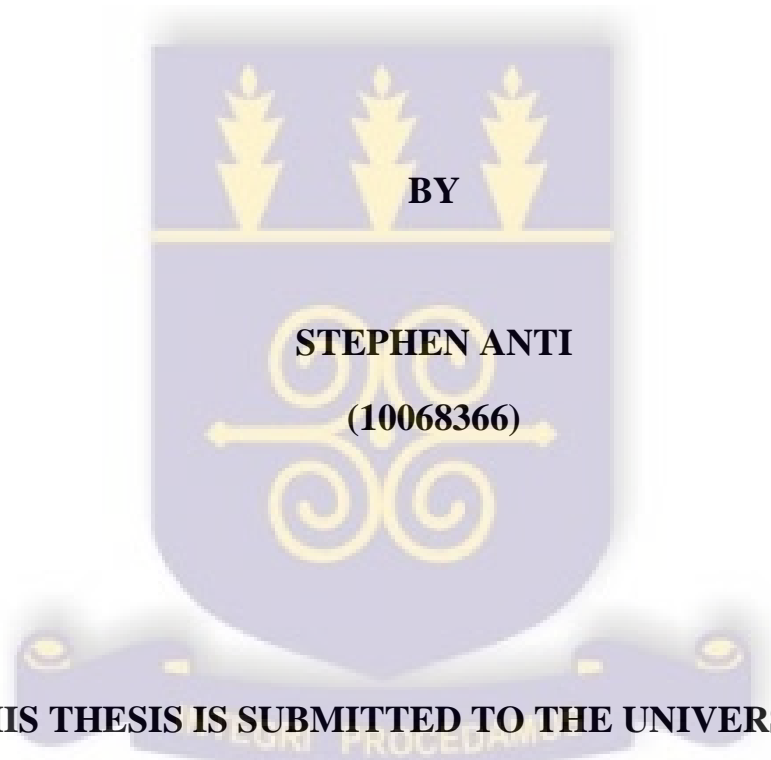


UNIVERSITY OF GHANA

INSTITUTE OF AFRICAN STUDIES

**PLACING NANA SUSUBRIBI KROBEA ASANTE IN THE CONTEXT
OF GHANA'S HISTORY AND DEVELOPMENT 1933 - 2014**



**THIS THESIS IS SUBMITTED TO THE UNIVERSITY OF
GHANA, LEGON, IN PARTIAL FULFILLMENT OF THE
REQUIREMENT FOR THE AWARD OF MASTER OF
PHILOSOPHY (MPHIL) DEGREE IN AFRICAN STUDIES**

APRIL, 2016

DECLARATION

Candidate's Declaration

I hereby declare that except for references to works which served as sources of information and which I have duly cited, this dissertation presented to the University of Ghana, Legon, is the result of my own original investigation and that it has neither in whole or in part been previously presented to this or any other university for a degree.

Candidate's Signature: Date:

(Stephen Anti)

Supervisors' Declaration

We hereby declare that the preparation and presentation of the thesis were supervised in accordance with the guidelines on supervision of thesis laid down by the University of Ghana, Legon.

Supervisor's Signature: Date:

(Prof. Irene Korkoi Odotei)

Supervisor's Signature: Date:

(Dr. (Mrs.) Mercy Akrofi Ansah)

DEDICATION

This work is dedicated to my parents, Yaw Anti and Yaa Opah and my wonderful sisters, Adwoa Ago, Ama Oye and Akosua Perbea for their encouragement and support throughout this course.



ACKNOWLEDGEMENT

I am greatly indebted to many individuals in writing this dissertation. To my informants all of whom have been extremely generous with their time, hospitality and assistance, I owe deep gratitude. It is impossible to mention each of them by name, but I express my gratitude to them all.

I should particularly like to thank the subject, Nana Susubribi Krobea Asante, Omanhene of Asante Asokore Traditional Area who in spite of his busy schedules, made himself available to me as well as his correspondences and private papers gathered over the years which served as a major source of authentic information for this work. My thanks are similarly to the staff of the Ghana Arbitration Centre- Ama Ameyaw, Josephine Offei and Isaac Frempong- who unquestioningly searched out materials for me whenever I was there.

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Finally I cannot end without a special word of thanks to Dr. Ebenezer Ayesu (my *Deus ex machine*), Prof. Akosua Adoma Perbi, Dr. Samuel Ntewusu, Dr. Edem Adotey, Ms Abigail Abena Gyamaa Abankwah, Kwadwo Anim and the 2013/2014 academic year group of the Institute of African Studies particularly, Ronald Mireku Yeboah, Mercy Mingle and Divine Yaw Amu and the many others for their support, encouragement and suggestions throughout this work.

ABSTRACT

Biographical works are essential ingredients in historical writing and interpretation. They essentially interrogate how a person's life reflects the larger process during the person's lifetime. Biographies of many prominent Ghanaians such as Kwame Nkrumah, K.A. Busia, J.B. Danquah, Kwegyir Aggrey, among others have been given tremendous attention in academic circles in Ghana. Various aspects of the lives of these people who played significant roles in the country's history and development have been the subject of studies.

One other person, in this researcher's view whose life is worthy of study and emulation by young people is Nana Susubribi Krobea Asante, the Omanhene of Asokore Traditional Area, known in private life as Dr. S.K.B. Asante, an experienced international legal luminary and arbitrator. He has also played a prominent role in Ghana's socioeconomic and political development.

Nana Susubribi Krobea Asante was born during the colonial period and had his elementary school education during the Second World War. His secondary school education coincided with the nationalists struggle for independence in Ghana and Africa. He received his first degree at Ghana's independence and became a state attorney in the first Republic when Ghana attained Republican status in 1960. He also served under the Second Republic and General Acheampong's National Redemption Council as Solicitor General and Deputy Attorney General respectively. He again played a critical role in Ghana's transition to democratic governance in the early 1990s by chairing the Committee of Experts that formulated proposals for the drafting of the 1992 Constitution of Ghana.

This thesis therefore examines his life and career in the context of Ghana's history and development. It seeks to write history from his life experiences as he lived it from 1933-2014.

His academic achievements including publications on international and domestic law and his development efforts as the Omanhene of Asante Asokore, among others, as well as his personal reflections and views on issues of national development are also highlighted.

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CHAPTER ONE

1.1 Introduction

According to Renier (1950), “history is not easy to define”. Over the years, historians have defined the subject differently at different times and under different circumstances to suite the subject matter. According to Hourani (1991), before the 19th Century, a famous scholar, Khalil al-Muradi (1760-91), in his attempt to define history, defined it as the biography of great and famous men. He asserted that the lives of great human beings were essential to understanding society and its institutions. His definition of history sought to mean that, it was only the so-called great people in society such as scholars and political figures, whose actions and activities constituted substance of history.

Who constituted a great man and the basis of one’s greatness is a call for debate and the question asked of the place in history of those who were not considered to be great men. The life and works of ordinary people did not matter per his definition, because they did not measure up to certain set standards in society to be able to impact on society for them to be known about. However, today with the expansion of knowledge base, history is essentially considered as the activities of all human beings in the past whether they are great men or small men, men or women, rich or poor and whether they were adults or children.

History may be considered as knowledge of significant events that happened in the past. This implies that we may not have knowledge of all the things that happened in the past since certain events are not considered important to certain people and hence insignificant to them. The question therefore arises as to how knowledge of the past could be acquired especially in a non-literate past of our society. Knowledge of such past can be acquired through the study of the lives of individuals who lived in a particular continuum of time.

Biographical works according to scholars such as Hill (2012); Zinn (2004); Miller & Brewer (2003), are very essential in historical writings. It affords readers the opportunity to know the context in which a person lived, and understand the circumstances behind their actions and inactions at the time. Whilst history generally focuses a lot more on events and its interpretations with little said about the personalities behind the events, biographies provide opportunity for personalities behind events to be highlighted and heard. It also provides a wealth of information for the use of historians and others. It informs and educates society on the accomplishments in the life of personalities who must have affected society by highlighting the trajectory of events that had characterized the person's life from birth to a certain point in his/ her life or to death. Biographical works provide a unique opportunity for others to build on the positive foundations laid by their predecessors and keeps the memories of the subjects alive. However, biographies have not been given much attention in academic circles in Ghana except that of a few privileged people who are deemed to have contributed significantly to the political, social, economic and religious developments of the country in their various fields of endeavour. Persons such as Kwame Nkrumah, K.A. Busia, J.B. Danquah, Kwegyir Aggrey, among a few others, have been given tremendous recognition in academia with various aspects of their lives, political and social, projected as subjects of study.

1.2 Statement of the Problem

According to scholars, biographical works are a major source of information for historical writings. In Ghana, most people who have contributed immensely to the social, political and economic development of the country have died without writing their memoirs or kept personal diaries when they were alive. The rich life experiences of such people therefore, died with them. However, family members managed to write some life stories of the deceased during their funeral celebrations.

However accurate and authentic such pieces of information are, they are characterized by family biases. This signifies the importance of documenting the life experiences of individuals, more so, by others other than family, when they are still alive and can contribute effectively to it. It is as a result of this problem that this study is necessitated.

1.3 Objectives of the Study

The study seeks to contextualize Nana Susubribi Krobea Asante's life and times within Ghana's political, economic and social history from 1933-2014. However, the specific objectives of the study are to find out how he was influenced by the historical events at the time of his birth and professional life. How his education in Ghana and abroad shaped his life and thinking will also be established. Most importantly, the study also finds out how the positions he held in his professional life contributed to the economic development of Ghana; legal education; international law and the socioeconomic development of Asokore Traditional Area. Finally, it is to find out what the challenges of Nana Susubribi Krobea Asante have been in terms of being an international legal luminary, an academic, a traditional leader and a family man and how he dealt with them.

1.4 Research Questions

1. What type of education did Nana Susubribi Krobea Asante have and where?
2. What positions did Nana Susubribi Krobea Asante occupy?
3. What is Nana Susubribi Krobea Asante's contribution to academia, the economic governance in Ghana and the Asokore Traditional Area in Asante?
4. What were the challenges of Nana Susubribi Krobea Asante as an international lawyer, an academic, traditional leader and a family man?

1.5 Literature Review

An attempt has been made by an undergraduate student at the History Department of the University of Ghana to write the biography of Nana Dr. Susubribi Krobea Asante. Also, he has been mentioned in various works.

In Kakah's work, *Straddling Tradition and Modernity: The Case of Nana Dr. S.K.B. Asante from birth to 2006*, he walks readers through the life experiences and works of Nana Dr. S.K.B. Asante from his birth to 2006. However, what he failed to do was a discussion of the historical events at the time and places he found himself. Moreover, although he touched briefly on most aspects of his life, he did not do a detailed analysis of the happenings at the time and how those events influenced Nana's thinking. This study however, goes beyond the narration of his accomplishments and discusses *why* and *how* the events at the time affected him and also how he helped shape events at the time.

In his autobiography, Appiah-Menka (2010) mentions Nana Dr. S.K.B. Asante as one of J.H. Mensah's sextet (brilliant Ghanaian technocrats) who was invited by the Busia administration from Washington and New York to help transform the Ghanaian economy from a socialist state to a market driven economy. According to him, these six Ghanaians had had considerable experience working with the Breton Wood Institutions¹ and the United Nations in various capacities. They included Dr. S.K.B. Asante who was then the Senior Attorney at the Legal Department of the World Bank, responsible for International Investments. He was therefore recruited to serve as the Solicitor General in charge of international public and private business investment documentation in the Busia government. The others included Amon Nikoi of the IMF, Dr. Kwame Donkor Fordwor of the International Finance Corporation (IFC), Kwame

¹ The World Bank and the International Monetary Fund (IMF)

Pianim of the United Nations, Dr. Boso of the World Bank and Kofi Annan of the United Nations. For him, instead of the government's constant dependence on the Breton Wood Institutions and the United Nations for assistance, these eminent Ghanaians were strategically selected to bring their experiences to bear on the Ghanaian economy and Nana Dr. S.K.B. Asante was one of such people. Definitely, this is strong enough evidence that Nana Dr. S.K.B. Asante had distinguished himself internationally to merit a call up to national duty. However, Appiah-Menka (2010) is silent on Nana Dr. S.K.B. Asante's achievements at the time of his appointment and this was the objective of this work.

