of the usefulness of the Commission. In this, our expectations have not been altogether fulfilled. And in speaking of people who can be objectively perceived to be neutral and impartial, we are not thinking of apolitical persons who have no personal political preferences. We are thinking rather of persons who are committed to certain principles but who are not perceived by the public to be so committed to a particular party as to be presumed to operate on the principle of "my party right or wrong."

It is in this respect that one might consider it unfortunate that certain organisations nominated persons whose allegiance to a particular political party could make it difficult for those members to look at issues as dispassionately as one would like. What did the Bar Association expect us to make of its choice of a very prominent P.F.P. member and a former minister as its representative? Could the Association not have found from among its ranks another person sufficiently interested in freedom of the press but not so obviously partisan? And what did the President expect us to make of his nomination of Mr. Kofi Badu whose political preferences are too well known and who showed during the Acheampong regime that his commitment to press

freedom is more opportunistic than genuine? And to crown it all, what does one make of the fact that the Publicity Secretary of the ruling P.N.P. also finds himself on the Commission? Never mind that he became a member on the ticket of the National Development Commission; we are all clever enough to put two and two together! And when by some accident or design or just happenstance, one of the President's two nominees is elected chairman of the Commission, one does not need to have a conspiratorial mind to detect some subtle attempts by the politicians to be "doing their thing" again. But the fact also that he was elected chairman by six votes to five gives some cause for hope.

### Test of Success

There is some cause for hope because even though the Press Commission as at present constituted falls somewhat short of the ideal that some of us had aimed at, nevertheless the fact that it is an undeclared bi-partisan body with a sprinkling of some "neutrals" rather than a one-party affair is a definite improvement on the previous dispensation under which the government of the day through its Minister of Information shamelessly manipulated the media to suit its own pet ideas and preferences, no matter how perverse and subversive of the public interest they were.

Of course, in the final analysis, the success of the Press Commission will depend on the integrity of its individual members and the public confidence that they can generate by their fairness and commitment to the creation of an open, pluralistic and liberal political environment in the country. We hope that especially the "party people" will so put national interest above partisan considerations as to prove our initial suspicions, fears, misgivings and reservations groundless.

We are reliably informed that to date the Commission has functioned with a commendable degree of unanimity. This of course can be explained by the fact that it has not yet had to grapple with particularly thorny or controversial issues. We would like to hope that should more difficult issues arise in future, the same good sense and commitment to basic principles of fairness will prevail. In case the "party people" get at each other's throat, it is further hoped that the "neutrals" will bring their moderating influence to bear on the deliberations.

There is, however, one provision in the Press Commission Act which can be exploited for party political advantage, and that is the provision that the quorum for any meeting shall be five. Given the political coloration of the membership, it is possible that under a kind of "certificate of urgency" five members of a particular political persuasion can be assembled to take certain measures and decisions that may adversely affect or even subvert the basic objective for which the Commission was established. A reconsideration of that provision is highly recommended.

In spite of the strengths and weaknesses of the Press Commission, it does constitute a step forward towards freedom of the press, but people should not be deluded into thinking that the mere existence of the Commission will ensure greater freedom of

the press than we have enjoyed hitherto. A lot still depends on those working in the media themselves and on the citizens as a whole. In countries where a large measure of press freedom has been achieved, it has not been without struggle. And the struggle has been undertaken both by the media personnel themselves and by the citizens offering moral and material support.

### Who Defends Press Freedom

When journalists are harassed, one expects the citizens on whose behalf journalists work to stand up and fight for them, for after all freedom of the press does not belong to the journalists alone; it belongs to the people. But in order for the public to show sympathy and support to journalists in distress, journalists should be seen to be working on behalf of, and in the interest of, the public. All too often in the past, journalists of both the print and electronic media, operated as if they were only apologists and propagandists of the government of the day and not the watchdogs of the people's rights and interests that they are supposed to be. Once the public gets this perception of the journalist, it becomes difficult to stand up and fight for the one who falls out of favour with his master and gets himself "redeployed." Of course, it must be conceded that there have been some instances in which journalists who were behaving professionally and watching over the people's interests have fallen victim to sheer political intolerance and vindictiveness; but such cases have been rare, and constitute the exception rather than the rule.

### Half A Loaf Is Better Than None

In some case too, journalists have been appointed to top positions, not on the basis of any proven professional competence but solely on the basis of their political loyalty and susceptibility to manipulation. For all practical purposes, they are seen as ordinary political appointees and behave as such. When therefore their usefulness becomes diminished as their loyalty wanes, it is natural that the political patronage be withdrawn. In such situations - and there have been many in the course of our history - there cannot be too many bleeding hearts to sympathise with the victims.

Whether the Press Commission will be just another paper guarantee and the dispenser of political patronage with all its known consequences or not, it depends on all of us and our commitment to live in an enlightened, open society in which views will be exchanged freely and frankly in the market-place of ideas. It behoves us all to subject the activities of the Commission to constant and rigorous scrutiny. The Press Commission, a very novel and interesting experiment in African media history, may be only half a loaf, but even in matters of such grave import, it is still true that half a loaf is better than no bread.

## Book Review

### THE NOVELS OF AYI KWEI ARMAH: A STUDY IN POLEMICAL FICTION

by

Robert Fraser

Heinemann Educational Books Ltd. London 1980

Reviewed by

Kofi Owusu

Robert Fraser's book offers us instance of trail-blazing exploration of theme and style: it is readable, illuminating and provocative.

The rather generous reception of *The Beautiful Ones Are Not Yet Born* by some reviewers is

endorsed, but attention is drawn to "a much larger pattern of betrayal" (15) which undergirds Armah's treatment of the ruling class. Flashes of searching critique balance the delineation of thematic configurations in *Why Are We So Blest?*. *Two Thousand Seasons* is lifted out of "the domain of realist art," planted "in an altogether different terrain that appropriate to myth, legend, and racial memory" (72-73), and given its fair share of a shower of patronage. Fraser's piece on Armah's historical novel, *The Healers*, is surcharged with a clear perception of the motivation of Armah's characters, and a scholarly appreciation of the historical process which Armah gives expression to in fiction.



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The chapter on Fragments raises interesting issues but leaves Armah's second novel still underrated: it is a chapter which may disappoint readers. The paucity of cogent literary criticism is brought into sharp relief by the near parity of comments and quotations from the novel. There are other issues. Commenting on a statement attributed to Naana in the last section of the novel, Fraser writes: "the 'thousand...pieces' here are the fragments of the title; the extra thirty pieces are perhaps redolent of the thirty pieces of silver for which Judas Iscariot betrayed Christ" (30). The fact that the tone of intense personal anguish supersedes Naana's earlier reminiscence is significant, because long before Naana's statement we are introduced to a scene in a bar, where we are told of "the noise of splintering glass ... the glass and the bottle ... shattered on the floor"; three men, we are further informed, try "to pick out the larger pieces of glass" imbedded in the face of the man who has caused the mess, Bukari. Fraser ignores (misses?) the connection, isolates the "thirty" of "a thousand and thirty useless pieces" for special significance, and brings in Judas's betrayal of Jesus, which, at one level, is tied up with the undue emphasis he places on the "quasi-religious" (46) motif in **Fragments**. What is obvious is that the impact of the shattering "into a thousand and thirty useless pieces" of "the larger meaning which lent sense to every small thing and every momentary happening years and years ago" has been, and is being, felt by individuals (Naana, Baako, Bukari, etc), a whole people, and society at large. The falling apart of things, the fragmented individual (the splintering glass is expressive of Bukari's shattered life) in a fragmented society, are issues which are not Armah's exclusive preserve. What is pertinent to Armah's art is the tendency to posit the general in the particular. The name of a town which appears in **Fragments**, 'Bibiani' (i.e., 'this is everywhere'), sums up this important aspect of Armah's work.

Two identifiable slips can be glossed over: "Kofi Awoonor's novels" (38), when we know of, and the author refers to, only one; "Baako's family would seem to be Ashanti" (i.e. Asante) (39), when names like Araba, Eku, Efu, Kwesi - though Akan - are obviously Fante, not Asante (earlier on in Fraser's book reference is made to Kwame Nkrumah's "Congress People's Party" (3), when the party referred to is the "Convention People's Party"). The piece on Akan custom which makes Baako bear a more fundamental responsibility than Kwesi, the father" (39) is, however, not only slightly exaggerated but also beclouds the link Armah establishes artistically between Baako and his sister's child. The child is premature: it comes unexpectedly like Baako's arrival from abroad. Its outdooring is pushed forward to the fifth rather than the customary eighth day after its 'home-coming'; Baako changes his mind about staying in Paris for "a week or so," and takes "the earliest flight to Accra." The child's mother, Araba, has been pregnant five times but on each occasion, after months of pregnancy, "everything would pass away in ... a river of bad blood." This is not surprising, since Araba considers her genital organ her "secret weapon" - a coercive 'weapon' she uses to manipulate her husband. Reciprocity and the

creative potential of the sexual union between huss and wife are subverted. Significantly, Baako's hands are washed of Araba's blood before he donates his blood to save Araba and her child. Thanking her brother for offering her his blood, Araba says: "It wasn't the blood alone ... The child too. You gave him to me ... if you had not come back yourself, I would have lost this baby alone." Baako's commitment to a life-giving, health-restoring, creative essence isolates him from a people committed to the negation of the ideals he stands for. His affinity in the novel is with the old, blind, weak Naana, and the innocent child who is sacrificed by the cargo-cult devotees.

Fraser offers some valuable criticism of Armah's **Two Thousand Seasons**. The links he tries to establish between Andre Schwartz-Bart's **Le Dernier-des Justes**, Yambo Ouologuem's **Le Devoir de Violence**, and **Two Thousand Seasons** - however tenuous - are nonetheless justified by his laudable effort to draw attention to the literary ancestry of Armah's 'novel.' In some few instances - limited almost exclusively to the chapter on **Two Thousand Seasons** - Fraser takes to a rambling tone, and his language predictably becomes too insistent and heavy-handed. "It is pointless, I think, to beat about the bush by talking of racial 'overtones'" (72), and "In the context of the massive communal inferiority complex ... there is only one antidote, a heightening of self-respect, and we need fear no over-dosage" (73), appear in paragraphs which tend to digress and dawdle.

The merits of Fraser's book on Armah are too obvious to warrant reiteration. If he makes extravagant claims which are not adequately sustained, we are, I think, faced with the usual malaise of any such "brief study" - a setback anticipated by the author in his preface. The book's richness is sufficiently variegated, and the issues raised challenging enough to sustain our interest in the first ever study of the whole of Armah's output to date. Fraser's 'Conclusion' is perhaps the most profound piece written on Armah's art and its relation to African and world literature.

## Politics

### FACTS, LOGIC AND VALUES: A REPLY TO MR. AHWOI

by

Kweku G. Folsom

Mr. Ahwoi is to be congratulated on his two articles ("The Constitution and Question of Values" Parts I and II, L.O. Vol XII, Nos. 10 and 11) both in response to my articles on the changes made to the Constitution by the Armed Forces Revolutionary Council (AFRC) in a way that merits a reply. My congratulations are, however, subject to two qualifications. First, I feel compelled to deplore his intemperate and, therefore, unbecoming language. Such language is not only unfortunate; but it also scares people off public debate. Secondly, I was saddened, on reading Mr. Ahwoi's articles, to realize that they are characterized by misrepresentations of my position, plain mis-statements of fact, illogical arguments and confusion of values.

### Misrepresentations

Mr. Ahwoi starts his articles with nine "objectionable theses" I am supposed to have propounded. Two of these are outright misrepresentations of my position, and one a simple mis-statement of fact. The very first thesis attributes to me the view that certain sections of the transitional provisions cannot be justified in any way and must be expunged from the Constitution. But I never argued this position in the articles under attack. I rather argued that the whole of the AFRC Constitution, not just certain sections of the transitional provisions, must be set aside - a position Mr. Ahwoi himself describes as "bordering on incitement and treasonable." I never also based this stand on the premise that any of the changes were unjustified. My position on this was that though some of the changes were sensible, clarified some provisions or made corrections - indeed some actually made changes I had defended in the Constituent Assembly, such as the restoration of Police "Service" instead of "Force" and the explicit clause that a Minister or Deputy Minister cannot be a Member of Parliament - the whole constitutional exercise by the AFRC was illegitimate. The second misrepresentation is that Mr. Ahwoi claims that I had argued the thesis that "because the Constituent Assembly challenged the SMC's 'right' to promulgate the Constitution...therefore the Constituent Assembly had the right to promulgate a constitution for Ghana" (emphasis mine). Since I argued the exact reverse of this thesis, it would be interesting to know how Mr. Ahwoi arrived at that conclusion. The whole of Mr. Ahwoi's argument is vitiated by numerous such misrepresentations. Two more examples will suffice. He states: "It is mischievous to conclude that because there was a contest between the two bodies, therefore the Constituent Assembly's view of the appropriate promulgating authority was the right view" (emphasis mine). Another example is where Mr. Ahwoi states, "The argument is further made that the Constituent Assembly saw its constituent authority to make a constitution for the country as deriving, not from any decree, but from the sovereign will of the people. This because, according to Professor Folson, 'the Assembly cold-bloodedly expunged all reference to the Decree from the preamble. "As if that alone was all that was needed to resolve the issue" (emphasis again mine). Needless to say, no where in my three articles did I take these positions. On the second example indeed my position was so unambiguously stated that I cannot see how any fair-minded critic could mistake it. Having given an account of how the Constituent Assembly came to expunge all references to the Decree from the preamble, I concluded: "In this way the Assembly made it crystal clear that it saw its constituent authority...as deriving, not from any Decree, but from the sovereign will of the people." In other words I was merely stating a historical fact that the Assembly made its view clear by expunging the references to the Decree.

### Mis-statements of Fact

More serious than Mr. Ahwoi's misrepresenta-

tions are his plain mis-statements of fact. First, he attributes views to me which I have specifically and unambiguously argued against even in the columns of the *Legon Observer*. He claims for example that my argument is based on "the unexamined assumption that the sole purpose of a Constitution is the protection of so-called 'individual liberties'..." Now, the central reason for my opposition to the presidential system is the separation between the legislature and the executive which I think puts unnecessary obstacles in the way of socio-economic development, the vital concern of underdeveloped countries like Ghana. I have argued that those who recommended the presidential system did so on the mistaken assumption that the most important problem facing the country is the preservation of individual rights. (See "The Executive Presidency," *L. O. Vol. XI, No. 1* and "A Virtually 'Unchangeable Document'", *Africa No. 103, March 1980*). In my *Africa* article, for example, I stated in conclusion:-

The acid test for this constitution is its contribution to the solution of the twin-problems of individual liberty and development. It is a moot point whether, by elevating one politician above the citizenry in a country, where there is no federalism to provide for an effective division of political power, dictatorship rather than liberty is not thereby encouraged. But it is a more serious point that whereas the needs of development dictate a close link between the legislature and the executive, the predilection for liberty has led to a separation. In this, I believe, history will testify that the constitution-makers cut their noses to spite their faces by putting the cart before the horse. For without development there cannot be individual liberty in any Third World country.

I also argued this point on several occasions in the Constituent Assembly. But it seems to me that Mr. Ahwoi is not interested in facts or precision of argument. The most serious of his mis-statements is his unqualified assertion that I was a member of the 1969 Constituent Assembly. Mr. Ahwoi states that "the members of the (1969) Constituent Assembly provided for their own immunity! Included in this number was Professor Folson (then known as B.D.G. Folson)". This is part of the argument that leads Mr. Ahwoi to the conclusion that the 1969 Constituent Assembly behaved like "a robot, lame-duck body." He states further that "the first group of people who 'announced' to military adventurists that they could impose themselves on us by force of arms and further legitimise their rule by imposing a constitution on us was the 1969 Constituent Assembly, of which Professor Folson was a member." He marches triumphantly from these statements to the conclusion that my "volte face should force all members of that Assembly to bow down their heads in shame. Whatever was it that people who live in glass houses were not supposed to do?" And yet, believe it or not, I was NEVER a member of the 1969 Constituent Assembly. But Mr. Ahwoi further states that I had propounded as one of my "objectionable thesis" that at the time of the June 4th Revolution there

existed in the country a Constitution "which was exactly 36 hours old." Exactly 36 hours old! In fact all I had said was that the Constitution came into effect on June 1, in other words three days old. If we must render three days in hours, 72 hours is the answer.

### Careless Logic

One is at this point tempted to dismiss the whole reply of Mr. Ahwoi for its misrepresentations and mis-statements. But there are too many juicy plums in Mr. Ahwoi's arguments to be left alone. His carelessness with logic is of a piece with his carelessness with facts. Take for example this statement: "Professor Folson's argument that 'the question was repeatedly brought up as to which body was competent to draw up a Constitution for the country: the Constituent Assembly or the Supreme Military Council', is a complete non-sequitur because the question assumes that the Constituent Assembly itself had any authority at all to promulgate a Constitution." First of all the statement quoted from me is not an argument but a statement of fact. Secondly, being a statement of fact, it cannot be a non-sequitur. Thirdly, the question could not have been based on the assumption attributed because it merely says the Constituent Assembly considered whether itself or the SMC was competent to enact and give to the people a constitution. Here again I was reporting a fact; I wasn't advancing an argument. The Constituent Assembly could be criticized for taking that position; even so, it could only be criticized for assuming a right, not for committing the fallacy of non-sequitur. For the statement to be a non-sequitur the premise must be assumed, but it is the premise that Mr. Ahwoi is criticizing.

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Another example of careless logic is Mr. Ahwoi's display with the "Kelsenite paradox." I stated that the validity of a Constitution cannot be based on any other law, since any such law must necessarily depend on the Constitution for its validity. Mr. Ahwoi argues in reply "if, as Professor Folson argues it was the Constituent Assembly that had the power to make a Constitution because of supposed political/moral rights, and yet paragraph 12 of SMCD 203 states, as it does, that it is the SMCD that approves the final Constitution, then there is the beautiful paradox of unconstitutional enactment giving birth to a Constitution!" (my emphasis). This is a correct example of non-sequitur, drawing faulty conclusions from stated premises. Quite clearly Mr. Ahwoi doesn't seem to appreciate that if I reject the right of the SMC and its decrees to make a constitution for the country - the whole basis of my third article - no paradox of any sort, Kelsenite or not, arises. In other words if Mr. Ahwoi himself had written "if, as Professor Folson argues, it was the Constituent Assembly that had the power to make a Constitution because SMCD empowered it to do so" then his Kelsenite paradox would arise. As it is, the paradox exists only in his imagination. Nor, on my assumption, is there anything strange with the consequence he deduces from my position: "the strange consequence which follows is that it is the Constitution which validates SMCD 203. Therefore, if SMCD 203 is inconsistent with the Constitution, then SMCD 203 is invalid!" The argument is strange only on the positivist assumptions of Mr. Ahwoi.

I would at this point like to let the matter lie, but in view of numerous examples of illogical reasoning in Mr. Ahwoi's articles I cannot resist the temptation to quote another one. I had written: "only the electorate has the absolute right to draw up a constitution for the country" In reply Mr. Ahwoi writes: "It is difficult to defend Professor Folson's position because it is historically false that the electorate draws up constitutions." But if I assert an absolute right you do not disprove it by saying that you have never seen the right exercised. As a matter of fact American, Swiss, Italian city-states and Greek histories are replete with examples of electorates drawing up constitutions. In any case it does not follow that because the electorate has the absolute right it will exercise it itself: it can delegate the power temporarily, and in democratic theory that has always been the source of the authority of constituent assemblies, at least since 1976.