In Dadzie & Ahwoi (2010), the role played by Nana Dr. S.K.B. Asante in the country's transition from military to constitutional democracy is discussed. According to them, Nana Dr. S.K.B. Asante, was the chairman of the nine-member Committee of Experts that was formed by the then military junta, the Provisional National Defence Council (PNDC), to formulate proposals for the drafting of the 1992 Constitution. This became necessary because capitalism and democracy had become the order of the day in sub-Saharan Africa after the end of the 'Cold War' between the Eastern and Western blocs in which the West were triumphant (Yayoh 2007:125). After the collapse of communism, military rulers and dictators in Africa had to yield to Western powers' call for democracy in order to qualify to access financial and other aids from international financial institutions. Ghana was no exception and therefore a return to constitutional democracy was imminent. A constitution was thus needed and this is where the expertise of Nana Dr. S.K.B. Asante, and others were called upon. It is therefore important to note the role of internal actors in Ghana's return to democratic governance. However, how Nana Dr. S.K.B. Asante, became an expert in constitutionalism is mentioned in neither Dadzie & Ahwoi (2010)'s book nor Yayoh (2007)'s article. This is a gap which this work seeks to fill.

Obeng (2008) in her autobiography described Nana as an embodiment of Ghanaian culture and tradition. According to her, though Nana is an internationally acclaimed legal expert who had spent most part of his working life abroad, he still held on to his customs and traditions and dresses as such to functions to portray the Ghanaian culture. She ascribed that attitude to the orientation given to students at Achimota School where Nana attended in the early 1940s. This study will probe further to find out if this assertion has anything to do with his eventual chieftaincy role in Asokore. Again, her assertion seeks to suggest that, educated Africans abandon their culture and traditions and adopt western lifestyles. This study will also attempt to discover the attitude of educated elites towards Ghanaian culture and traditions.

Suggestions have been made calling for the abolishment of the chieftaincy institution due to the actions of some chiefs. In his view, Alhassan (2006:545) thinks that some chiefs put their personal interests first to the disadvantage of the whole society. He observed that, “there are few messy and outstanding issues of land appropriation by reigning chiefs to the detriment of future societal interests and issues of equity...” (Alhassan 2006:545). This study will find out if Alhassan (2006)’s assertion can stand the test of time in Nana Dr. Susubribi Krobea’s traditional jurisdiction since his enstoolment in 1995. Otherwise, I tend to agree with Alhassan (2006) again, that “... there is ample evidence to show that with the crop of chiefs we have today in Ghana (professors, doctors, lawyers, engineers, business executives and social workers), coupled with the laudable interventions some of the chiefs have initiated such as the ‘Asantehene’s educational fund’, ... ‘Okyenhene’s environment campaign’ ... and many other projects chiefs have instituted to help ease the suffering of their people” (Alhassan 2006:545). Since central government has taken over the traditional roles of political and legislative functions of chiefs in the Ghanaian society, most enlightened and progressive chiefs in contemporary society have now assumed the role of agents of development. This work assesses the extent to which Nana Susubribi Krobea Asante, an astute Professor of Law, international arbitrator, lawyer, expert in

international business transactions and negotiations, has impacted his people in the developmental agenda in Asokore.

1.6 Significance of the Study

The study is a contribution to existing body of knowledge in Ghanaian and some international history, concerning especially the various places and positions Nana Susubribi Krobea Asante held. It brings to the fore some significant contributions of Nana Susubribi Krobea Asante to the socioeconomic and political development of Ghana. The information is useful to historians, politicians and other interested people. It also exposes some important landmarks in the history of Ghana through the life of Nana Dr. Susubribi Krobea Asante.

1.7 Methodology

Sources of information for this thesis are primary and secondary. For primary sources, I employed in-depth interview with the subject of the study. I also interviewed some of his contemporaries and family members both in Ghana and abroad. Ideally, I would have loved to go to Europe and America where his international careers took him to but due to time and financial constraints, I was unable to do so. However, I explored the means of getting some of his correspondence, and also interviewed some personalities abroad such as Honourable Judge Charles Brower, Professor Victor Lawrence Kwesi Essien, Dr. Karl P. Sauvart, Professor Henry J. Richardson III, Dr. Antonio Parra, Dominic Kofi Asante and Philomena Ama Boatemaa Asante who were relevant to the study via telephone and Skype. The use of interviews gave me the opportunity to probe further for explanations to answers. I recorded the interviews and discussions with a digital audio recorder and later downloaded the information onto a computer and transcribed it. The recorder afforded me the opportunity to be able to

listen more and asked for clarifications during interviews rather than focusing on writing. I also employed participant observation during the celebration of Akwasidae in October 2014 at Asokore. I also visited the Asokore Traditional Council to consult some records of meetings and activities and held discussions with some of the sub-chiefs and the Registrar of the Traditional Council about development needs and projects embarked upon by Nana Susubribi Krobea Asante in Asokore.

For secondary sources, I relied on books, articles, journals and newspapers from the Balme Library, Institute of African Studies Library and the Historical Society of Ghana office. I also got information from the electronic media which were relevant to the study which I have duly acknowledged in this thesis.

1.8 Delimitation and Limitations of the Study

The subject of the study, Nana Susubribi Krobea Asante, was chosen based on my belief that he is strategically placed in the history and development of Ghana. He was born in 1933 during the colonial period and had his elementary school education during the Second World War. His secondary school education coincided with the nationalists struggle for independence; he received his first degree at Ghana's independence and became a state attorney at the Attorney General's Department in 1960. He served under the Second Republic and General Acheampong's National Redemption Council as Solicitor General and Deputy Attorney General respectively. He was also the chairman of the Committee of Experts that formulated proposals for the drafting of the 1992 Constitution. The study therefore set out to contextualize Nana Susubribi Krobea Asante in Ghana's history from 1933 to 2014.

Though Nana Susubribi Krobea Asante was most cooperative and enthusiastic about the study, however, his busy schedules created a bit of a challenge in getting appointments to meet up with him regularly. Time constraint was also another

limitation that affected the study especially when I was unable to get interview opportunities with some identified respondents on time. Due to their social statuses, access to some of them proved extremely difficult. Some of them virtually forgot of interview appointments with them. This meant I had to constantly remind respondents of appointments with them through telephone calls and emails. Also I had to be extra patient and often waited for responses which sometimes delayed for weeks.

Again, getting interview appointments with palace attendants was difficult since they were reluctant in responding to some of the questions for fear of victimization if the work was published. The way out was, I assured them of the use of pseudonyms in the work. Also, the study was cost intensive given that travelling expenses to Asokore, accommodation, feeding and other logistics were a challenge. Travelling expenses within Accra and sometimes beyond was also a huge budget. I relied on the benevolence of family and friends who supported me financially.

1.9 Organization of the Study

It must be noted that the name Nana Susubribi Krobea Asante is used interchangeably with Nana Dr. S.K.B. Asante. The thesis is organized in seven chapters. Chapter one, the context of the study includes the statement of the problem, objectives of the study, research questions and literature review. The significance of the study, methodology, delimitation and limitations of the study, and finally the organization of the thesis are also part of the chapter. Chapter two is about Nana Susubribi Krobea Asante's birth and childhood. It covers a brief history of Asokore and Nana's upbringing and elementary education. It also discusses the educational system at the time.

Chapter three is about Nana Susubribi Krobea Asante's secondary school and university education in Ghana and abroad. It looks at the life of a young man from a

rural area in a prestigious secondary school in Ghana and eventually equally prestigious universities abroad.

The fourth chapter looked at his marriage and family life. It discusses the events that led to his marriage, the birth and upbringing of his children in Ghana and abroad.

Chapter Five looked at his professional working life. It discusses Nana Susubribi Krobea Asante's Public Service in Ghana and his contribution to legal education in Ghana and abroad. It also looks at his contribution to the international community through his service with the World Bank, United Nations and the International Court of Arbitration of ICC. Nana Susubribi Krobea Asante's contribution to development in Asokore and Asanteman through his chieftaincy role as the Omanhene of Asokore, is also covered. His contributions to Ghana through to the Judicial Council of Ghana and the National Peace Council are also looked at in this chapter.

The sixth chapter examines Nana Susubribi Krobea Asante's challenges and views from his childhood to his professional life. The seventh chapter draws a conclusion to this work.

CHAPTER TWO

2.1 Birth, Childhood and Elementary School Education

Nana Susubribi Krobea Asante a.k.a. Dr. Samuel Kwadwo Boaten Asante (Dr. S.K.B. Asante) was born on Monday 11th May 1933 at Asokore in Ashanti. His father, Opanin Daniel Yaw Asante was a member of the Bretuo Clan from Yonso in Asante. Opanin Asante met his wife, Mary Yaa Awisi Baafi of the Agyaben royal family of Asokore and the Ekuona Clan at Asokore in 1930.

The clan (*a busua*) is considered as a very important aspect of the life of the Akan people. People of the same *abusua* are said to share a common ancestral blood, and therefore it is a taboo for such people to marry among themselves. In Akan, there are eight different clans which consist of the Agona, Aduana, Asenie, Asakyiri, Asona, Bretuo, Ekuona and the Oyoko. Yaw Asante and Yaa Awisi got married in 1931 with the consent and blessing of their respective families.²

According to Dr. S.K.B. Asante, his father, Opanin Yaw Asante, was a cocoa purchasing clerk, known in the local parlance as “*cocoa krakye*”. He worked with Cadbury and Fry, an English chocolate company then stationed at Effiduase-Asokore. His mother, Yaa Awisi, was an enterprising woman engaged in the sale of cloth within and outside Asokore. She was a child of a marriage between Obaapanin Ama Serwa and Opanin Baafi of Koforidua. Obaapanin Ama Serwa was the daughter of Obaapanin Afua Nimo and Opanin Kwame Fosu a.k.a. Kwame Wuo both of Asokore Asante.³

In accordance with Asante custom and tradition, he was outdoored and named on the eighth day. Newborns were considered as strangers (*ahɔho*) and therefore had to wait for a period of eight days before they were given names. It was believed that if the

² Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Accra

³ Information obtained from Private papers of Nana Susubribi Krobea Asante

baby had come to visit, it would not stay alive to the eighth day. The eighth day was the first time the baby was brought out of the room (outdooring) for the naming ceremony (*abadinto*). It was also to welcome the newly born into the world and to give it identity for him/her to have a sense of belonging to the lineage (Opoku 1978).

According to Dr. S.K.B. Asante, he was named after his paternal grandfather, Kwame Boaten of Asante Mampong. His grandfather's name *Boaten* was added to his day name, *Kwadwo*, a name for all males born on a Monday. It was imperative to name one's first son after his paternal grandfather; had he been a girl, he would have been named after his paternal grandmother.

According to him, he was born at Asokore, about 25 miles northeast of Kumasi in the then Gold Coast. Asokore was a small rural community with population of about 3,000 people.⁴ In Asante military formation, Asokore belongs to the *Nifa* (right wing) of the Asantehene⁵.

According to Nana Asare Ankomah Boamah III, Krontihene and Vice President of the Asokore Traditional Council, oral history has it that the people of Asokore originated from a place near Kokofu in Asante and settled at Asokore Mampong during the reign of Obiri Yeboah (1662-1697), the predecessor of Osei Tutu I (1697-1717)⁶. As a result of an offence committed by some of the people, this created a misunderstanding in which the people rebelled against Nana Obiri Yeboah, Kumasehene of the Kumaseman State, and therefore migrated to the present day Asokore. On their arrival according to Dr. S.K.B. Asante, they were granted land by the Chief of Sekyere (*Sekyerehene*) to settle. Later when the dispute between the Asokore people and Nana

⁴ Interview with Nana Susubribi Krobea Asante, on 7th August 2014

⁵ See appendix one-Traditional Military Set-up of Paramount Chiefs of Asante

⁶ Interview with Nana Asare Ankomah Boamah III, Krontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

Obiri Yeboah was settled, the Asokore people decided to move back to their former abode. According to Nana Asare Ankomah Boamah III, they were led during their rebellion by two brothers, Boakye Dankwa and Boakye Inkum, to present day Asokore. The eldest, Boakye Dankwa, and some of the people moved back to Asokore Mampong while the junior brother Boakye Inkum and a substantial number of the people stayed behind and established the *Atweneboah* stool of the Asokore state. According to Addo-Fening (2011), during the Juabenhene Asafo Adjei's rebellion against the Asantehene, Kofi Karikari (1867-1874), in 1874, the Juabenhene, had asked for military support from the chiefs of the neighbouring towns, Effiduase, Oyoko and Asokore. This contingent that went into exile with Asafo Adjei settled at Akyem, now Koforidua, formed the basis of the Effiduase, Oyoko and Asokore towns in the New Juaben State. Again, the people of Asokore have strong traditional ties with Berekum in the Brong Ahafo region. This is because the people of Asokore were brave fighters who were referred to as *Asokore Mossi*, meaning fearless people. This posture had given them a special position in the Asantehene, Nana Osei Bonsu's army in the early 19th Century as the advance guard during the Asante–Gyaman war in 1818. They were stationed in now Berekum and were to monitor the Gyamans and report their activities to the rest of the Asante army⁷. Some of the people stayed there after the war in 1819 and eventually became the source of the foundation of Berekum (Boateng 2004).

According to Busia (1968), the British colonial system of indirect rule empowered chiefs under the Native Jurisdiction Ordinance passed in 1935 to exercise administrative and judicial functions. The chief maintained law and order in the community and also superintended over judicial matters in the native courts set up by the colonial administration which used native law and the customs of the area (Busia

⁷ Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

1968:141). The Asokore stool was elevated to paramount status in 1945 by the Asantehene, Otumfuo Sir Osei Agyemang Prempeh II (1931-1970).

Nana Yaw Gyimah I (1900-1951), the Omanhene of Asokore at the time of Kwadwo Boaten's birth, had attained prominence not only as a great patron of education but also as a major contributor to the prosecution of the Second World War by the British. He had encouraged many young men from Asokore to enlist in the Gold Coast Regiment that saw action in Ethiopia and Burma. It was therefore not surprising when he was decorated by the colonial authority with the King's Medal in 1945. The *King's Medal for the Service in the Cause of Freedom* was a British medal instituted in 1945 to recognize the contribution of civilian foreign nationals who had given meritorious service to further the interests of the British Commonwealth during the Second World War. According to Nana S.K.B. Asante, over 2,500 people all over the world received these medals and Nana Yaw Gyimah I in rural Asokore in the Gold Coast was also a proud recipient of this prestigious medal⁸.

According to Nana S.K.B. Asante, at the time of his birth, the people of Asokore practiced three types of religion, African Traditional Religion, Islam and Christianity. For Christians, these were further divided into Presbyterians, Methodists, Roman Catholics and the Salvation Army denominations. Then there were Muslims also a few of whom were Asokore indigenes known as the *Asante Kramo*⁹ and migrant Muslims in the *Zongo*¹⁰. Finally there were those who practiced African Traditional Religion.¹¹

⁸ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra

⁹ An Asante who has converted to the Islamic faith

¹⁰ Zongo is used to refer to the residentially segregated quarters where northern strangers are settled (Ntewusu 2005:9)

¹¹ Interview with Nana Susubribi Krobea Asante, on 7th August 2014

The people of Asokore according to Nana S.K.B. Asante, were engaged in subsistence farming and the cocoa lucrative business. Moreover, hunting for bushmeat was a male preserve with a few people engaged in it. Also, a handful of them engaged in craftsmanship like goldsmithing, carpentry and blacksmithing. The colonial administration's introduction of western form of education had also brought along with it a generation of professionals such as teachers, lawyers, court clerks, court bailiffs, drivers and storekeepers.

Kwadwo Boaten was the first of four children; and the only male child of his mother which meant that a lot of responsibilities were placed on him. In the context of Asante customs, practices and matrilineal family system, children belonged to the families of their mothers and not their fathers. Fathers were therefore more interested in investing in their nephews and nieces (sisters' children) than their own (Awedoba 2005). However, as the first born and only son, Kwadwo Boaten's father had special affection for him even though he did not spend much time with him except on school holidays. During such rare visits, his father did not hesitate to put at his disposal his own benefit of elementary school education. He would advise him to aspire to the highest level of education so he could become one of the important people in the community. His mother on the other hand though an illiterate, was a pillar and a stabilizing force in his education. She provided all his school and domestic needs by sending through other traders from wherever she found herself at any particular point in time¹².

According to Nana Susubribi Krobea Asante, his connection to the Agyabon royal family of Asokore was made known to him when he was very young. Nana Yaw Gyimah I (1900-1951) was his granduncle and that association made him a member of the royal family and a potential candidate for the Atwereboah stool of Asokore

¹² Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

should it become vacant. He adds that, in those days it was not fashionable for members of the royal family to be sent to school, but rather, were supposed to learn the arts of the palace such as dance, drum language, oratory among others. It was also the belief that a royal must not be punished in the presence of non-royals but the missionary schools in those days used strict measures to ensure discipline among the students. Corporal punishment such as the use of the cane was employed by the school authorities to control the behaviour of students and pupils. Yaa Awisi however, insisted that the most important thing in the life of a youngster was to go to school¹³. Young Boaten took the advice of his mother and had very little to do with chiefly matters and hence denied himself of the courtesies accorded to members of the royal family. He was therefore eager to be enrolled in school as soon as his right hand placed over his head could touch his left ear as was the practice in those days to determine admission to school.

In later years, the marriage between his parents ended, and his father remarried and moved from Asokore to other places due to the nature of his occupation as a cocoa purchasing clerk. His mother an enthusiastic entrepreneur, dealing in cloth which took her to places like Obuasi, Dunkwa, Tarkwa, Prestea, Kumasi, Bekwai, Accra, Koforidua, among others, made it imperative that young Kwadwo Boaten stayed with his maternal grandmother, Obaapanin Ama Serwa, at Asokore during his elementary school days.

Obaapanin Ama Serwa was delighted to have the custody of her grandson who was a true member of her lineage according to Asante kinship. She affectionately called him *Kwadwo Adiwona*¹⁴, that is, one who was difficult to have and therefore, deemed

¹³ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

¹⁴ It took his mother some time to conceive him after her marriage.

precious¹⁵. Obaapanin Ama Serwa was a quiet and a very decisive individual who rarely applied the rod when he faulted. She would instead wake Kwadwo up at dawn the next day and talk to him about her displeasure. He recalled how his grandmother ensured that he did not miss his mother too much as she tended to pamper him more than his mother would. This is not to say that he had the liberty to do what he wanted without permission. His grandmother's leniency was definitely not her weakness. She would not hesitate to apply the rod where necessary as a corrective measure and to instill some sense of discipline in him. When his grandmother died in 1944 while he was still under her care, he was devastated as he had lost a "mother" and a confidant¹⁶.

Nana S.K.B. Asante recalled when in 1938, his mother and grandmother took him to be enrolled at the Asokore Methodist School after going through the necessary qualification process as indicated earlier. From a family of Methodists, he was baptized into the Methodist Church at Asokore by Rev. C.K. Yamoah, the Superintendent Minister at the Asokore/Effiduase dioceses in 1938. He was christened, Samuel, in conformity with the general practice by African converts to take a European name to signify their conversion to Christianity. His father's name, Asante, became his surname when he was enrolled at the Asokore Methodist School. For that reason, his full name became Samuel Kwadwo Boateng Asante a.k.a. S.K.B. Asante, a name he used throughout his educational and professional life until his later enstoolment as Omanhene of Asante Asokore Traditional Area and assumed the stool name, Nana Susubribi Krobea¹⁷.

Nana S.K.B. Asante recalled that in those days, a child could start school at about age five when one's arm, stretched over the head could touch one's ear. It was expected

¹⁵ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

¹⁶ Ibid.

¹⁷ Ibid.

that at about age 15, one should have completed middle school and then go on to a secondary school to pursue a five year education leading to the award of the University of Cambridge School Certificate. Lower Primary constituted the first three years, that is, class 1 to 3 where the medium of instruction was in the local language of the community; and English Language taught as a subject. Samuel Kwadwo Boaten Asante as he was now known was therefore taught in Asante Twi in his first three years of schooling before being introduced to English Language from the fourth year.

Upper Primary¹⁸ was Standard 1 to 3 where the English Language was the medium of instruction and the local language taught as a subject. The Middle school was from Standards 4 to 7 after which students sat for the Middle School Leaving Certificate Examination, popularly known as “Standard Seven Hall”. A successful candidate then proceeded to either a secondary school or a teacher training college after writing an entrance examination of the particular school one wanted to attend (Obeng 2008:118). Incidentally, one could stop and secure a job after obtaining a Middle School Leaving Certificate. Those who pursued their education to teacher training colleges had 4 years to complete and were posted to schools at any part of the country to teach. However, those who wanted to further their education went to the secondary school and had 5 years and an additional 2 years to obtain the University of Cambridge School Certificate and the University of Cambridge Higher School Certificate respectively. Any of these qualified one to take the London Matriculation Examination¹⁹. However, students who made Grade 1 in the University of Cambridge Higher School Certificate were exempted from the London Matriculation²⁰.

¹⁸ Fourth to sixth year

¹⁹ The London Matriculation was an examination required for admission into British universities since there were no universities in the then Gold Coast until 1948.

²⁰ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

The Asokore Methodist School established in 1926 by the Methodist Church with substantial support from the Omanhene, Nana Yaw Gyimah I, was the beacon of education which many pupils aspired to be part of²¹. At the time, chiefs as part of the colonial administration enjoyed budgetary resources and it was said that he spent an amount of three thousand Pounds Sterling to build the school²². This single act by the chief popularized the joke that, “whiles some chiefs chose to build palaces with their budgetary allocation, the Asokore chief chose to build an elementary school with his share”. This feat earned him the respect of many and was seen as a visionary and enlightened chief.²³

The school consisted of ten classrooms, a headmaster’s office and a teachers’ common room with eleven permanent teachers coupled with teacher trainees on teaching practice²⁴. The school was situated in a serene environment conducive for education to thrive in Asokore. It therefore became the Centre of education as the Methodist school was the only middle school in the whole district at the time. It was one of only three middle schools in now Ashanti Region. The other two were in Kumasi and Bekwai.²⁵ The foundations for effective teaching and learning had therefore been created and young Kwadwo Boaten did not want to be left out.

According to Nana Susubribi Krobea Asante, the school therefore attracted students from neighbouring towns and villages such as Effiduase, Juaben, Oyoko, Bomen, Banko, Dadiase, Senkyi, Seniagya and the villages of Asokore and from other parts of the country. He recalls classmates such as Juaben born Albert Adu Boahen, who became an eminent scholar, Oppong Kumi from Banko; Kusi Antwi from Senkyi, among others who on a daily basis had to travel long distances barefooted to attend

²¹ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

²² Hence the name *mpensadan*, meaning, a building costing £3,000

²³ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

²⁴ Ibid.

²⁵ Ibid.

school at Asokore. In later years as Nana S.K.B. Asante recalls, Adu Boahen is alleged to have told his children that it was because of the long distances that he had to cover on a daily basis to attend school that accounted for him not growing tall, an assertion which Nana S.K.B. Asante disagrees by saying that, he lived in Asokore and didn't have to cover such long distances and yet he never grew taller²⁶.

The training Kwadwo Boaten and his mates received at the Methodist school was exceptional. He recalls that he woke up as early as 4am to go and fetch water for household use. The nearest water source at the time was about two kilometers away. It was a concrete reservoir on the *Kobri* River fed by flowing water through a channel covered by concrete slabs. The cement tank had six outlets fitted with round wooden stoppers which served as taps. Kwadwo and his friends would make a number of trips to the *Kobri* River with pots to fetch water to fill barrels in their various homes. Carrying a pot of water was an arduous and unpleasant task for them and was a belief of the people that it even retarded growth of children. However, it was always a peaceful affair marked by order and civility as the rule was simply, first come, first served. No payments were made to the fetch water as water was not a commodity of commerce. The provision of water was essentially a public or community responsibility. He would bathe on the final trip near the river and then fetch the last pot of water home²⁷.

Breakfast consisted of boiled plantain or yam and *kantomire stew*²⁸ usually prepared by his grandmother. There were times he had to skip his breakfast when his grandmother was late in its preparation. A 15-minute meditation labeled "silence hour" was observed by all students in the classroom before the bell rang for assembly

²⁶ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

²⁷ *Water Development: Recollections and Reflections*. Paper presented by S.K.B. Asante. to the Ghana Academy of Arts and Sciences, 1st December 2006, Accra

²⁸ Cocoyam leaves with egg plant stew

at 7:15 am. At assembly, they prayed, sang, listened to news and announcements and received punishments for recalcitrance and lateness. Wednesdays were meant for inspection of uniforms, teeth, hair, nails, feet and even underwear. Uniforms had to be well washed, starched and ironed with a mandatory change of uniform on Wednesdays.²⁹ From assembly, they would march to the beat of drums in straight lines, singing to their respective classrooms to begin lessons. The dreaded arithmetic mental drills, where the teacher mentioned figures and the students had to do a speedy calculation and write down the answer, always preceded lessons. Students were always found wanting and were punished for wrong answers. These drills prepared the students' minds for the day's lessons in which emphasis was placed on the three "Rs", Arithmetic, Reading and Writing. Lateness to school was frowned upon and students were severely punished when culpable³⁰. The punishment created a sense of discipline and respect for time in Kwadwo Boaten, an attribute which he lived with all his life.