A variant of Mr. Ahwoi's careless logic is his penchant for arbitrary deductions which suit his purposes. I had stated that the corporals and sergeants and their junior officers knew and know nothing about constitutions. I grant Mr. Ahwoi's deduction that the level of understanding of constitutions of the mass of the population is akin to that of the corporals et al. But whence the deduction that they can NEVER understand? Did I say that corporals et al. can NEVER understand? Whence the further deduction that I have contempt for those involved or that I doubt their ability to reason? If I say that someone doesn't understand something, say a mathematical theorem or the



difference between fission and fusion in nuclear physics, am I to be understood to be implying that he can never understand or that I have contempt for him or his ability to reason? Is that what Mr. Ahwoi himself means by saying that I show non-familiarity with (i.e. I don't understand) legal drafting and that I misunderstood the Kelsenite grundnorm (a misunderstanding, by the way, which exists only for him, not me: the confusion in his own "explanation")?

### Impugning Motives

Whilst on this point, I might as well tackle the question of doubting the good faith of people. Contrary to Mr. Ahwoi's assertion, I didn't set out to impute motives and cast insinuations "simply because (I disagree with what has been done." In the first place, I don't trust the motives of people who when they are underdogs approve resort to counsel but when they have power deny their victims the right to engage counsel. Secondly, I do not have any confidence in the good faith of people who believe in kangaroo justice and secret courts—especially when they have been brought up in the traditions of the Common Law! Thirdly, I know at least one of those who advised and helped draft the transitional provisions, and I know that his position on the constitutional proposals before the coming of the AFRC cannot be reconciled with anything in the transitional provisions (I must add quickly that, that person is NOT Mr. Ahwoi). Fourthly, if Mr. Ahwoi will cast his mind back, he will recall that I argued in my very first article on the transitional provisions that changes made to Section 15 of the transitional provisions "show a certain anxiety to protect the possible illegalities, injustices and acts of corruption, not of the AFRC government as such, but of individual members of the AFRC and agents or advisers of the AFRC." "I find this", I continued, "extremely disturbing and suspicious, and it therefore convinces me that there is something terribly wrong hidden somewhere which the AFRC or their advisers are anxious to keep hidden." Mr. Ahwoi is entitled to disagree with me on the point, but he is wrong in thinking that I impugned the good faith of the secret advisers simply because I disagreed with what they had done. I had good reason for my position.

Now Mr. Ahwoi attempts to dismiss my arguments about Section 15 of the transitional provisions as of no consequence. Unfortunately his arguments are based on the usual claim that non-lawyers are ignorant of the law. I would have thought that with the recent judgement of the Supreme Court upholding what we laymen had maintained since the Constituent Assembly days in the teeth of the near-unanimous opposition of lawyers—I was publicly dismissed by another member of the Law Faculty for upholding the position now confirmed by the Supreme Court as not being conversant with the "inscrutable ways of judges" - Mr. Ahwoi would be more circumspect in dismissing arguments on the grounds of alleged non-familiarity with the law. I am afraid my common sense doesn't permit me to accept Mr. Ahwoi's arguments based on a theory of ouster-clauses.

It is necessary to refresh our memories of the enormities embodied in Section 15:

"(2) For the avoidance of doubt it is hereby declared that no executive, legislative or judicial action taken or purported to have been taken by the Armed Forces Revolutionary Council or by any person in the name of the Council shall be questioned in any proceedings whatsoever, and, accordingly it shall not be lawful for any Court or other tribunal to make any order or grant any remedy or relief in respect of any such act."

It can be argued that rules determine what are executive, legislative or judicial acts, so any act cannot simply be pronounced as one of these three classes of acts. But sub-section (3) gives short shrift to this argument:-

(3) The provisions of sub-section (2) of this section shall have effect notwithstanding that any such action as its referred to in that subsection was not taken in accordance with any procedure prescribed by any law.

So any action taken by any person in the name of the AFRC can pass for an executive or legislative or judicial act since there are no rules to define these categories of acts. As if to put this interpretation beyond doubt, subsection (4) goes on to say:-

(4) It shall not be lawful for any Court or other tribunal to entertain any action instituted in respect of any act or omission against any person acting or omitting to act, on the instructions or authority of the Armed Forces Revolutionary Council or any member of the Armed Forces Revolutionary Council and alleged to be in contravention of any law, whether substantive or procedural, in existence before or during the administration of the Armed Forces Revolutionary Council.

There is no longer any pretence that the act should be either executive, legislative or judicial. Any act goes! Now, I assert that the plain meaning of this sub-section puts a rape committed "on the instructions or authority of ... any member of the Armed Forces Revolutionary Council" into the category of acts no Court can go into though it is "in contravention of (a substantive) law...in existence before (and) during the administration of the Armed Forces Revolutionary Council". Of course it doesn't follow that a court will necessarily accept this interpretation. A bold judge with a conscience may still convict on the basis of the Moral Law in spite of the plain words of the Constitution, and may even go on to protest against being asked to enforce such a barbarous law. I fear however that a judge who thinks, with Mr. Ahwoi (at least in his articles), that legal positivism is the acme of jurisprudential wisdom will not convict because of the plain words of the Constitution.

### Confusion of Values

I have found it difficult to grasp the central pur-

pose of Mr. Ahwoi's rejoinder. Is he arguing on the basis of a set of values he cherishes? Or does he think the **Legon Observer** is an "academic" journal in which one can set out to explore "academically" the basis of constitutional legitimacy? Or is he simply indulging in the secondary school habit of disputing just to show that one can also argue? Or is Mr. Ahwoi simply confused over his own values?

One is irresistibly drawn to the last alternative. I am amazed at the amount of energy Mr. Ahwoi spends on my description of the AFRC as "mutineers-turned-coup-makers". I explained in my third article why I used that description: that they originally simply mutinied against their superior officers and it was later that they assumed the authority of government. The earlier soldiers directly revolted against the government hence I simply referred to them as "coup-makers". University teachers should surely have better things to do than indulging in name-calling. But there is a more positive reason for thinking that Mr. Ahwoi is confused over his values.

Mr. Ahwoi seems to hold these two positions at one and the same time: (1) that the AFRC had the right to make a constitution for us because it had popular support and (2) that it had the right to make the constitution because it inherited that power from the SMC via SNCD 203. His scornful reference to "individual liberties" suggests that he does not believe in them. This is not surprising in view of his cavalier assessment of the popular basis of the AFRC. Mr. Ahwoi dismisses the argument that the Constituent Assembly was representative

on the grounds that only 10% of the registered voters bothered to vote and that the Assembly was saturated with persons "representing" one class and interest group - whatever this is supposed to mean. Yet the proof of the popular basis of the AFRC is simply that he, Mr. Ahwoi, declares that "there is no dispute who the people considered to be representing more their wishes and aspirations". This, in spite of the fact that at that time the AFRC were exercising brutal violence against people and their military supporters were extorting money and goods left, right and centre. Also, in spite of the fact that the constitutional issue never came up; indeed, many people have informed me that until they read my articles they did not know that the AFRC tampered with the body of the Constitution, and I myself did not realize the extent of the changes until I compared the two documents meticulously. Mr. Ahwoi's method of deciding the popular basis of a regime reminds one of a character in Shakespeare's play, **Henry VI Part II**, who on assuming command of the Kentish rebellion of 1449 proudly proclaimed: "I have thought upon it; it shall be so. Away, burn all the records of the realm; my mouth shall be the parliament of England." Perhaps Mr. Ahwoi's arbitrary assertions about classes and their interests suggest that he is a Marxist. But then, Marxist theory would stamp him a willing tool of bourgeois oppression or, as the dependency theory variant would have it, of comprador capitalism, being a member of the legal profession.

My whole argument is premised on the democratic standpoint. I have argued since 1969 - Mr.

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Ahwoi is, of course, blissfully unaware of this and, given his attitude to facts, he is probably not interested in finding out - that a Constituent Assembly has no absolute right to make a constitution for the country, that the power to do so belongs inalienably to the electorate, and that therefore its handiwork must be submitted to the electorate for final approval or rejection. Accordingly, I have argued that no military junta has any right to change anything in a Constitution so approved. Failing a referendum, I have argued that a Constituent Assembly has a higher authority than any military junta to make a constitution for the country. I published the article in the *Legon Observer* (see "Ratifying the Draft Constitution," L. O. Vol. IX, No. 16 of 1969) and I reproduced it for the 1979 Constituent Assembly. I hope we shall learn something of Mr. Ahwoi's values too, so we can better judge his consistency and appreciate his arguments.

### The Search

by

Ebow Daniel

It was warm outside. The waiting in the sun for the taxi which never came had been long. In contrast to the warmth outside, it was refreshingly cool within. It should be cooler still, if there weren't so many of us. The airconditioned room had been designed to seat not more than one hundred. Certainly, there were not more than one hundred chairs. But there were people sitting on each arm of every chair in sight and there was no standing room anywhere. On the dais was a long table draped in kente cloth, yellow and green patterned patches with occasional streaks of red. A vase sitting in the middle of the table contained red gowers; there was also a jug of water and drinking glasses neatly arranged in a tray, red; and behind the table four chairs, red. There were to be three speakers, the advertisement said; the fourth chair was probably the Chairman's. We were at a symposium.

Outside the lecture hall we had seen two long tables draped in white; several drinking glasses were arranged in neat rows on both tables. The President of the association organising the symposium was not too pleased about this display, apparently. He had been heard querying the Organising Secretary:

"Whose idea is this?"

"Mine," the Secretary had answered.

"And what is the idea?"

"Didn't you see the papers?" The Secretary had gone on to explain that the other political party had also advertised a symposium for the day: "They are up to their diversionary tactics again. And they are receiving assistance from that imperialist Mission, as usual!"

The President saw the point, but he did not like it any better. He had always held that a revolution was not a garden party. He suspected, and said as much, that the larger-than-expected turnout was

in response more to the side attraction than the real business. The advertisement had been running for days; the final one which appeared that morning said beer would flow.

"And where is the beer coming from?" the interrogation persisted.

"State Hotel is bringing it."

"And who is paying for it?"

"Look, all I have done is to ask State Hotel to set up a table to sell beer. Why don't you leave these things to me? Am I the Organising Secretary or am I Not?" The enterprising youngman was beginning to lose patience.

### Arrival of V.I.P's

Soon there was a signal for silence. The speakers were trooping in. Ahead of them literally running, was the Organising Secretary, carrying two chairs; somebody following carried two more. There were to be more people on the dais, perhaps. Yes indeed, for in the line moving up were a well-known cabinet minister and three deputy ministers. One of the deputies was a woman, a small face which looked smaller still beneath the large turban, reddish, that sat on her head rather like one of those large circular wooden trays from which an assortment of wares are sold in the market, *korbaa*. The minister and the deputies were not billed to speak, however.

The chairman for the occasion, another cabinet minister, presently got up to say none of the speakers needed introduction; he did not need one either; and if there was anyone in the room who did not know him, he would be glad to make his acquaintance; it would have to wait till after the meeting, however. The laughter with which this opener was greeted indicated that it had been well received, and it pleased the chairman.

The chairman launched directly into the theme of the symposium: "We have not gathered here, Comrades, to discuss whether or not we should have an ideology. No country can exist without an ideology, and that's a fact." Hear! Hear!! "Our purpose therefore, is to determine direction, for move we must!"

The applause was deafening and long, interrupted only by an apparent commotion at the entrance. There were craned necks trying to see the new entrant, a rotund figure of a man, sixtyish, the hair suitably dyed for consistency with the youthfulness that both gait (affected sprightliness) and costume (a pair of tight-fitting trousers with a T-shirt thrown over) sought to portray. He raised both hands, short and stubby, in greeting and actually climbed on to the dais, one short leg at a time, to shake hands with everyone there. His was a rather large face, enough for two, and he had the briefest of necks; as far as the neck was concerned, it is true to say that what was lacking in length was more than compensated for by thickness. It is not clear how it began, but suddenly we were all singing, short stubby hands conducting: "There is victory for us..."

The person sitting on the left arm of my chair whispered the name of the new entrant who having taken temporary control now sat in the front row,

somebody having vacated seat for his benefit. Was I not surprised to learn who he was? He had given an interview in the distant past to the effect that politics was not for him anymore. Understandably! Past services had gone unrewarded. For years he sought by his own personal conduct to teach party colleagues to be demonstrably faithful and unflinchingly loyal to the embodiment of the party, its leader. **Spit into my mouth**, he is reported to have said once, genuflect, mouth agape. Asked why by the leader thus supplicated, he replied with the broadest of smiles and an infectious show of sincerity: **that I may speak with thy wisdom.**

For all this and more, reward came in the form of prosecution on a charge of treason for which, after an initial faulty start in the judgement, he had been duly sentenced to death, reprieve coming

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only in the wake of the forcible removal from office of the Government. He had resurfaced years later, organising support for politics sans political parties, which being politics with a difference, perhaps, should not be held as a breach of the promise he had made to himself. If indeed a breach, it was also understandable, for he was a man who could not sit still to see others perform. Even now at this symposium he would not be upstaged by anyone; his comments kept intruding into the proceedings.

**From the Dais**

The first speaker looked rather old for his forty-plus, clothes hanging loosely about him. He carried a walking stick for support, even behind the lectern. A rather nervous survey of Socialist Thought was, mercifully, over and the speaker was now on more familiar ground: "... and the ... Party under its dynamic leader ... inspired by Marxist philosophy had plans...for the transformation of a mere colony into the first industrialised socialist country in black Africa ... all within a mere ten years ... Comrades we have been independent for so many years already, ... and if we are still not an industrialised nation ... e tell you ... it is because unpatriotic soldiers with the aid of imperialists and neo-colonialists felt threaten by our steady march ... and the nation is the poorer for it ... For a national ideology, therefore, we have no alternative but to revert to the past ... Forward, therefore, Comrades, with Marxist Socialism!" Hear! Hear! Hear! Hear!

In spite of resolve not to introduce anyone, the chairman found himself saying what he referred to as "one or two things" about the next speaker, because some of us might not know and we should know. Not that I heard much of the "one or two things" anyway, for the person sitting on the left arm of my chair decided at this moment that it was time to smoke. A stick of cigarette, rather tired, had emerged from somewhere; a match was not immediately available, however; and nobody in our immediate vicinity could help. As we looked around frantic for help, a shy fitful glow revealed itself from the very last row of chairs, a kindly light which, in deference to our joint-imprecations, duly arrived transmitted by relay, rather like the olympic torch. The speaker was now looking in our direction for attention.

It was not immediately obvious that he was handsome, this speaker, but a closer look left you in no doubt. The body was well-proportioned although the abdomen could benefit from a little exercise every now and then. Cleanshaven, except for a small goatee, hair neatly parted to the left, white political suit sat well on him and he had in the front pocket of his jacket a large handkerchief, red. He drew immediate applause when he announced that he was a socialist, had always been and was all for socialism. He warned, however, that the state of affairs in the country called for pragmatism. Engels and Marx had themselves both warned of the dangers of uncritical adoption of a philosophy which after all was premised on social conditions which obtained in Europe of the 19th century. "We do not want blind socialism. Our socialism must be sensitive to prevailing conditions. To

put it bluntly our socialism must have eyes, if nothing else," he concluded.

If what followed was an applause one should have heard the response to the next address, that by the youngest on the platform, which seemed to contradict all that had been said thus far.

When asked about the nation's ideology, some people seemed to think it was enough to say the name of your country, he began. He was pleasantly surprised, he said, that there were people, at all willing to discuss ideology beyond the vagueness represented by protestation of concern for the salvation and well-being of the country. Even so, he had heard nothing but revisionist nonsense all evening, he continued. Marxist principles could not be invalidated by the simplistic argument that they originated elsewhere ... And did somebody say socialism was the preoccupation of the idle intellectual? Had anyone heard of Lenin, Allende, Augustino Neto? Idle intellectuals, were they? If a man did not know where he was going, how dare he ask anyone to follow? Assuming indeed that agriculture was what would save the nation, did not the nation still have to decide whether the farms would be collectively-owned or individually-owned? If socialism was what obtained in the country before that earlier intervention, then he wanted no part of it. What kind of socialism was it which permitted party functionaries to acquire in multiples state-built estate houses to hire out at exorbitant rentals to workers?

A chant had begun from the back of the hall: "More...and more... and more...and more..." And the audience was not disappointed: How had Ministers of State who had been displaced by that earlier intervention managed to survive without working all this time? How come some had continued to live abroad in revolting opulence...? He represented true socialism which was different from that ideology of state capitalism that enabled managers of state-owned factories to ride in posh limousines while the real workers waited interminably for buses that never came...

The chant was picking up again: "and more... and more..." And as suddenly as before we were singing: "He will make you fishers of men..." I looked for short stubby hands in action, but nearly everybody was standing now and the speaker's voice was beginning to rise above the din: "... my socialism is different from that kind which is satisfied with mere statistics of schools and hospitals without caring whether the people can afford the bills..."

The speaker who had just sat down had the looks of hunger, lean of body, thin-faced, a veritable facsimile of Cassius. And he could indeed be dangerous, but you could not help admiring so much oratory in so frail a body, even if you did not entirely agree with his thesis; the chairman for the occasion paid him that compliment.

#### O For a Drink

I took the opportunity to reconnoitre for the beer while the chairman's commendations proceeded. The president of the association had guessed correctly that some of us were present at

the symposium for the promised beer; in our daily search for that essential liquid, ours was not unlike the situation of those primordial predators that prowl daily seeking whom they may devour. The tables with their neatly arranged glasses stood where they had been, but there was no beer in sight, yet.

I turned round intending to go back to the lecture, but all of a sudden a wall had risen before me, my nose pressed to the wall; and I was beginning to suffocate. All the things I had done in this short life of mine quickly flashed through my mind, the end being so obviously in sight. Needless to say, I did not die. I recovered from what had been apparently an embrace to see the wall in the shape of a mountain of woman in clothes that had seen better times. Where had I concealed myself all these years? She was smiling, obvious gaps in the mouth. She knew me, evidently. Could I lend her some money? "After the lecture," I managed to say.

#### Question Time

It was question time now. A young man with the same hungry looks of the third speaker from the dais had taken the floor: "Comrade chairman, granted that the infrastructure for an industrialised socialist state had been laid by that dynamic political party of the past that we are all proud of ... granted that take-off had been frustrated only by an unfortunate and dastardly act of cowards in uniform, would the first speaker care to explain his participation in the recent movement to oust political parties from the body politic altogether? Could he explain also why he was so enamoured of those cowards in uniform as to urge in their favour a third-part share in government as a permanent feature of the political arrangement of this country?"

The chairman made to intervene at this point, but the young man would not be deflected, waiving the chairman aside with a left hand on which was displayed a wrist watch worn over a piece of leather that covered some six inches of his arm from the base of the hand; other ornaments included a ring on the forefinger. "My question is in three parts," he protested, "rather like Caesar's Gaul, if I may say so, comrade chairman". And the third part," he continued against a background of amused titter, "is this - if recent diatribe against political parties held, what was the speaker doing being regional chairman of one? It was important to have answers to those questions, the young man insisted, because as far as he was concerned, everybody engaged in the struggle must have credibility... It was suicidal for the cause to have the same individuals selling contradictory programmes of action to the people... How was the audience to know that the speaker's present position regarding political parties and socialism was not a position of convenience suggested by the circumstances of the moment?"