According to Nana Asante, Sunday church service was compulsory for all students of the Asokore Methodist School. Failure to do so without permission was a punishable offence and such students received their punishments during Monday morning assembly. Church service was essentially an extension of school activities since it was the policy of the Methodist Church to instill a strict sense of moral discipline in the upbringing of the students and pupils.

Although school and church involved strict routines and learning, it was not always work and no play as school holidays provided opportunities for relaxation. He also had to help his grandmother both on the farm and at home. In his leisure time, he and

²⁹ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

³⁰ Ibid.

his friends played games such as *oware*³¹ and football. They went for bird hunting in the forest. Holidays also provided him the opportunity to visit and help his parents who found themselves in different places at different times.³² According to Nana Asante, these constant travels during the holidays proved to be an invaluable geography lesson for him as he always had stories about the places he visited for his friends who never had such opportunity. He recalls how on one of such trips, he had bumped into his teacher, J.K. Boafo in Accra and how proud he had felt in class, anytime the teacher made reference to that meeting. He was one of the privileged few who had had the opportunity to visit Accra and saw the sea and other interesting places which most of the students had only heard about. According to Nana S.K.B. Asante, it was a normal practice for students to engage themselves in some income generating activities during weekends and on holidays to support the efforts of their parents. They often earned some money from *adopaa* (weeding contracts) which they used in buying school materials when school reopened. Samuel Kwadwo Boaten Asante however did not involve himself in any of such activities as his mother was ready to provide his needs. This therefore gave him ample time to spend a lot of efforts in helping his mother and grandmother and also in studying ahead of the term³³.

Nana S.K.B. Asante recalls the impression some of the teachers made on him. For him, the dedication with which they taught the students was inconceivable. They served as role models in every way as they themselves aspired to higher education and attained higher academic and professional qualifications through their own efforts at a time when university education was non-existent in the Gold Coast.

³¹ A local brain teaser game

³² Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

³³ Ibid.

Nana S.K.B. Asante recalls J.S. Cobbah of Axim and a past student of the Government Teacher Training College in Accra who was the Headmaster of the Asokore Methodist School. In Standard Five in 1944, Kwadwo Boaten considered the idea of taking the Achimota College entrance examination but was dissuaded by a senior colleague, K. Agyena. Agyena perceived and remarked that “Achimota only admitted children of wealthy and powerful parents and that no student from the “bush” would be entertained at that prestigious school”³⁴. J.S. Cobbah berated Kwadwo Boaten and Agyena when he was told about that decision.³⁵

Ebenezer Adam³⁶ from Tamale, an Achimota trained teacher had the talent of simplifying and sustaining the interest of his class however confusing the subject he was teaching was. He was the one who actually inspired and advised Samuel Kwadwo Boaten Asante to go to Achimota College.³⁷

The teachers were kept on their toes by external inspectors from the District Education Office and the Methodist Mission who visited the school unannounced and observed the conduct of teachers and the academic standards of students. Occasionally an inspector would engage a student in a conversation to assess the level of their comprehension of the English Language and lessons taught. Nana S.K.B. Asante recalls that, one day, an inspector, Mr. Michael Dei Annang, engaged him in a conversation in the classroom. He asked “what would you want to do in future?” he had answered, “I want to be a lawyer”. This answer had sent the whole class into laughter not only because they thought that S.K.B. Asante was overambitious, but also because it was almost an impossibility to them considering the fact that there were no universities in the then Gold Coast and the colonial government offered no

³⁴Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

³⁵ Ibid.

³⁶ Ebenezer Adam later became the Northern Regional Commissioner in 1965 during the Nkrumah regime

³⁷ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

scholarships for law studies abroad³⁸. According to Asante (2014), the early generations of lawyers such as John Mensah Sarbah, J.E. Casely-Hayford, W.E.G. Sekyi and others were identified as troublesome to the colonial authorities. They had led in the resistance to obnoxious and repressive laws of the colonialists by organizing various associations to protest against these laws such the “Land Bill in 1894-7”. The few lawyers in the country who had studied law abroad in the 1940s, J.B. Danquah, R.A. Awoonor-Williams, Ako Adjei, Edward Akuffo Addo among others were also those in the forefront in the fight against British colonial rule (Asante 2014:2). Again, the prospects of being privately funded for law studies in the UK even if S.K.B. Asante managed to complete secondary school still remained remote. This reaction from the class did not weaken his spirit in any way, but rather strengthened his conviction to prove everybody wrong.

There were other teachers however whose actions and methods of discipline Kwadwo Boaten did not agree with. He thought that even though they were trying their best in nurturing and mentoring students, some of their actions were excessive and rather demoralized students and made them timid. It widened the gap between the teachers and the students in terms of personal interactions and further explanations. Joe Ansah, P.Y. Boaten and Vanderpuije were not hesitant at all in applying the rod when students fell foul of school regulations or did not make the required marks in class. Mr. Vanderpuije particularly had a way of using students to punish other students for wrongdoing. He recalls an incident in which he committed an offence and had to be punished by Mr. Vanderpuije. Instead of the teacher canning him, he asked another student, Owusu Ansah, who had earlier on had a grudge with Kwadwo Boaten to cane him. Owusu Ansah used that opportunity to perhaps give him the worst lashing of his life. This made Kwadwo Boaten dislike Mr. Vanderpuije due to his style of

³⁸ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

punishment. Indeed he would have preferred to be punished by the teacher himself and not a colleague and definitely not one with whom he had a bone to pick with.

He again recalls an occasion in which Mr. Joe Ansah entered the standard 2 classroom and asked the students to explain the meaning of the statement, “I had nothing but bread”. It was only one boy who had spent his holidays in Accra that got the answer right. The rest of the class was punished severely for something they had no idea of. Later, when Kwadwo Boaten found out the answer, he had wondered how the teacher expected them to know the answer when they had no idea of what butter was.³⁹

Added to the teacher core of the school were teacher trainees from Wesley College⁴⁰ who found the Asokore Methodist School as fertile grounds for their teaching practice. This benefited the students and the school as they had a constant supply of quality teachers at every point in time.

Reminiscing about competition in school fills Nana Asante with nostalgia. According to him, it became keen and fierce from Standard IV when he encountered Adu Boahen⁴¹, and Kusi-Antwi. They had severe rivalry in class to gain the top position in all subjects to show their intellectual prowess and academic discipline. This meant going the extra mile in reading ahead of the class. It was out of this that Kwadwo Boaten would see himself ready to sit for the Achimota entrance examination in 1945 when he was only in Standard VI with a year more to complete.

Boaten and his colleagues were given solid foundation to compete with other students anywhere they found themselves. They had distinguished themselves as brilliant students and pleasant youngsters who clearly set their sights on high scholastic achievements. It is observed that, in those days one could go from any village school

³⁹ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

⁴⁰ A pre-eminent Teacher Training College of the Methodist Church in Kumasi

⁴¹ Professor Albert Adu Boahen (The eminent Historian)

to the best secondary school basically on grounds of merit, because the level of academic performance in the elementary schools throughout the country was to a larger extent comparable. Addae-Mensah (2000) is of the view that the Middle School system made it possible for students in public schools to compete with other students from private schools to gain access to good secondary schools. For him, the four years spent together, Standards 4 to 7, arguably bridged the gap between public and private schools.

Apart from the selflessness and dedication of the teachers of Asokore Methodist School, there were also others who made a lot of impact on the ambitions and aspirations of the young man. These included Meyer Fortes, a famous social anthropologist from Oxford University in the UK who conducted research into the kinship and marriage customs among the Ashanti in 1945. He stayed at Asokore and developed interest in Boaten. In fact, he served as his interpreter and errand boy. He recalls that it was Fortes who first mentioned the idea of going to university to him⁴². At the time, it sounded remote and abstract since he was yet to go to secondary school for intermediate studies, before winning a scholarship to attend a British university. Somehow, he knew it was just a matter of time and more hard work. When in later years Meyer Fortes heard that he had gained admission to Achimota College, he arranged with Miss Barbara Ward, a British teacher at Achimota College to pay the supplement of £3 for his first year tuition before the Asokore State Council financial support of £5 materialized the following year. Later in 1978 it was both Fortes and Ward who proposed Kwadwo Boaten to be elected to a fellowship at Clare Hall Cambridge University. Fortes make an appearance at the Cambridge International

⁴² Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

Law Club, Cambridge University in 1978 to listen to his lecture on the topic *Multinational Corporations and International Law*.⁴³

Nana Asante again recalls J.B. Odunton, an Information Officer of the then Gold Coast government who in 1943 toured the country with a mobile cinema to update citizens on the development in the Second World War. He adopted S.K.B. Asante as a young friend. He corresponded with him even after he finished his work at Asokore and was even more inspired when he wrote to inform S.K.B. Asante that he had had a scholarship to study at Oxford University. According to Nana S.K.B. Asante, J.B. Odunton's letters were always a delight to read and made him feel as if he was already studying abroad as they widened his intellectual horizon and reinforced his dreams of getting a degree in future.

Going to a secondary school from Asokore or indeed Ashanti was a rare event. There were no secondary schools in Ashanti at the time.⁴⁴ The few secondary schools in the Gold Coast like Mfantshipim School, Adisadel College, Achimota School, Wesley Girls' High School, St. Augustine's College, Accra Academy School, among a few others, were mostly concentrated in Cape Coast and Accra (Kuffour 2014:368). A student seeking admission to any of these Secondary schools had to take the entrance examination of a particular school.⁴⁵

This meant that Kwadwo Boaten who lived in the hinterlands of Ashanti, Asokore, about 290km away from Achimota had to have the courage to submit himself to the entrance examination for admission to Achimota School.⁴⁶ Could his senior, K. Agyena, be faulted for the comments he made when Kwadwo Boaten confided in him

⁴³ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

⁴⁴ The middle to the entire Northern sector of the country, that is, today's Ashanti, Brong Ahafo, Northern, Upper East and Upper West regions did not have secondary schools at the time.

⁴⁵ Common Entrance Examination, a standardized Entrance Examination taken by students during their middle school years to gain admissions to any secondary school in the country, was introduced later.

⁴⁶ This entailed traveling to Kumasi, the capital of Ashanti, stay there for about 2 or 3 days before going to the Government Boys' School where the examination was conducted.

about his decision to take the Achimota College entrance examination? For him, a prestigious school such as Achimota School was only for the children of the wealthy and powerful people who lived in Accra and other big cities. He therefore did not understand why Boaten would want to subject himself to such a wild-goose-chase. But little did he know that Achimota School had formulated a policy to disabuse the minds of people that the school was an elitist school by going round the country to give opportunity to prospective students irrespective of their background. The Headmaster, J.S. Cobbah, knew about this policy and therefore rekindled Boaten's ambition and urged him to take the examination the following year in 1945.

When the results of the entrance examination was released, to his surprise and the joy of the entire school and the Asokore community, not only did he pass but was also given what was then known as Achimota College Scholarship to go to Achimota School. This was the first time a citizen of Asokore proceeded directly from Asokore to Achimota College. In appreciation, the Asokore Traditional Council awarded him a modest supplement of £5 per annum for being a role model for other students in the traditional area in his academic pursuit at Achimota School. This performance blazed the trail for others to aspire to also accomplish this academic feat in later years.⁴⁷

Yaa Awisi, Kwadwo Boaten's mother, was jubilant. She paraded the streets of Asokore singing and dancing and proclaiming that "my son is being sent to *abrokyire*, (overseas) for further studies". Even when it was pointed out to her that Achimota was only a few miles from Accra, her reply was "I know, but it is stipulated in the admission letter that as soon as he completes his secondary school education at Achimota School, he will be sent to England for further studies". Certainly, there was no such stipulation, but maybe it was faith at its best, because after his sixth form, he

⁴⁷ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

won a Law Scholarship tenable in the United Kingdom (*abrokyire*) in 1953. She had declared to Kwadwo Boaten elatedly, “you see what I told you?”⁴⁸

Though his father, Yaw Asante, had received the admission with joy and pride, he was more restrained in his reaction. Whether it was the usual manliness that characterized men’s behavior or he was more focused on the financial implications of having to send his son to such a prestigious school in Accra, it cannot be explained here. What was obvious however was that, Kwadwo Boaten, the 13-year old boy from Asokore had achieved the first step of his academic life on a promising intellectual note and looked into the uncertain future with much optimism to succeed in his academic quest.

⁴⁸ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

CHAPTER THREE

3.0 Secondary School and University Education

3.1 Brief History of Achimota College

According to Agbodeka (1972), Achimota College was the brainchild of Sir Gordon Guggisberg in his quest to reform education in the Gold Coast. Before he took over as Governor of the Gold Coast in 1919, he had observed that "... the provision of educational facilities was left to a large extent to missionary bodies in the country ... schools were poorly organized, ... teachers were not properly trained, and a large number of schools were aptly described as "bush" schools with poor facilities" (Agbodeka 1972:56). As a result, Guggisberg drew what became known as the "Guggisberg's Fifteen Principles of Education" in which he discussed such matters as reduction of classes, co-education, the building of more training colleges, instruction in local history, folklore and Ghanaian languages, character training and games" (Agbodeka 1972:57). Agbodeka was also of the view that, in the Governor's demonstration of how school was supposed to be, he built the Achimota College (Prince of Wales College) in 1925 and officially opened in 1927 (Agbodeka 1998:4), as the ideal kind of educational facility which he had envisaged.

For Guggisberg's efforts to reform education in the Gold Coast, he had tremendous support from two others; Rev. A.G. Fraser⁴⁹; and Dr. J.E. Kwegyir Aggrey⁵⁰. They had profound insights into education, particularly of women. Rev. Fraser became the College's first Principal and Dr. Aggrey, the Assistant vice-Principal, and first African member of staff. Aggrey had espoused the idea of both black and white people living in peace and tranquility⁵¹. He expressed these ideals most appropriately in the parable of the piano keys by saying that, "you can play a tune of sorts on the

⁴⁹ Rev. Fraser was then the Principal of the Trinity College in Kandy

⁵⁰ Gold Coaster educated in America

⁵¹ Interview with Professor Reginald Amonoo on 3rd December 2014 at Adabraka, Accra.

white keys, you can play a tune of sorts on the black keys, but for harmony you must use both the black and white keys” (Adjei 2002). This principle was later immortalized when it was adopted as the motto of the College “Ut Omnes Unum Sint” (that all may be one) (Obeng 2008). Together, these three gentlemen, Guggisberg, Fraser and Aggrey, affectionately called “The Founding Fathers”, with extraordinary vision, intellect and accomplishment, challenged and indeed defied the orthodoxies of their times. For them, the best form of education was to provide both boys and girls the opportunity to start school from kindergarten to primary, then to secondary and finally to the university boarded on the same compound. Hitherto, “it was unheard of in education circles around the world that girls and boys would be boarded on the same compound to study together in the same classroom” (Obeng 2008:103). However, by the time S.K.B. Asante and his colleagues were admitted in 1946, the kindergarten and the primary departments had been phased out, but their batch included the last graduates of the primary school. He recalled in a conversation that Nana Foulkes Crabbe and Vishnu Wassiamal as members of that group. According to Prof. Reginald Amonoo, a classmate of Nana Dr. S.K.B. Asante, Achimota College became Achimota School in 1948 when the Teacher Training and University departments were separated from the school and Mr. H.C. Neil became the first Headmaster of Achimota School.⁵²

3.2 A Student at Achimota College

Samuel Kwadwo Boateng Asante affectionately called S.K.B. Asante, arrived at Achimota College in January 1946 by rail together with other students. He had every hope to succeed.

⁵² Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra.

Achimota was a classless community based on the principle of the harmony of the black and white keys of the piano. To this end, “affluent” and “poor” children found themselves on the same compound wearing the same uniforms, shoes⁵³ and eating the same food. It was probably the first time that most of the “poor” students had the opportunity of wearing shoes. S.K.B. could not have been an exception. This notwithstanding, every effort was made by the school authorities to encourage each and everyone to treat the other as brothers and sisters irrespective of their ethnic or economic backgrounds. After all, admission was on merit and therefore any capable student from the remotest village was admitted.

The girls were housed on the main school compound in Mary Kinsley House, whilst the boys were assigned to the “New House” on the Western compound. According to Obeng (2008), the Western Compound of the school which used to be the female students residence was taken over by the British colonial government and was used as the residence⁵⁴ of the British Expeditionary Force for the West Africa Command under Brigadier Giffard. The occupation of the Western compound by soldiers had created congestion on the main campus, therefore when the war ended the house provided additional rooms for the new form one students temporarily. The “New House” housemaster as Prof. Reginald Fraser Amonoo⁵⁵ recalled⁵⁶, was the Rev. C.C. Perry, an Anglican Clergyman. He was assisted by K.B. Asante⁵⁷.

To S.K.B. Asante, Achimota College was a whole city on its own and life was fulfilling in every sense⁵⁸. Every conceivable opportunity or facility was available. Indeed his mother’s characterization of Achimota as “abrokyiri” was valid in the

⁵³ Achimota sandals

⁵⁴ British Member of Parliament, Lord Swindon, administered the residence during the Second World War in the 1940s.

⁵⁵ A retired Professor of French and former President of the Ghana Academy of Arts and Sciences

⁵⁶ Interview with Professor Reginald Amonoo on 3rd December 2014 at Ofankor, Accra.

⁵⁷ A retired Diplomat of the Republic of Ghana

⁵⁸ Information obtained from Private papers of Nana Susubribi Krobea Asante

liberal as well as the prophetic sense. It had two large compounds, eastern and western. It had an administration block which contained the offices of the Principal and other functionaries, a Chapel for church services, a well stocked library and a museum which had all sorts of artifacts of the past. The College had spacious and ample classrooms and dormitories, a large expanse of field for sports, an arboretum, a well-equipped science laboratory, a Music department, an Engineering department, an assembly hall, a large dining hall, a hospital, a post office, staff bungalows, a gymnasium and to his surprise a swimming pool. With facilities like these, there was definitely no way a good and determined student could not make an ultimate Grade I at the Cambridge School Certificate Examination, with exemption from London Matriculation, which was the minimum requirement for admission to a British university in view of the fact that there were no universities in the then Gold Coast.

In addition to the Secondary department, there was a Teacher Training College, an Art School comprising of painting, weaving, metalwork, woodcraft, pottery and bookbinding with agriculture, an integral part of the technical education. Achimota also offered a training ground for student nurses in the sciences. The intermediate department, a key branch of the College, offered pre-university courses in the sciences, arts and commerce for students from all secondary schools in the country aspiring to university degrees in overseas tertiary institutions. At the time, Achimota was the only school that offered that kind of preparation for the rigours of tertiary education, and therefore many scholars who attended universities abroad particularly UK and the US, did so through Achimota College. Nana S.K.B. Asante recalls Alex

Quaison Sackey,⁵⁹ Ken Dadzie,⁶⁰ and D.F. Annan,⁶¹ as beneficiaries of this programme⁶².

The Engineering Department prepared students for external London University Degrees in Engineering. In his opinion, Achimota College was therefore conceived on a grand scale by the Founding Fathers which could only be meaningfully evaluated as a multifaceted institution⁶³.

Apart from a minority of the new students who had already been exposed to the Achimota system in the Primary department of the College, most of them had never used a library. In addition they did not have the luxury of wearing shoes in their lives. As Nana Dr. S.K.B. Asante puts it, “we were steeped in our rural culture and bucolic ways, most of us easily qualified for the epithet, ‘bush’”⁶⁴. Their intellectual and cultural horizons could be considered to be severely limited as most of them had never interacted with people from other parts of the country. Consequently, some of the new students walked around to admire the buildings and the environment in amazement, much to the chagrin of the so-called “enlightened” ones. They were raw, virtually untouched and plagued with insecurity and self-doubt. Although the College had the rudiments of a university preparatory programme, the attainment of a university degree or a professional qualification in the UK or elsewhere was still doubtful to such students. Moreover, their families were not wealthy enough to sponsor their education abroad.

⁵⁹ First African to preside over the UN General Assembly

⁶⁰ Former Director General of the UN Conference on Trade and Development

⁶¹ Former Speaker of Parliament of the Republic of Ghana

⁶² Information obtained from Private papers of Nana Susubribi Krobea Asante

⁶³ Ibid.

⁶⁴ Ibid.

S.K.B. Asante's first day at Achimota was a period of great anxiety as the *Blemen*⁶⁵ subjected the *Ninoes*⁶⁶ to dreadful "bullying". For instance, they were made to kneel down for no offence committed, lie under seniors' beds while the seniors slept soundly. In addition, they were sometimes asked 'silly' questions as asked to sing, dance and generally made fun of them. In the dining hall for example, the *Blemen* would sing the song – "*A few more days Blemen shall go home, shall go home and come no more... tchaw, tchaw Ninoes... here you are now ... shame, shame, shame, you are Ninoes!*" (Obeng, 2008:113). This was preceded by a shout, "Blemen Ayekoo" by a senior at which all *Ninoes* were supposed to get up and carry their plates and cutlery on their heads while singing.

S.K.B. was fortunate however to have met B.S. Kwakwa⁶⁷ who used to be his senior at Asokore Methodist School. The latter was a Prefect in Livingston House and therefore offered him a lot of protection. For example, he often hid him in his prefect's room and one growl from him was enough to scare away any troublesome "bully". This is not to say that he escaped bullying altogether for there were occasions when he suffered at the hands of the seniors to the extent that he attracted the sympathy of some senior girls who once remarked, "who is this wicked mother who has sent this small boy two hundred miles away to Achimota?"⁶⁸ Physically, he was one of the smallest students in form one and he looked very skinny, a boy of only 13 years old. But little did the senior girls know that the "wicked" mother knew what her son was capable of. Eventually, his diminutive nature won him a surrogate mother, Juliana Amo Gotfried, a senior in the Teacher Training Department who virtually took him under her wings and saw to his physical needs. She literally washed and ironed his clothes every week when he was in Form 1. The bond between "mother"

⁶⁵ Students who have been in the school for over a year

⁶⁶ Form one students

⁶⁷ B.S. Kwakwa left Asokore Methodist School to complete his elementary education in Kumasi.

⁶⁸ Interview with Nana Susubribi Krobea Asante on 14th August 2014 at Adabraka, Accra.

and “son” blossomed even into the future and further strengthened into a marriage between her son and his niece⁶⁹.

Although new students usually did not enjoy being bullied, later when they became seniors, most of them looked for opportunities to visit same on other students and S.K.B. Asante was no exception. In an interview with Nana S.K.B. Asante, he recalled his opportunity in 1948 when he was in his third year, when Gilchrist Olympio⁷⁰, son of Sylvanus Olympio⁷¹ was admitted to form 1. On his first arrival on the campus, carrying his “chopbox” on his head, S.K.B. Asante shouted at him “Nino boy kneel down now!” The much bigger and taller Olympio was shaken to the core as he knelt down, only to be rescued by another senior some moments later. For S.K.B, it was to make a statement that whether Olympio was from a rich home or not, the former, was still his senior.⁷²

Achimota School organized the scary *Ninoes’* examination for all new students to officially admit them into the College. The students had been told that anyone who failed the exam would be sent back home. S.K.B. wondered how he was going to explain his possible expulsion to his mother and most importantly, to the paramount chief and the people of Asokore.⁷³ It may be recalled that the Asokore Traditional Council had offered him a modest supplement of £5 per annum purely on merit and for acting as a role model for other pupils in the community. On the day of the announcement of the results of the *Ninoes’* examination, R.P. Baffour, an engineering teacher, had come dressed in his scary long black gown purposively to send home

⁶⁹ Interview with Nana Susubribi Krobea Asante on 14th August 2014 at Adabraka, Accra.