The speaker thus addressed was on his feet the moment the young man had sat down, but what answer would have been given to the question which, apparently, had something in common with something of Caesar's shall never be known, for having beaten him to the lectern, the chairman quite sensibly ruled the question out of order on

the grounds that it was too personal: **rather ad hominem**.... was the chairman's expression.

The chairman seized the opportunity to remind us to make our comments as brief as possible and to eschew references which, however, interesting they might be, were not germane to the business of the day. The smoker who seemed to know everybody said the young man whose question had been disallowed was a lecturer in law at the University.

The next question was also **ad hominem**, as it turned out, but we had no way of telling until it had been asked. The person on floor was another young man with physical characteristics not unlike those of the young men who had spoken thus far, differing from them only in the exuberance of his gestures: in the long interval between the first ..... intervention and the second, one of the speakers had built up quite a successful network of business enterprises, right? The workers did not jointly own those enterprises, right? They were paid employees, right? By pragmatic socialism was the speaker looking for a formula that would accommodate the reality of private ownership of the means of production within a socialist state? In other words, was continued exploitation of workers envisaged in that variant of socialism that pragmatism would lead to? In that case, the speaker might as well join that other party which had so unashamedly declared for private profit, right?

"Right!" was the general response, but being so obviously **ad hominem**, the chairman quite properly disallowed this question too.

Some question had to be allowed, otherwise the status of the symposium would have been in doubt. And so: was it true that some foreign mission had paid for venue and advertising costs in connection with the other symposium in town? If it was true, what was the Government going to do to stop foreigners from meddling in our internal affairs?

It was a field day for the panelists, contributions overlapping:

"Foreigners are welcome so long as they do not meddle in our internal affairs..."

"The foreign mission in question is notorious for collaboration with subversionists..."

"... the Government will not be as careless as it had been in the past in the matter of safeguarding the nation's sovereignty."

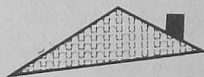
"Government ... will not hesitate to break diplomatic ties ... if it is indeed the case that a foreign mission would rather give aid to the opposition ..."

The excitement had barely subsided when the elderly gentleman in cloth got up. Indications that the question would be different were there, among them the gentleman's preference for the more conventional "Mr. Chairman" in his address to the chair. The venue for the meeting in progress happened to belong to another foreign mission, he noted, and then: could the lending of the premises for the on-going proceedings also be regarded an interference in our internal affairs? "The point of the matter ..." the elderly gentleman

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sought to elaborate, but the buzz of partisan disapproval was too much.

Having called for order the chairman attempted to answer the question himself: If he personally could believe that the foreign mission/which had lent the lecture hall for the occasion was capable of acting against the national interest, he would not be present. Did the questioner know what assistance had been given over the years by the Government of .....? Did he know the nature of support given by that Government to the spiritual leader of the country while the latter was in exile from the country he founded?

The chairman appeared to be getting angry and he was experienced enough to notice it. He checked himself by one graceful movement which embraced the pouring of water from the jug into one of the glasses that sat in a red tray in the middle of the table and the emptying of the contents thereof into an apparently thirsty throat. And now, a handkerchief dabbing plump lips, he apologised to us for allowing himself to be carried away, adding: "Comrades we must try to be objective in all we do. Just because one foreign mission is known to collaborate with subversionists is not to say one must not have relations of any kind with other missions. We are not afraid of questions, even criticism, but is it too much to ask that contributions should be fair and constructive?"

#### Pandemonium

The elderly gentleman who had provoked all this torrent looked as bemused as anyone could, as I left the lecture hall to see to the beer again. Now it was there, but something else was too. State Hotel stood in the midst of broken glasses, the front of his white shirt crumpled. One of the audience, an affiliate of a para-police organisation known as *The Custodes* had hit him, apparently, protesting the beer was warm and the price above "control". State Hotel sought to explain that as there had been power-cut all day at the Hotel, it had not been possible to chill the beer; as for the price, he could only sell at the Hotel price.

While we were trying to placate gored feelings, so we could begin to indulge our gullets, the President of the association, ever hostile to garden parties in the midst of a revolution, came from nowhere to order the beer back where it had come from. That was when he got the slap; somebody else got one and soon there were too many slaps "afloat." Whether or not the noise disturbed proceedings in the lecture hall is not known, but the sudden outpour of the general assembly to the would-be garden party did not lessen the confusion. A flying object duly landed at a face (ken!), His Rotundity's. It would have missed any other face, but a face for two had to have its liabilities. Short stubby hands went up to examine the extent of damage; blood!

The hosts felt embarrassed. They summoned the embassy guards to help the evacuation. I could see her advancing from one end of the grounds, *femina montana*. I attempted to go in the other direction. I felt someone pull at my shirt sleeve. It was my smoker comrade, breathless, another

cigarette in one corner of the mouth, unlit: had I seen the man who offered him light in the lecture room? The embassy guards charged. And as the last of us tumbled out of the gate, the gateman, no doubt disappointed at the garden party that was not to be after all, was heard to mutter under his breath: "tchama! drink self ino de; ideo you de bring."

It was much later that the car carrying His Rotundity drove past, a heavy bandage applied to his head, the Organising Secretary sitting next to him. When he learnt who the injured man was, the gatekeeper's mouth fell open, but it recovered normal posture in good time for the parting shot while we were still within hearing:

"as for some piplos ibi die  
self dem want for dis world."

## Notebook

### The President's Men

The long-specified reorganisation of the President's team has occurred. Mr. Kwesi Armah, Minister of Trade, 1965-66, was among the first to urge a reshuffle. In addition, he wanted revocation of the Disqualification Decree of 1969 to enable some of the "Old Guard" to serve in the President's team. The Editor of the People's Evening News had suggested that certain Regional Ministers should be dropped for awarding contracts in the regions to non-party men and known "opposition" members and thereby helping to strengthen the "opposition." In the *Daily Graphic* of 10th November the Deputy Regional Minister of Ashanti was also reported to have said that the President should be able to appoint those public servants who worked in the more sensitive areas, as advisers to Ministers, for instance, without reference to the Public Services Commission. The appeal for a reshuffle reached a crescendo on Wednesday 12th November when the Deputy Leader of the Majority Party said in Parliament that the matter was urgent because some Ministers were non-performers. The editorial of the *Daily Graphic* next day complained that the President's team included too many people with chains of University degrees. The reshuffle came later in the day.

The reshuffle does not seem to reflect all the various concerns urged in its behalf. For instance, the "chains of University degrees" are still in evidence while the "Old Guard" remain unrepresented. We can feel the frustration arising from being barred from active participation in Government merely because of a decree. But the Disqualification Decree should not simply be set aside as if there was no background to it. The decree followed various Commissions of Enquiry which established that some who had had the privilege to serve in the past had abused that privilege. There may well have been a bias here and there, but the way out, we would have thought, is to review, on application, the case of anybody who was anxious

to return to Government. And such reviews should be done in public.

In the particular case of Mr. Kwesi Armah, our attention was caught the other day by a letter to the Ashanti Pioneer recalling for our benefit that allegations had been made to one of the Commissions of Enquiry in 1966 to the effect that while he was Minister of Trade he had collected various sums of money being bribes from some Lebanese merchant. Since Kwesi Armah was not in the country at the time, the opportunity of being confronted with his accusers so the truth or otherwise of the accusation could be established was lost. He is here now.

The suggestion for dropping Ministers for giving jobs to the "opposition" is rather strange considering the source. In place of a political arrangement in which all the good things of life were reserved for the winning party there was to be a new arrangement in which offices, presumably contracts too, were to be available for all who were up to it; instead of living in enmity because of belonging to different political groupings, brotherly love was to prevail, each his brother's keeper. Was that not the ideal for which the Editor of the Evening News campaigned in 1977-78? And does he now say a Minister who is willing and able to do business with both party-colleagues and non-party members should forfeit his office? What is the matter with some of our compatriots? Political parties are evil - they are the first to sign up! It would be a pity indeed if any of the Regional Ministers who were excluded from the team lost his place because he did not meet the expectations of the People's Evening News.

The former Deputy Regional Minister of Ashanti also deserves attention. He has lived long enough to know that the success or otherwise of a Government does not seem to affect the tenure of public servants on whose advice the Government governs; consequently, commitment is suspect.

We understand the former Deputy Regional Minister too well. The President himself remarked at a recent management seminar that a sense of urgency was lacking in the public service. But it is a mistake to think lethargy is the name of the disease. Many state functionaries, particularly those in the Administrative Service, have no formal training in the technical business of their Ministries. And they do not stay long enough in any one Ministry to be able to learn on the job. As a result a flitting from one Ministry to another they end up having no expertise of any kind. They cannot help being mere pen-pushers! That is the reality of the situation.

We cannot, however, understand the apparent despair. The former Deputy Regional Minister may not believe it, but the cure for the disease or at least the opportunity for blunting the harmful effects of too much of pen-pushing is right there in the Constitution of the Third Republic. Article 66, for instance, provides for the appointment of a Deputy Ministry by the President in consultation with the Minister to assist the Minister in the performance of his functions.

But what type of "assistant" and what kind of

assistance? We have had occasion to remark in these very columns that the past is too much with us. For some of us, ministerial and deputy ministerial positions (foreign representation too!) are "jobs for the boys". They are rewards for who campaigned the hardest. The party chairman's boy must be fixed. There must be a balance between North and South. Considerations of that kind!

The former Deputy Regional Minister should himself undertake a review of the credentials of all his Deputy Minister colleagues comparing them with the technical requirements of the schedules in the various ministries and pronounce whether we have explored to the fullest advantage the possibilities respecting the appointment of Deputy Ministers. We know, for instance, that the former Deputy Regional Minister of Ashanti had spent the better part of his working life teaching secondary school chemistry. Was the new Minister of Agriculture who, incidentally, is a lawyer, consulted about the appointment of his deputy? And did he say he wanted the former Deputy Regional Minister's kind of expertise more than any other? Was the Upper Regional Minister consulted about his new Deputy on transfer from the Central Region? And just what is the latter's work-record which makes him uniquely suited for regional administration?

We of the Legon Observer were aware the we had appointed more of political assistants than technocrats to the various deputy ministerial positions. We thought, perhaps, that the "political" was the felt need of this Administration. We are pleasantly surprised at the hint that there is, perhaps, need for some other type of assistance. This need, is however, not reflected in the recent reshuffle. Whatever the merits of the reshuffle may be, it has not resulted, overall, in the attachment to the various Ministries of deputy ministers whose training or work-experience makes them uniquely suited for taking effective control of the administration of the ministry and assisting the Minister by giving advice on various technical matters and seeing to the implementation of whatever programmes there might be. Elsewhere, indeed the Deputy Minister is often a "committed" assistant who attends to detail while the Minister is in cabinet, or in the country inspecting government projects or even on a delegation outside the country. The debates in the Constituent Assembly had led us to expect similar dimensions to that office. The President can indeed extend the scope of the office without reference to the Public Service Commission. Parliament may have to be consulted, however. And in view of his disappointment with some ministers in the past, we can only hope that the Deputy Leader of the Majority Leader, indeed Parliament will do a more thorough job in future in the vetting of the President's nominees.

#### MUCH ADO...

However revealing of the mutual antipathy between Mr. Kwaku Baah and the leadership of the Popular Front Party, recent alterations regarding leadership of the largest of the minority party



in Parliament are revealing also of the fact that after twelve months of the coming into force of the constitution of the Third Republic we have not yet grasped its full import. Not that full understanding was expected overnight, but it is becoming clear that understanding will not come of its own merely through the passage of time unless, perhaps, there is a conscious effort at education.

We are not persuaded by the argument that the leadership of the party in Parliament is a matter just for Members of Parliament; nor do we share the view that Members of Parliament are answerable only to their constituencies so that any prompting from the party should be viewed as an interference. We are not happy either about the national executive of the P.F.P. deciding who does what in Parliament without prior consultation with the MP's concerned, if indeed this is what obtains. We can understand Mr. Kweku Baah's frustration at hearing for the first time on the air what role he was supposed to play in the second session of Parliament. We are the more sorry that disagreement has led to the expulsion of Mr. Baah and Mr. J. Owusu-Acheampong from the P.F.P.

What happens next? The Constitution requires an MP to vacate his seat in Parliament if he leaves the Party of which he was a member at the time of his election to Parliament to join another party. Question: Have the two MPs left their parties? It is possible to answer "no" because they have not themselves renounced the party; they cannot help it if the party does not want them. This way of looking at the matter could have grave consequences for discipline: by his actions an MP could repudiate all that the party stands for; he could so conduct himself both within and outside Parliament as to discredit the party altogether. The Party can only look on since expulsion does not have the same effect as the resignation of the MP from the party.

But a "yes" answer is also possible. Wherever the initiative may have come from there is no doubt that the two MPs have formally notified Parliament that they are now Independent members of the House. Since they entered the House as PFP rather than Independent members, the significance of the metamorphosis and the formal announcement thereto is that the two MPs have indeed left the PFP. From "having left", the further proposition that fresh mandate should be sought from their constituencies, even before an enquiry as to whether declaring oneself an Independent member of Parliament amounted to joining another party, is easy; and it is a proposition which those who live with the spirit of the Constitution should be able to accommodate. This other way of looking at the matter also has consequences no less grave. It is a serious threat to the independence of MPs, for instance. After all, the formal announcement to Parliament of a change in status was the only logical step for an MP who has been expelled by his party; and if indeed the announcement interprets as "leaving" one's party, then an MP who disagrees with his party is in danger of expulsion and with it vacation of seat for a more pliable colleague.

Wherever our sympathies lie we should not be inaware of the more disturbing fact which the

quarrel within the PFP brings into focus: The "office," of Leader of Majority/Minority Party is not provided for in the Constitution of the Third Republic. The "office" is one of convenience (Parliament's) intended to provide for consultation with the accredited spokesmen of the various parties when it is not possible to deal directly with each Member of Parliament. How the party's parliamentary leader, so understood, emerges should not, normally, engage us.

That we are concerned would seem to reflect more the fact that we are yet to be weaned from the more familiar Westminster tradition. In that tradition, the leadership of the "other party" in Parliament is an important formal position. The incumbent is the alternative to the Prime Minister. We seem to have invested the leadership of the largest of the minority parties in Parliament with a significance which belongs elsewhere and that is indeed the cause of all the bickering. It is rather curious that chairmanship of the various parliamentary committees which is the more important formal position in the Presidential System has so far not attracted public attention.

That we find it necessary to appoint a "shadow cabinet" with assigned portfolios which may be reassigned in a "reshuffle" is a further indication that we are still living in the past. The idea of a "shadow cabinet" is premised on the very real possibility that the government could "fall" any moment, through a vote of no confidence by Parliament, perhaps. The "other party" could then assume office without undue discontinuity. Under the Presidential System, the government does not "fall". The President could fail to be re-elected, but if his successor could choose his cabinet from outside Parliament, and invariably does, just what is the point of a "shadow cabinet"?

It is good parliamentary practice, of course, to encourage individual Members of Parliament to specialise in some area of the activity of Government, but the actual business of learning to become a "specialist" comes more from membership of the relevant parliamentary committee rather than the formal assignment of portfolio. Membership of the various parliamentary committees is determined at the first session of Parliament for the life of Parliament; mid-stream "reshuffle" of the "shadow cabinet" does not lead to reconstitution of the committees; its significance, is, at best, academic.

We seem to think also that there is a PNP Administration, and that the duty of the PNP representation in Parliament is to provide "loyal support" to that Administration. In a Parliamentary System an alliance of the Executive and Parliament is, of course, necessary to sustain the former in power. The truth of our situation, however, is that there is a Limann Administration rather than a PNP Administration; furthermore, the Limann Administration is guaranteed a four-year term which is subject neither to performance nor Parliament's support. Once elected, the President could spurn the advice of his party both from within and outside Parliament and literally carry on as he likes. The only possible sanction the party can apply to a recalcitrant-President is to refuse to sponsor him for a second term, but what if the President does

not want a second term anyway? Against an Executive with such latitude what should obtain in Parliament is an alliance of all the parties represented to check possible excesses. At any rate, that is the sentiment behind "separation of powers."

But to return to Mr. Kweku Baah, depending on one's disposition, either the man is obstreperous and contemptuous of party rules and procedures or the leadership of P.F.P. is inclined towards non-consultation and, therefore, dictatorial. As far as attitudes to leadership of the minority parties in Parliament are concerned, they are revealing more of a basic misunderstanding of the constitution which is frightening for its pervasiveness: We like to think of a PNP Administration when there isn't one; we insist on an "opposition" and a "Leader of Opposition" when there is neither; as for the shadow cabinet we had better understand that its potential for being other than a "shadow" is rather small even in the event of a PFP nominee assuming the presidency.

### SECURITY, WHOSE SECURITY?

Various individuals, especially the more visible, politically, have had one kind of brush or another with the security agencies of the state. They have either been interrogated at home or taken from home to be interrogated. Often reported from those away-interrogations are blood-curling tales of beatings and various forms of torture which leave us wondering whether the perpetrators are human. Interrogation is invariably preceded by long periods of surveillance, often so unobtrusive the target hardly knows and the public unaware except through the occasional bragging of a security agent who wants attention.

If reports reaching us are to be believed, the technique of unobtrusive surveillance would seem to have given way lately to a more direct approach - security agents sitting at one's door-step literally(!), interfering with one's home routine. At least, one citizen has so complained. Apparently, the attention of various individuals who matter in the state, including some members of the Council of State has been drawn to this peculiar treatment of a citizen of the land. The latest is that security agents in two vehicles deliberately hit a car which the complainant was driving with a view to killing him!

Maybe this latest manifestation of security work has advantages which we are not immediately in a position to tell. We would rather raise questions about the objective of security, specifically, this: security for whom? It would seem that, as far as the security forces are concerned, security means the personal safety of the person who, for the time being, is the chief executive of state: he is attended upon by a large number of security personnel wherever he goes; the roads must be cleared for him by fast-riding motorcyclists; and persons intending to call on him must undergo scrutiny. The same attention to detail is not the case, however, when other state functionaries including even cabinet ministers go about their work.

Preoccupation with the personal safety of the

chief executive, is of course, understandable. Most of the security personnel have been brought up on the propaganda that the chief executive is the state personified. In the thinking of security personnel, political opponents of the chief executive are necessarily a threat to his personal safety. They are, naturally, targets for interrogation and even detention.

Whatever their notion of the objective of security, we wish that security personnel would work towards that objective without humbug to ordinary people. For instance, those fast-moving vehicles which sweep the paths of the chief executive are a hazard to other people's safety. There have been deaths in the past, including that of some of those fast drivers themselves. Of course, we share with security personnel their belief that their kind of activity is necessary for upholding legal order against potential subverts. We wish, however, that they would also permit themselves the reflection that chief executives have as much potential for subversion as others. For instance, chief executives who preside over the rigging of elections are, possibly, more of subverts than those who seek to unseat them. Therefore, while obeying orders against "opponents" we should not imagine that we are necessarily on the side of "virtue" against "vice," for that could be the only possible excuse for resorting to "short-cuts" to the "opponent."