⁷⁰ Gilchrist Olympio was the candidate of the Union of Forces for Change (UFC) in the Togolese 1993 presidential election

⁷¹ Sylvanus Olympio then the General Manager of the United Africa Company (UAC) later became the first elected President of Togo in 1958

⁷² Interview with Nana Susubribi Krobea Asante on 27th October 2014 at Asokore

⁷³ The people of Asokore and its environs had jubilated on his admission to the most famous school at the time, Achimota College.

those who had failed. As it turned out, it was all a prank, but a rather welcoming ceremony for all *Ninoes*.⁷⁴

The Achimota College that S.K.B. Asante and his colleagues met in the 1946/47 academic year was one that had achieved high academic standards in Africa. Rev. Stopford had just completed his tenure as Principal and returned to England. According to Professor Reginald Amonoo, Rev. Stopford had left an awesome legacy of rigorous academic standards at Achimota College. Unlucky students suffered a phenomenon that had become known as “Stopfordiasis”⁷⁵ when they failed to achieve the required grades during examination. This had compelled students and teachers to go the extra mile to burn the midnight candle in order not to suffer the regrettable phenomenon.⁷⁶

At the time, according to Nana S.K.B. Asante⁷⁷, staff members - teaching and administrative- were predominantly English and a few other expatriates from the Caribbean and the United States of America. S.K.B. was however, particularly inspired by a core of Gold Coast role models who had themselves passed through Achimota or other local schools with distinction. These people had won scholarships to study at top British Universities and had excelled in those institutions and had returned to join the teaching and administrative staff of the College. They included M.A. Ribeiro, B.A. Brown, A.B. Attafua, George Oddoye, Mawere Opoku, Ephraim Amu, Robert Kwami, J.W.L. Mills, P.D. Quartey, Philip Gbeho, Spio Garbrah (Snr), Janet Asare, P.D. Anin and others. According to Nana S.K.B. Asante, their style of teaching was excellent. They widened the intellectual horizons and instilled in their students, a sense of confidence that challenged them to aspire to heights which

⁷⁴ Interview with Nana Susubribi Krobea Asante, on 27th October 2014 at Asokore

⁷⁵ Stopfordiasis meant expulsion from Achimota School

⁷⁶ Interview with Professor Reginald Amonoo on 3rd December 2014 at Ofankor, Accra

⁷⁷ Information obtained from the Private papers of Nana Susubribi Krobea Asante

originally seemed inconceivable. He however recalls some humorous aspects in the lifestyles of these British educated teachers. Some of them would speak English with a pronounced Oxford accent to the extent that they would even forget how to pronounce local words. It did turn a bit comical when they extended their accent to the vernacular.⁷⁸

Some of the teachers in the school influenced him profoundly. He made special mention of Tom Boatın⁷⁹, who acted as a kind father figure to him. He paid particular attention to S.K.B.'s diction and proper use of words and tenses. When S.K.B. had reported to him that his mother had brought him some "chop money", he promptly corrected him with the question "you mean pocket money?"⁸⁰

One other person was M.S.T. Tweneboa, a Ghanaian junior teacher who taught Nature Study. So also was the renowned composer, Ephraim Amu. "He was an erudite exponent of African culture and a general counselor on the path to a productive and meaningful life"⁸¹. He was held in high esteem by the Principal of the College. He made music an interesting subject for the students and encouraged them to be proud of their heritage as Africans⁸².

P.G. Rendall, the College Principal, handled "Current Affairs". These, as Nana S.K.B. Asante recalls⁸³, were the heady days of the nationalists' struggle for independence in the Gold Coast and intense ideological conflicts between the Communists East led by the Soviet Union and the Capitalists West led by the United States. Discussions in class sometimes got sensitive and heated as others had divergent views as to which of

⁷⁸ Information obtained from Private papers of Nana Susubribi Krobea Asante

⁷⁹ Tom Boatın was born in the Seychelles Island to a member of the entourage of the exiled Nana Kwaku Dua III (Prempeh I) of Ashanti

⁸⁰ Interview with Nana Susubribi Krobea Asante on 27th October 2014 at Asokore

⁸¹ Interview with Professor Reginald Amonoo on 3rd December 2014 at Ofankor, Accra

⁸² Interview with Nana Susubribi Krobea Asante on 27th October 2014 at Asokore

⁸³ Ibid.

the two ideologies will best suit Africa and for that matter the Gold Coast. Incidentally, the idea of self government was embraced by both students and staff. However, there was a sharp difference in terms of support for the Capitalists oriented United Gold Coast Convention (UGCC) led by J.B. Danquah and others, and the Socialists oriented Convention People's Party (CPP) led by Kwame Nkrumah. In effect, these two political ideologies formed the basis of campus politics⁸⁴. The school authorities therefore opened a book to be at the library for students and teachers to write their thoughts, reactions and comments on prevailing issues. For example, the Plato Club on a number of occasions invited J.B. Danquah, K.K. Konuah, Dr. Busia, Mrs. Justice Annie Jiagge and others to address the club on academic implications of the happenings at the time⁸⁵.

According to Professor Reginald Amonoo⁸⁶, in March 1948, when rumors went rife that Achimota School had gone on strike in solidarity with the "Big Six"⁸⁷ who had been arrested and detained in various parts of the country for alleged incitement of the people to cause disturbances after the shooting of the three ex-servicemen, some secondary school students and teachers in Cape Coast such as Mfantshipim School, St. Augustine's College, Adisadel College and others, went on rampage with the view that it was a nationwide student strike which in fact turned out to be false. According to Nana S.K.B. Asante some "radical" students in Achimota School led by Coker Appiah and Amoah, had instigated that Achimota students should join the strike action. However, the Senior Prefect, Kemevo, had advised that their scholarships would be withdrawn should they violate the School's Riots Act. Meanwhile, the

⁸⁴ Campus politics sometimes degenerated into intense political debates between students and even teachers.

⁸⁵ Interview with Nana Susubribi Krobea Asante on 27th October 2014 at Asokore

⁸⁶ Interview with Professor Reginald Amonoo on 3rd December 2014 at Ofankor, Accra

⁸⁷ Kwame Nkrumah, J.B. Danquah, Ako Adjei, Obetsebi-Lamptey, Edward Akuffo Addo and William Ofori Atta

Intermediate students⁸⁸ had attempted to go on strike previously, but they had had to reconsider their decision and calmed down when the School's Riots Act was read to them. It was clear in the Act that, the consequence for such an action was dismissal. As it turned out, the students and teachers who went on rampage in Cape Coast were dismissed from their various schools by the British colonial authority. However, Kwame Nkrumah, one of the "Big Six", established the Ghana National College in Cape Coast in July 1948 to absorb those teachers and students who had been dismissed for protesting the arrest and detention of the "Big Six"⁸⁹.

Nana S.K.B. Asante recalled⁹⁰ three challenging episodes with P.G. Rendall when he was in his final year.

First, Rendall nominated S.K.B. Asante as the College's candidate for finalists from the major secondary schools to be interviewed for the selection of the Gold Coast's representative to the New York Youth Forum in 1952. He attended the interview before a high powered panel of eminent persons including Professor K.A. Busia and J.S. Annan. He lost narrowly to the eventual winner, one Appiah from Mfantshipim School. Later, Professor Busia had consoled him and told him that he was marked down for not being forceful enough⁹¹. This episode taught him the attribute to be vigorous and convincing in his deliberations, a trait he later needed in his argument of cases at the law courts.

His second episode⁹² was even more challenging. A famous British writer, Elspeth Huxley, in 1952, had written an article in the Daily Telegraph in London debunking the whole idea of freedom and democracy for Africa. She was of the view that

⁸⁸Students offering pre-university courses in the sciences, arts and commerce for admission to overseas tertiary institutions

⁸⁹ Interview with Professor Reginald Amonoo on 3rd December 2014 at Ofankor, Accra

⁹⁰ Interview with Nana Susubribi Krobea Asante, on 27th October 2014 at Asokore

⁹¹ Ibid.

⁹² Ibid.

Africans were inherently incapable of practising viable and stable democracies and therefore, the imperial powers should continue to manage the affairs of Africa. Rendall had challenged Samuel to write an appropriate reply to the article. Though an Englishman, Rendall did not agree with the notion espoused by his compatriot and therefore wanted a response to the article immediately, albeit by proxy. S.K.B.'s response was duly published in the Daily Telegraph in 1952 and a copy of which was put on his file at Achimota became the first of his international writings. His former teacher, P.D. Anin, then studying at Cambridge University, read it in the papers and wrote a congratulatory letter to him. This undoubtedly raised the confidence of the “bush” boy to the highest point in his life and made him feel “ten feet tall”.

The third episode⁹³ involved a discussion he had with him. It was about his future career and it did not go down well with him. Rendall had called him to his office one day and asked him about his future career plans. He said without the slightest hesitation, that he wanted to read History at the newly established University College of the Gold Coast at Legon, pursue postgraduate studies abroad and then return to Legon as a lecturer. Rendall then asked him if he had ever considered going into business. “Business”!? S.K.B. asked in utter dismay. Rendall explained that he had observed his organizational skills in running numerous clubs at the College. Indeed, he was Co-Editor of *The Achimotan* (the School Magazine); Editor of *The Light*, (a Sixth Form paper), Organizing Secretary of the Literary Club; founding Secretary of the Classical Society and Secretary of the Sixth Form Discussion Group. As Vice President (highest student office) of the Plato Club, Rendall had observed as S.K.B. Asante organized a public lecture on campus which was delivered by Dr. J.B. Danquah. As part of the preparations, S.K.B. Asante personally went to Parliament House to invite Dr. J.B. Danquah. This was at a time when Dr. J.B. Danquah as an

⁹³ Interview with Nana Susubribi Krobea Asante, on 27th October 2014 at Asokore

eminent politician and intellectual was very busy and therefore considered inaccessible, and more so, to secondary school students. To S.K.B. Asante's surprise, Danquah was excited about the idea and honoured the invitation and gave a lecture on *Culture and Civilization*⁹⁴. S.K.B. Asante was also the Monitor of Dormitory 'B' of Cadbury House which put him in charge of about 15 students including R.V. Ballmoos, Adjei Boye, Jones Ofori-Atta, Egya Amonoo Neizer and Kojo Tsikata⁹⁵.

Rendall explained to him that these skills would make an excellent businessman, and that business management was crucial to the country's development. Incidentally, S.K.B. was not persuaded primarily because of the prevailing attitudes to business which was considered less prestigious than the established professions such as academia, law and medicine. But as it turned out, later he read law and subsequently specialized in international business transactions. Rendall clearly, had foresight and was able to determine the capabilities of his students for he devoted time to interact with students almost on a daily basis.

Generally, Achimota students were academically good, which was not surprising since the best students were picked from all over the country. As indicated, it was the policy of Achimota School to go round the whole country giving opportunity to all prospective students irrespective of their socio-economic backgrounds provided that they made the required marks in the entrance examination. Competition was therefore tough since every student wanted to be adjudged as an 'A' student and therefore capable to make the ultimate Grade I in the Cambridge School Certificate Examination. S.K.B. achieved that feat. For instance, while in Form 2 in 1947, he had a rare distinction of reaching the finals in the reading competition of the entire school, that is, Form 1 to 5. There were five finalists and it was a feat to see a junior (Form 2)

⁹⁴ Interview with Nana Susubribi Krobea Asante, on 27th October 2014 at Asokore

⁹⁵ Kojo Tsikata later played a prominent role in the PNDC government in Ghana

student among the five finalists in the whole school of about 500 students. The first prize went to Rachael Turner, the Senior Girls' Prefect in Form 5. S.K.B. Asante was complimented for his excellent English diction considering his coming from the "bush".⁹⁶

S.K.B. Asante started showing his academic presence when he got to Form 3 and started winning prizes. In Form 3 he won the prize for Physics and Chemistry in the 1948 academic year. Again, in the 4th and 5th Forms, he won prizes in History, English and Geography. Eventually, he obtained Grade I in the Cambridge School Certificate Examination with exemption from London Matriculation along with 33 others in a class of 99 students in 1950, and was selected for the newly-introduced Sixth Form, effective from 1951. His sporting activities according to him however, were by no means spectacular, but only enough to qualify him for the reserve bench of the second eleven of the Cadbury House football team⁹⁷.

For Nana S.K.B. Asante, Achimota served as a melting pot for moulding students from diverse ethnic groups and regions into one entity however unpolished. Students saw themselves as a family with no distinction between them in terms of where they came from or who their parents were. This created a lasting bond among them. He recalled some of the friends he made in school. These included, John Hodasi⁹⁸ a senior in Form 4 from the Volta Region who took him under his wings and mentored him as his younger brother; J.S. Jackson⁹⁹ from Winneba; E.A.K. Boateng¹⁰⁰ from Aburi; Andani Andah from Tamale and Anselm Nyavor from the Volta Region.