In any case, the security forces are themselves subject to the constitution which makes them part of that arm of government which has responsibility for protecting life, limb and property. And the constitution enjoins them to give protection to all citizens irrespective of status, tribal origin, religious or political persuasion. If anyone so much as threw a pebble at the chief executive's car, there would be enquiries - that at least! Could the public be told the outcome of any enquiry conducted into the circumstances of the "motor accident" at Okponglo especially since a citizen of the land alleges it was a deliberate attempt to kill him?

We are sadly aware that the general public is often not sensitive where sensitivity is due. The public likes to think that a security target must have "done something" to merit "special attention." We have in the present Government and in Parliament (in the Council of State too!) people who have enjoyed the "hospitality" of the security forces in the distant or recent past and can probably confirm that one needs not have "done anything" at all. We can only suggest that, if after a period of six months of twenty-four-hour-daily-surveillance, direct, there is no indictment, maybe it is time for a review of strategy; maybe we do not have a "lead" after all.

### WHO BEAT MAHAMA?

The Daily Graphic of 10th November, 1980 carried on its front-page a picture of the President visiting a patient at 37 Military Hospital. The camera carefully took in details of the patient's pyjamas, shaven pate partially covered in tell-tale bandages and the forlorn look of his wife to make a very revealing composition.

It is not every day that the President goes visiting patients at hospitals, but this particular patient was Mr. Ibrahim Mahama, Leader of the Social Democratic Front. He had been flown from Tamale to Accra following serious injuries sustained from mugging by unknown individuals during the curfew in Tamale in early November. Reports indicated that besides bruises on the body Mr. Mahama had lost a good part of the normal complement of teeth. From the patient's own account his assailants intended to kill him.

Mr. Mahama was one of ten candidates who contested the Presidency last year. Could he have been beaten up if he had succeeded in being elected? Not likely. This sort of thing happens only to ordinary folks. But as leader of a political party Mr. Mahama is at any rate nationally more visible than most. And there must be people in this country who do not like Mr. Mahama's politics. To that extent he is as vulnerable as a judge of the High Court for whom the State provides special protection in the form of a security escort. Why can't the same protection be given to all our national political leaders? The curious thing is that Mr. Mahama thinks the security agents themselves were responsible for the beating.

Elsewhere in this volume we note that some security personnel seem to regard harassment of political "opponents" as a necessary part of upholding legal order. Maybe like ours, Mr. Mahama's suspicions regarding security personnel are unfounded. But if it is considered that the mugging occurred at a time when, owing to the curfew, free movement at night was possible for only security personnel, does that not lend some support for Mr. Mahama's theory?

Molestation of citizens by security forces is too often alleged and too easily denied in this country for our liking. We do not think Mr. Mahama's suspicions should be lightly dismissed. We therefore endorse the call for an enquiry already made by various individuals. We cannot help remarking, though, that in 1978 Mr. Mahama seemed too preoccupied with the Unigov campaign to notice, let alone sympathise, with "opponents" who made similar complaints of mugging in Yendi and other places, even naming precisely the same suspects!

## Letters

### The President and the Electoral Commissioner

SIR - As you have rightly indicated in the Editor's note to Mr. K. K. Oduro's letter on the controversy over the re-opening of the Voters' Register (L.O. 30/10/80), the matter is "slightly out of date." However, this is yet another manifestation of the confusion which seems to have been created in the minds of some people about the real issues involved. That is one of the main reasons why I wish to avail myself of this opportunity to clear the air a bit on this rather tangled issue which might never have arisen at all if the consultations which are absolutely essential for the proper and smooth

functioning of the Constitution of the Third Republic had been made.

The letter has created the erroneous impression that the President has been against the compilation of a reliable Voters' Register. This is very far from the truth. For one thing there has been no consistency about whether the exercise was to be a Revision, a re-opening or the complete Replacement of the Voters' Register.

The impression the Electoral Commissioner created at first was that it was to be a Revision. On this the President and his Government were in complete agreement with him. In fact, the Government felt strongly that such an exercise should have started on 25th September 1979, that is, the very day after the Constitution had come into force thus reducing the voting age from 21 to 18.

Howbeit, the Government agreed that the Revision should take place this year since it is always better late than never. The revision would have involved the registration of those who attained the ages of 18, 19 and 20 following their enfranchisement by the 1979 Constitution. It would also have provided an opportunity for those who had for one reason or other failed to register in 1977 and 1978 to do so now.

The President himself was the first to appeal to the public at a rally in Navrongo in February that if such an exercise started, all those who qualified to register should do so rather than shy away from it under the pretext that it would be just another ruse for compiling names for the collection of "I 'impot" or poll tax. He emphasized that the vote was the power or the means by which the electorate can make and/or unmake Governments.

However, the Government learnt later that the Register was to be completely replaced. This would have meant a complete overhaul of the Voters' Register. In other words, everybody would have had to register anew. It was this belated decision for a replacement of the Register to which the Government objected on the grounds that the period chosen for the exercise was inappropriate for geographical reasons and also that no financial provision had been made for it.

Indeed, it must be pointed out that the issue involved not just the President and the Electoral Commissioner, as the writer suggests, but also Parliament and the Electoral Commissioner since he had to secure the approval of the Legislature for any expenditure on the exercise before it could be started. In fact, as it eventually came to light, the Electoral Commissioner was more directly in conflict with Parliament than with the President. He tabled his regulations before Parliament after he had publicly announced the date on which the total registration exercise was to commence. His regulations also sought a blanket approval from Parliament which would have enabled him to amend the Constitution itself at will, at any time and at his sole discretion. When some MPs drew his attention to the illegalities involved he is said to have appealed to their good sense to exercise their good judgement and overlook the illegalities involved.

As far as the President is concerned, he has made it clear that it was not his intention, by criticising the timing of the re-registration exercise, to interfere with the work of the Electoral Commissioner. However, as he pointed out in his nation-wide broadcast on 28th July, 1980, it is his responsibility to ensure that all activities in the country are co-ordinated and synchronised to the fullest benefit of all Ghanaians.

The President has been consistent in his view that although the Constitution makes a number of vital organs of State independent of the Executive, there is need for consultation and co-operation. These bodies might be autonomous but they still need money from the Central Treasury for their operations. The Consolidated Fund on which the Electoral Commission and similar bodies are a charge, does not operate in a vacuum. It has to be created by the sweat of all the citizens and therefore needs to be well husbanded. At a time when the competing demands on the Treasury are so many and the means to satisfy them so limited, it is necessary to be circumspect in budgetary allocations.

I agree with Mr. Oduro that democracy is in the long run much cheaper than arbitrary rule but need we tie our resources to an exercise which could be postponed to a future date and perhaps achieve better results?

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Osu-Accra.

### The Constitution

SIR - I have read with great interest Professor Folsom's meticulous and penetrating analysis of the Transitional Provisions of the Constitution (L.O., Vol. XII, No. 6, 11th April 1980). Professor Folsom should be congratulated on his excellent discussion of a subject that is of crucial national importance.

I have one qualification to offer however. While agreeing with Professor Folsom's points, I believe that we should not, as a nation, lose our sense of perspective in our attempt to be principled and legalistic. Let us not forget the events that preceded and surrounded the AFRC period. The AFRC provides one of the few historical examples of a revolutionary government (i.e. one that openly rejected the 'rule of law' as traditionally understood) that also consciously set the stage for a return to rule by law. The revolutionary character of the AFRC was dictated by the exigencies of the situation rather than determined by an unfolding plan. The rules of the game between June 4th and September 24th, 1979 were not only different from what we had known before (and since), they were also undefined.

Under the circumstances, the AFRC had to find a way of protecting (its members and) its actions (undertaken during a suspension of the rule of law)

from being overturned after the establishment of rule by law.

The pertinent question then is not: "should the Transitional Provisions have been imposed on society"? Rather, it ought to be: "could the Transitional Provisions have been cast in a way in which the protection of the AFRC's actions would have been assured, without at the same time defying some of our notions of propriety"? I suspect the answer to the latter question is negative. While it is extremely difficult to begin to answer the question: "were the AFRC's actions justifiable?", this does not prevent us from understanding why they took place. Like many other societies in the past, we are confronted with the familiar questions: "do the ends justify the means"? and "who justifies the end"?

Of course, history will tell whether the Transitional Provisions will survive unmitigated. What seems problematic at this stage, however, is whether we should judge the heady days between June and September 1979 only with the now prevailing principles pertaining to rule by law. To me at least, that seems to be a misreading of our recent history.

Name withheld at request of writer.

(Editor)

### Cabinet Reshuffle 3

SIR - Dr. Limann has undertaken his first cabinet reshuffle. The result? A fair redistribution of incompetence. Ministers who should have been kicked out long ago have merely been given new jobs, as if new posts necessarily create good leaders. But we have seen these things before. This is a reshuffle a la Kutu. But some of us did not expect too much from the ministers. In a country where the President holds on to an incomprehensible ideology of Ghana, it is left to the ministers to define for themselves what the ideology of Ghana means. The various interpretations of Ghana are what we have seen in the past year.