⁹⁶ Interview with Professor Reginald Amonoo on 3rd December 2014 at Ofankor, Accra

⁹⁷ Interview with Nana Susubribi Krobea Asante, on 27th October 2014 at Asokore

⁹⁸ John Hodasi later became a Professor of Zoology at the University of Ghana, Legon

⁹⁹ J.S. Jackson later became a Professor of Mathematics at the University of Ghana, Legon

¹⁰⁰ E.A.K. Boateng later became a medical doctor in Germany

Others included Reginald Amonoo¹⁰¹; J.K. Agyeman¹⁰²; S.B.K. Quartey¹⁰³ and Francis Agbodeka¹⁰⁴ from various parts of the country.

S.K.B. Asante and his colleagues looked forward to vacations at all times. It provided them relief from the rigours of Achimota School academic activities. He always enjoyed the welcome he received from friends and family back home at Asokore. He would sometimes sit and share with them his Achimota School and Accra experiences with the aim to inspire them to aspire to the ultimate¹⁰⁵. Occasionally, he spent time with his father who lived away from Asokore, but the emphasis was more to visit his mother because he felt that she needed more help. As a trader, he assisted her by doing her calculations and ran errands on her behalf. However, in his later years at Achimota when he was preparing for his Cambridge School Certificate Examination and Cambridge Higher School Certificate Examination, he spent his holidays with an uncle, Asafo Agyei, a military officer attached to the Military Training School in Teshie, Accra.

During S.K.B. Asante's time as a student at Achimota College, he recalled that Achimota College gave birth to three different institutions. The first was University College of the Gold Coast, initially as an affiliate of the University of London that supervised its academic programme and awarded its degrees, eventually, the University of Ghana, in 1948, when the Intermediate Department of the College was converted into a university albeit under a different legal regime and administration with David Mowbray Balme as its first Principal (Agbodeka, 1998). The university

¹⁰¹ Reginald Amonoo later became Professor of French at the University of Ghana and President of the Ghana Academy of Arts and Sciences

¹⁰² J.K. Agyeman became the Vice President of the Ghana Bar Association from 1980 – 1982; President of the Ghana Bar Association from 1982 – 1985; Vice Chairman of the African Bar Association; a member of the Disciplinary Committees of both the Ghana Bar Association and The General Legal Counsel and member of the General Council of the Ghana Bar Association

¹⁰³ S.B.K. Quartey later became the Chief veterinary officer in Ghana

¹⁰⁴ Francis Agbodeka became a Professor of History at the University of Ghana, Legon

¹⁰⁵ Interview with Nana Susubribi Krobea Asante on 11th November 2014 at Adabraka, Accra

shared its temporary site on the western compound of Achimota with the Teacher Training Department before moving to its present location at Legon Hill in 1952 (Agbodeka, 1998:22). With this, the founders' dream of having a school that provided opportunity for students to start from kindergarten to university boarded on the same compound was finally realized. Harry Amonoo was one of the few who had the opportunity to pass through the whole system. Harry had actually started from Achimota kindergarten and ended at the University College of the Gold Coast¹⁰⁶.

The second institution Achimota College “gave birth to” was the Kumasi College of Technology, ultimately, the Kwame Nkrumah University of Science and Technology. The Training College, Music Department, the Art School and the Engineering Department of the Achimota College were literally transferred to Kumasi in 1950 to constitute the nucleus of the university (Agbodeka 1998:32). Dr. S.K.B. Asante recalled¹⁰⁷ some of the Achimota College staff who served as foundation faculty members of the new Kumasi Institution. They included C.S. Deakin, R.P. Baffour, George Obeng, E.V. Asihene, Ephraim Amu and A.B. Attafua.

The third institution was the establishment of the Korle-Bu Nurses' Training College in 1950. This was when the student nurses at Achimota College were transferred to the Korle-Bu Teaching Hospital as foundation students of the College. Clearly, no other school in the Gold Coast could be compared to Achimota College at the time as no other educational institution offered such an ambitious and comprehensive yet diverse educational programme¹⁰⁸.

When school reopened in January 1951, S.K.B. Asante chose English Literature, History, Latin and Geography for the Sixth Form which had just been introduced and

¹⁰⁶ *Achimota: Eighty years of Human Development: The Way Forward: The Past, the Present, the Future*. Paper presented by S.K.B. Asante, at the British Council Hall, Accra 29th January 2007

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

Achimota in 1950 was mandated to experiment. The novelty further enhanced Achimota School as the most attractive to a lot of students all over the country¹⁰⁹. At the end of the course in December 1952, when he took the Cambridge Higher School Certificate Examination, of the total Arts and Science results, three students were adjudged the best for obtaining two or more distinctions which was considered a remarkable achievement for such a new programme. Consequently, the three names were mentioned on the national radio, Radio ZOY and S.K.B. was one of them. He came second in the entire 1952 class and topped the Arts group and consequently, won the enviable Form prize for Upper Six Arts for 1952¹¹⁰. The first position was however taken by J.S. Jackson, a science student who had distinction in all four subjects. It was not surprising that on their graduation day in December 1952, S.K.B. had the honour of being selected by his colleagues in Upper Six to deliver the valedictory speech on their behalf and that of Form 5 leavers as well. He was again elected by the class of 1952 to deliver their Founders' Day speech in 2000 when his class was celebrating its 50th anniversary of graduating from the school¹¹¹.

Before leaving Achimota School finally, S.K.B. Asante had taken the special entrance examination in December 1952 for admission to read History at the University College of the Gold Coast, Legon and looked forward to life as an undergraduate at the university. However, since the University's academic year both in the UK and the Gold Coast began the following year October, he therefore had to find a job for the next ten months.

¹⁰⁹ Nana S.K.B. Asante's batch was the second in the country

¹¹⁰ Interview with Professor Reginald Amonoo on 3rd December 2014 at Ofankor, Accra

¹¹¹ Interview with Nana Susubribi Krobea Asante on 11th November 2014 at Adabraka, Accra

3.3 Experimenting with Teaching at Prempeh College

Prempeh College had been established in 1949 at Kumasi whilst S.K.B. Asante was studying at Achimota School. It was a joint venture between the Methodist and Presbyterian Churches with enormous support from Otumfuo Sir Osei Agyeman Prempeh II (1931-1970), the Asantehene. Opoku Ware Secondary School was established a year later by the Catholic Church and again with strong support from the Asantehene. These two secondary schools became pivotal in providing secondary education in the entire Northern sector of the Gold Coast although they were also accessible to students from other areas of the country.

Prempeh College like its sister institution Opoku Ware, suffered from acute shortage of university graduate teachers and therefore decided to recruit some teachers who were Cambridge Higher School Certificate holders¹¹². This development placed in high demand the services of such graduates in most of the top secondary schools in the country. Prempeh College was no exception. The school therefore appointed five of these graduates as teachers in January 1953 and S.K.B. Asante was privileged to be one of them. He taught Latin and History in the Third and Fourth Forms with additional responsibility as an Assistant Housemaster in Butler House where C.T. Yeboah was the Housemaster. According to Nana S.K.B. Asante¹¹³, he enjoyed teaching at Prempeh College and discharged his functions with enthusiasm and determination. He understandably saw his position as a preparatory ground for his future career in lecturing History at Legon. The students embraced extremely well his endeavours as they were virtually in the same age group. Some of his students at Prempeh included E.D. Yeboah¹¹⁴; Agyeman Bannerman¹¹⁵; Akuamoah Boateng¹¹⁶

¹¹² Sixth Form graduates

¹¹³ Interview with Nana Susubribi Krobea Asante on 11th November 2014 at Adabraka, Accra

¹¹⁴ E.D. Yeboah, became an internationally acclaimed Professor of urology and past President of the West Africa College of Surgeons

¹¹⁵ Agyeman Bannerman became a medical doctor in New York

and C.A. Klufio¹¹⁷. He had gone to Prempeh at the time when the pioneer students were in the Sixth Form. These students included his best friend from Asokore Methodist School, Kwame Adjei¹¹⁸; Yaw Sarpong Manu¹¹⁹; Alex Ashiagbor¹²⁰; J.N. Nketia¹²¹ and Yaw Ahenkorah¹²².¹²³

He was paid £12;3s;4 pence per month which possibly was enough for a young man with no dependents. Moreover, he had a free bungalow and subsidized meals from the school's kitchen. No wonder he have much of it to his mother.

Dr. S.K.B. Asante recalled some of his colleagues on the teaching staff as Messrs C.F. Amoo Gottfried, S.N. Yeboah, E.K. Mensah, K.A. Effah, Dr. Manyard, a German, among others, who gave off their best in mentoring the students.

J.A. Kufuor¹²⁴, was admitted to Prempeh College in 1954 and offered History and Latin, courses that S.K.B. Asante taught. Again, Kufuor was assigned to Butler House, and as it may be recalled, S.K.B. Asante was the Assistant Housemaster in that house (Agyeman-Duah 2003:15). Probably S.K.B. Asante would have taught J.A. Kufuor and be his housemaster at Prempeh College if the former had not left in 1953 for the UK for further studies.

S.K.B. Asante therefore experimented his lifelong career in teaching at Prempeh College which he found most fulfilling as a young man. He distinguished himself to the admiration of both students and staff alike. However, his quest for higher

¹¹⁶ He was later enstooled Daasebre Akuamoah Boateng II as Paramount Chief of Kwahu Traditional Area. He also became a distinguished lawyer

¹¹⁷ C.A. Klufio became Professor and Head of Physical/Human Resource Development of the Ghana Medical School (1982-1986)

¹¹⁸ Kwame Adjei became Professor and headed the Business School, University of Ghana, Legon

¹¹⁹ Yaw Sarpong Manu became the Deputy Governor of the Bank of Ghana (1977-1982)

¹²⁰ Alex Ashiagbor became the Governor of the Bank of Ghana (1977-1983)

¹²¹ J.N. Nketia, former Consul-General of Ghana in New York

¹²² Yaw Ahenkorah became Professor and Head of Soil Science Department of the University of Ghana, Legon

¹²³ Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Adabraka, Accra

¹²⁴ Former President of the Republic of Ghana 2001-2009

academic knowledge earned him admission to two different universities at the same time propelling him leave Prempeh College.

3.4 Law or History: S.K.B. Asante at the Crossroad

Though the legal profession was S.K.B. Asante's childhood ambition, he left Achimota School with no immediate intention of studying law. As intimated earlier, a legal career was still an improbable option by the early 1950s because the University College of the Gold Coast had no law Faculty, and the Colonial Government had maintained its policy of not awarding scholarships abroad to law students for reasons expounded earlier. However, with the imminence of Ghana's independence and the emergence of the Kwame Nkrumah era, the government decided in the early 1950s to award law scholarships tenable in the UK for the purpose of recruiting government law officers for various positions in the Attorney-General's Department, Lands Department, Registrar General's Department and other sectors in government¹²⁵.

According to Nana S.K.B. Asante, the change in policy was not well known to the general public, and certainly not to many students. In fact, a few people, notably Philip Archer and B.J. Da Rocha were beneficiaries of such scholarships in 1950 and 1951 respectively. S.K.B. was therefore surprised to see an advertisement on it in the newspapers in February 1953. At the time, he was anxiously waiting for his results of the special entrance examination for admission to read History Honours at the University College of the Gold Coast, Legon, yet he applied for the scholarship. In April 1953, he was pleasantly surprised when he was invited to appear before a high-powered panel chaired by Mr. Edward Akufo Addo¹²⁶. The panel also comprised David Carmichael as Secretary, Mr. A.L. Adu, a top civil servant, Mr. David M.

¹²⁵ Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Adabraka, Accra

¹²⁶ Then a leading member of the Ghana Bar Association

Balme, Principal of the University College of the Gold Coast, Mr. Yeboah Afari, a Member of Parliament from the Brong Ahafo Region and other distinguished personalities¹²⁷.

S.K.B. Asante became confused when Mr. David M. Balme asked him about the inconsistency of his quest for a law scholarship and his application to the University College of the Gold Coast. He recalled his most unconvincing answer to the panel about his ambition to lecture at the University College of the Gold Coast in the Legal field which clearly was a contrived and unsatisfactory response.

Despite all that, he won the scholarship together with David Andoh from Adisadel College in Cape Coast, J.K. Agyeman from Achimota College, E.A.K. Akuoko from Mfantipim School in Cape Coast and T.E. Anin from Accra Academy and Achimota Sixth Form who were admitted to various Universities in the UK to pursue law studies and to return to work in the Lands Department¹²⁸.

Also, in line with Government's policy to meet the needs of the expanding economy and the imminent Gold Coast independence, a scholarship scheme for studies in medicine, engineering and other sciences, had been instituted by the Cocoa Marketing Board (CMB) to offer students the opportunity to also pursue further studies in Germany. Achimota students and colleagues of S.K.B. were the pioneering beneficiaries.