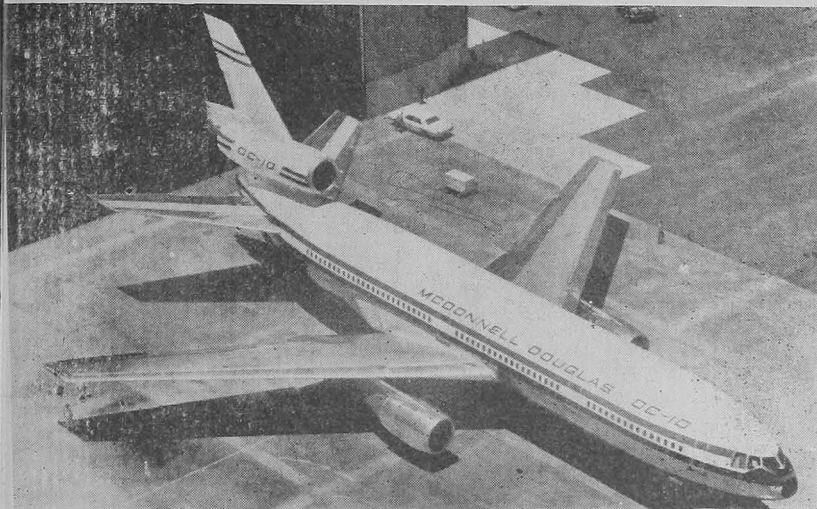
The problem of ministerial inefficiency goes beyond the redistribution of responsibilities. It demands a bold reshuffle of ideology, proper leadership and direction. If this is accomplished, ministers will fall in line. The president can then have the courage to kick out those who are plain incompetent.s

School of Communication Kofi Attor  
Legon.

SIR - I congratulate the President, Dr. Hilla Limann, on his first and major cabinet reshuffle.

Even though it is a bold attempt to ensure that his administration functions effectively, the reshuffle falls short of the expectations of well-meaning Ghanaians.

What I find disturbing is: why should a minister who has proved ineffective and inefficient in one ministry be transferred to another ministry? Does



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the President want to tell Ghanaians that a mere transfer could be a magical wand to transform an inefficient minister overnight?

The President's cabinet reshuffle is 'a mere window dressing' and it is hoped that if really Dr. Limann is serious about getting the right people to work with, he should be bold enough to weed out inefficient ministers than retaining them for political convenience at the expense of EFFICIENCY.

Q.21, Akuafu Hall                      Obeng Antwi-Boasiako  
Legon.

### The Slaughter on our Roads

SIR - Traffic accidents happen with ever increasing frequency in this country, and their physical causes are generally obvious enough: most roads and vehicles suffer from many years of neglect; make-shift repairs make both utterly unsafe. We have come to accept reports on the loss of life on our roads with nearly the same indifference as those on the eternal shortage of essential commodities. Yet, the news of a colleague and his family being wiped out in one blow makes one sit up and think again.

Potholes and the lack of spareparts are not the only, or even the most important, cause of this continuous slaughter of the innocents. The deeper causes are in my opinion much more alarming, and have to do with the growing opportunism ("right or wrong, my way") and fatalism ("when my number comes up, I've had it anyway") in Ghana. It is not so surprising that in a society in which people constantly infringe upon laws and regulations governing taxation, currency or public health, traffic rules are no longer obeyed either. If offenders get caught at all, they often get away with paying the now virtually customary bribe. The days of "Abaan" have long passed. Common politeness and patience are regarded as stupid and "colo". But how many drivers realise for instance expose themselves to a danger virtually as great as that facing the other party?

The role of psychological effects in a driver's behaviour should not be underestimated. If there are no traffic signs and road-markings at all, naturally he regards the road as a "free for all". If most policemen are merely seen standing at road-blocks collecting bribes which have virtually become regular road-tolls, they will hardly arouse a feeling of respect. If all the other people on the road behave like wolves, our driver cannot remain the only sheep - he thinks, but it might well be his best chance for survival.

To some extent one may sympathise with the authorities' inability to repair the roads, especially in a year in which they are not only desperately short of what is nowadays always called "the necessary inputs", but in which the rains have also been heavier and more persistent than usual. However, the quite successful pothole-filling campaign launched in July 1979 by the AFRC was never repeated. Now certain politicians want us no doubt to believe that it was all done under duress," but the imagination of villagers living far beyond the shooting range of Jerry's revolutionary guns was sufficiently fired to make them rise to the occasion with pick-

axes, shovels and pounders. Of course the potholes were merely filled with mud, and as the campaign was not followed up, the situation was soon as bad as before, giving apparently the cynics good reason to call it a mere "flash in the pan." Yet, if local councils and town development committees could organise citizens' work-gangs which could help in maintaining roads in the neighbourhood in this way at regular intervals, it would greatly help to make the roads safer. At least, nobody can any longer say that it is impossible to do such a thing.

Even if the "inputs" are not available to repair the roads, the Ghana Highway Authority should be able to do something about road-signals? If at least dangerous spots were clearly marked with the internationally recognised warning signs, including the ones showing the maximum speed at which they may be safely passed, a lot of accidents and unnecessary wear could be avoided. Clear directional signs and road-markings will also help the driver to orientate, avoid doubt, and hence sudden, erratic and all too often fatal movements. Let the excuse for inactivity not again be the eternal "shortage of materials"; if there is not sufficient reflective material in the country to make such signs, one may only hope and pray that there will be some friendly foreign nation willing to help out. This would be the kind of foreign aid which would be truly helpful and effective and which will save lives, even - perhaps - of the donor's nationals resident in the country.

History Department,                      Albert Van Dantzig  
Legon.

### "Accra - The Prince of Squalid Cities"

SIR - In spite of concerted efforts reportedly being made to relieve residents of Accra of the filth that has become a part of their existence, the sanitation problems of Accra remain as deep-rooted as ever. The magnitude of the problem makes the current attempts at relief a mere scratch of the surface.

The squalor that threatens to engulf most parts of Accra is not a recent phenomenon. Some thirteen years ago, the late Professor Joë de Graft put this reality into the following poem which he called "City on an Anthill" - a title based on legend that Accra started as a settlement among anthills.

"We raised a house  
Upon an anthill  
As the years passed it grew -  
A village, then a town  
Assuming pride of place among the  
townships of the land  
Attracting hordes  
Till soon we had  
A city on a dunghill.  
They say  
A man does not point with his left finger  
at his mother's humble hut.  
Must I then desist from singing  
This dunghill wreathed in bunting,  
This prince of squalid cities?"

This reality painfully remains the same today, as conspicuous as the national problems which seem to put Ghana's rulers at their wits' end. Like the life of deprivation and utter humiliation which is the lot of most Ghanaians, Accra's stench and filth are not evenly distributed. Maybe if they were, more desperate remedies commensurate with the nature of the problem would have been found.

Those who wield real power and wallow in glory do not live in the squalid, stench-filled parts of Accra. They can therefore be understood for reacting with disgust and indignation at the impudence of conservancy workers who recently, during their strike action, symbolically 'decorated' selected roads leading to the corridors of power with the sign of their labour.

It is my ardent wish that the filth and stench of Accra would gradually spread over the whole city. Then, as all Accra's residents to a man experience the effect and grapple with the problem, it would not be so hard to believe that we are one nation with one common onerous destiny.

Who insists that cleanliness is next to Godliness? Does he seriously believe also that we are all children of one and the same God?

Registrar's Offices, J. A. Quaye-Foli  
Legon.

### Essential Expenditure

SIR - Your readers may be interested in the following extract from **AFRICAN DEFENCE JOURNAL** No. 1 September 1980, a journal which seems to be chiefly devoted to encouraging the sale of expensive military equipment by the developed world to Africa.

**GHANA** - Two new naval patrol boats.

The Navy has added two new ships to its fleet. The vessels - GNS Gyata and GNS Sibo - were commissioned by the Minister of Defence, Mr. Riley-Poku, at the naval base in Takoradi. They were built in West Germany at a total cost of 120,000,000 cedis, and supplied with ammunition estimated at 50,000,000 cedis. They are modern patrol boats equipped with high-power anti-aircraft and surface guns.

Presumably these were ordered by the former SMC, but was it really necessary to continue with their purchase? Against whom is it envisaged that they will be used?

One wonders how many tons of cocoa had to be grown to buy these expensive luxuries. No doubt each of your readers can supply a list of purchases requiring foreign currency that he would have preferred to these items.

Balme Library J. W. Walpole  
Legon.

## For The Record

11 November 1980

### Minimum Wage

Employers are expected to effect the payment of their workers' salaries on the basis of the ₵12 daily minimum wage at the end of the month. This follows the Tripartite Committee's approval of a technical sub-committee report of 3 November, this year. Following the President's announcement of the daily minimum wage during his sessional address to Parliament the Tripartite Committee which is composed of representatives of the Government Employers' Associations and the Labour Movement set up a technical committee to prepare a conversion table to guide employers. The previous daily minimum wage of ₵4 was fixed in 1977 at the time of the confrontation between the Government and the Professional Bodies Association. Before then the minimum wage was ₵2.00

12 November 1980

### Rowdy Scene At Airport

There was a rowdy scene in the arrival lounge of the Kotoka International Airport, Accra, as traders who flew in from Rome struggled with customs officials who attempted to seize their goods. This arose because of a misunderstanding between the Customs Intelligence Squad and Airport Customs Officials over the question of payment of duty by travellers who bring in goods in commercial quantities. Airport officials asked the traders to pay duty and leave, but the Intelligence Squad were determined to seize them. The traders who objected to paying duty managed, in the struggle, to run away with their goods estimated at about half a million cedis.

18th November 1980

### Libya Out of Ghana

The Government gave the entire staff of the Libyan Embassy in Ghana 48 hours to leave the country. An official statement issued in Accra on 17th November said the government noted with regret that contrary to its expectations the activities of the staff of the Libyan Embassy have consistently been incompatible with their status as diplomatic agents. The government regretted that these activities have been at variance with the spirit of mutual trust and confidence which should normally govern the relations between friendly African states. Libya has a three-man mission in Ghana.

19 November, 1980

### University Lecturer Wife and Children Die In Car Accident.

Mr. J. K. M. Arthur, 37, a lecturer in philosophy, University of Ghana, Legon, his British-born wife, Anne Patricia, and their two children died in a car accident on the Madina-Legon road on Saturday, 15th November, 1980. Mr. Arthur's car was in collision with a tipper truck.

Mr. Arthur who had a Bachelor's degree in philosophy from Legon in 1967, and a B.Phil. from Oxford University in 1969, was appointed lecturer in the same year.

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