He recalled that about ten students including F.O Kwame, Esther Boahene, and others, gained the scholarship and proceeded to Germany, intensively learnt the German language within 6 months at Tübingen University under the watchful eye of Mr. R.R. Amponsah, then the liaison officer who had been posted there as part of the

¹²⁷ Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Adabraka, Accra

¹²⁸ Now part of Lands Commission

scholarship scheme by Cocoa Marketing Board. As it turned out, the students qualified as doctors, engineers and scientists and blazed the trail for generations of students from Ghana to study in other foreign languages such as French, Chinese, Japanese, Dutch, Spanish, among others.

Around the same time, S.K.B. Asante received his admission to read Honours History at Legon just about the time he had been duly informed that the Government had arranged for his admission to Nottingham University's Law Department. He therefore faced the dilemma of choosing between the two opportunities for tertiary education. For him, reading History at the University College of the Gold Coast was his long held ambition¹²⁹ when the university had established a well known History Department which boasted of scholars like as J.D. Fage and Margaret Priestley. Even more significant was the fact that his interest in the subject had been aroused by his most inspiring History teachers, M.A. Ribeiro and A.B. Attafua at Achimota School. In retrospect, the thought of studying law which was only possible in the UK with private resources had never crossed his mind at Achimota. He had admired the young Gold Coast scholars such as K.A. Busia, Alexander Kwapong, E.A. Boateng and L.H. Ofofu Appiah who were then lecturing at Legon after acquiring advanced degrees in the UK. He had therefore thought that academic career was achievable at Legon considering the fact that he was familiar with History and had done very well in that subject at both Cambridge School Certificate and Cambridge Higher School Certificate Examinations.

On the other hand, he had never seen or read a Law book throughout his secondary school education. Moreover, the conditions attached to the law scholarship were, in his view, not particularly attractive. He was to read for the LLB at Nottingham followed by a further three years of internship with a firm of solicitors before taking

¹²⁹ From Form 4 in 1949

the Solicitors' Final Examination with a prior requirement of passing an examination in Trust Accounting. After obtaining these qualifications, he was to return to the Gold Coast for an appointment to the Legal Department of the Lands Department and serve for five years in compliance with a bond, breach of which would result in his payment of an amount of £3,000 sterling to the State. For him, the acceptance of the law scholarship meant the abandonment of the most cherished academic career he had envisaged. Again, he did not find the idea of spending 5 years in the Lands Department particularly appealing because, in his view, it lacked the glamour of the legal profession. After many consultations, however, he opted for the law scholarship mainly on grounds that, the option offered more career opportunities and the prospect of immediate international travel and experience¹³⁰.

When the news about his law scholarship reached his family and friends at Asokore, it was indeed another celebration as his mother once again jubilated in the streets saying to him, "I told you so, I told you so" amidst tears of joy. The Asokore Traditional Council once again, rewarded him with a beautiful *Kente* cloth for his exemplary character and for projecting the image of the community.

On arrival in London, he was so delighted when he met his old teacher from Achimota School, M.A. Ribeiro who was the Gold Coast Students' Liaison Officer in London when he went to register at the office before leaving for Nottingham. Ribeiro pointed out to him that any manifestation of dissatisfaction with his chosen profession would be psychologically harmful to his academic endeavours, a piece of advice which was strongly reinforced by his old mentor, Professor Meyer Fortes, then professor of Social Anthropology at Cambridge University. Professor Fortes stressed that he should count himself extremely lucky and privileged to have the opportunity

¹³⁰ Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Adabraka, Accra

to join the top 3% to 5% of the British population who had been admitted to British Universities.

3.5 S.K.B. Asante, the Undergraduate

S.K.B. Asante arrived at Nottingham in a better frame of mind and resolved to do his best, as the university campus was most reassuring. The main university building, the Trent Building, located in a serene environment, was an imposing gleaming edifice, embraced by a beautiful lake in front and graced with carpets of well-mowed lawns around it, which gave it that an exquisite touch.¹³¹

S.K.B. Asante was assigned to the Hugh Stewart Hall of Residence, a magnificent building decorated with shrubs and a lovely garden. The Hall Master, Rev. Dr. William Kneil welcomed the new students with a speech which stressed that the Hall was not “a dormitory annex”, but a university residential institution with its own established traditions of college life. The hall organized debates, concerts, sports and formal dinners once a week during which the students were supposed to wear their gowns and hosted distinguished personalities on the High Table. He subsequently participated actively in the hall debates and eventually elected to the Hall Committee in his second year with the privilege of sitting on the High Table at formal dinners.¹³²

The Nottingham Law Department was located in what was originally a private residence set in an orchard. Virtually all the lecture rooms, library, faculty offices and the students’ common room were accommodated by this building. It was a small department with a total student population never exceeding 70 throughout his three-year stay in the department. It had a first rate teaching faculty of 6, headed by the internationally renowned Professor Harry Street, a member of the British Academy

¹³¹ Information obtained from the Private Papers of Nana Susubribi Krobea Asante

¹³² Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Adabraka, Accra

and author of the famous book, *The Law of Torts*¹³³. He was also an authority on public law, particularly, administrative law. To him, the faculty was perfect for undergraduate teaching in the basic common law subjects for two reasons.

His new love for law was based firstly on the fact that, the six lecturers in the Law Department were not only brilliant, but were also, great teachers. Prof. Street taught Torts, Jurisprudence and Constitutional and Public Law. His analytical prowess was second to none and he delighted in tearing up the pronouncements of other “authorities”. Nana S.K.B. Asante recalls when Prof. Street was writing his first book on Torts, he had given each student a copy of his manuscript to read before the class, and had subjected the students to the Socratic method of interrogating them against the background of the text and the cases assigned.

S.K.B. Asante recollects other faculty members included J.A.C. Thomas who taught Private International Law, Roman Law and Legal History with flawless Oxford accent. He was a Cambridge graduate and a classmate of Lee-Kwan Yew, former President of Singapore. John C. Smith taught Criminal Law Evidence, Mercantile Law and Contracts. He later became an authority on Criminal Law and was knighted, elected to the British Academy and made a Q.C.¹³⁴

Hamish Gray, a Scot was also an experienced lecturer in the Law of Real Property and Equity. During the Nationalists struggle for independence in the Gold Coast, Gray had professed great sympathy with the Gold Coast’s cause because of his own Scottish nationalist leanings. However, S.K.B. found the class a bit challenging because of his heavy Scottish accent which made it difficult for him to hear and understand him. Ironically, despite his initial disenchantment with Gray’s lectures, he subsequently delved deeply into the Law of Real Property and in fact, produced his

¹³³ Harry Street, *The law of Torts* (London: Butterworth & Co. Ltd. Butterworths, 1959)

¹³⁴ Queen's Counsel

first major publication on Ghanaian Land Law¹³⁵ in the prestigious Yale Law Journal in 1965.¹³⁶

Later, John Prichard joined the department from London where he was lecturing Roman Law and Jurisprudence. He was a great teacher and was even admired by his fellow academics in the country. The youngest of the faculty members was H.R. Webb who taught English Legal System and Private International Law with the enthusiasm and energy of a newly-appointed lecturer from Cambridge. Later, he was appointed Professor in a New Zealand University¹³⁷.

In Nana S.K.B. Asante's opinion, Nottingham Law Department could be described appropriately as a training ground for future law professors in those days as many eminent academic lawyers first passed through the department prior to their subsequent elevation. He recalled that Peter Stein who taught at Nottingham, was appointed Regius Professor of Civil Law at Cambridge University; Honore also went from Nottingham University to Oxford University and eventually became Regius Professor of Comparative Law at Oxford University; Sir Ian Brownlie taught at Nottingham University for seven years before leaving for Oxford University where he also became Regius Professor of International Law and a world renowned international lawyer. Brian Hogan, a former lecturer at Nottingham University was also appointed Professor of Law at Leeds University, among others.

The second reason for his description of the facility as perfect for undergraduate teaching had to do with the student-lecturer ratio. With a small student population and all the facilities concentrated in the "orchard", students could not avoid bumping into their lecturers three or four times a day. In effect, the attention received by each student was enormous as a student could call on any lecturer at any given time for

¹³⁵ *Interests in Land in the Customary Law of Ghana: A New Appraisal* (Yale Law Journal April 1965)

¹³⁶ Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Adabraka, Accra

¹³⁷ Information obtained from Nana Susubribi Krobea Asante's private papers

clarification of issues raised in class. Lectures were supplemented and reinforced by tutorials. For tutorials, S.K.B.'s class of 22 students was divided into three groups for effective discussions. Students knew each other and related cordially, fostering lasting friendships and bonds^{138 139}.

Of his seniors, he recalls, Punch Coomaraswamy from Singapore who later held a number of top political positions in his country, including, Ambassador to the US, Speaker of Parliament and Judge of the Supreme Court; Gerald Dworkin became a Professor of Law at Southampton University; and J. Woods who later joined a large firm of Solicitors in Hong Kong. B.J. da Rocha, a Gold Coaster, was in his second year at the *Orchard* when S.K.B. was admitted in 1953. He acted as his mentor and close friend.

Nana S.K.B. Asante recalled vividly how B.J. came to his rescue one gloomy and cold afternoon in October 1953 when he had emerged thoroughly confused from a rather dull lecture on English Real Property Law by the Scottish lecturer, Hamish Gray. The combination of his heavy Scottish accent and incomprehensible concepts were too much for him to bear. He had wondered aloud to B.J. whether he had not made a big mistake in declining the offer to read History at the University of Ghana. B.J.'s response, to him was awesome and inspirational, and within a short space of about 30 minutes, he had treated him to a most lucid and authoritative exposition of the basic principles of English Property Law after which he recommended the famous textbook, *Cheshire and Burn's Modern Law of Real Property*¹⁴⁰ to him. That performance by B.J. alleviated his fears and anxieties about the subject and indeed

¹³⁸ Nana S.K.B. Asante's classmates includes Peter Whitehead, John Potter, Joan Williams, Anne O'Higgins, John Eagan, Don Bell, Peter Cook, Maurice Creswell, Rachel Ing, John Woosnam, Wall, Ann Shields, John Emmitt, Watkins Russell and J.K. Agyemang, his colleague from Achimota School

¹³⁹ Information from Nana Susubribi Krobea Asante's private papers

¹⁴⁰ Edward Burn and John Cartwright, *Cheshire and Burn's Modern Law of Real Property* (Oxford University Press; 6th edition, September, 1949)

sowed the seed of his subsequent specialization and publication in that area of study¹⁴¹.

With the kind of academic environment provided by the *Orchard*, one could only excel. S.K.B. and his colleague J.K. Agyemang settled down to hard work to the extent that the entire University, as well as the *Orchard*, was intrigued by the news that two Africans from the Gold Coast had topped their class in the sessional law examination in early 1954.

Apart from academic work, S.K.B. Asante was engaged in extra-curricular intellectual activities in the University. For instance, he had joined the University Debating Society and was elected Treasurer of the association in his second year and Secretary in the third year. For him, the only setback about the University was the indifference of the bulk of the student body towards debates. Majority of students were mature students before admission, and were therefore preoccupied with academic work and family issues. To them, debating was a frivolous diversion and an indulgence for younger people who have much time to spare.¹⁴²

Summer holidays were always times for fun and S.K.B. made it to most of the trips and concerts organized by the British Council for overseas students. A tour of Scotland under the auspices of the British Council in 1954 also took him to Edinburgh where he saw for the very first time the young Queen Elizabeth II as she entered Holyrood Castle. He occasionally patronized classical concerts, especially, Halle Orchestra conducted by Sir John Barbirolli.¹⁴³

¹⁴¹ B.J. da Rocha later became a leading member of the Ghana Bar Association, General Secretary of the victorious Progress Party in 1969, Chairman of the New Patriotic Party which emerged as the successor to the Progress Party after the establishment of the Fourth Republic in Ghana in 1992 and finally, Director of Legal Education and Head of the Ghana Law School. B.J. subsequently played a critical role in S.K.B.'s appointment as Solicitor General of Ghana in 1969

¹⁴² Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Adabraka, Accra

¹⁴³ Ibid.

He also took summer jobs to earn some extra money for holiday trips. He reminisces particularly, his two experiences with summer jobs. One was when he washed dishes at the kitchen of London Zoo. The other was when he picked plums in Norwich at a summer camp far away from the city. For him, it was refreshing to resume contact with a farm after many years. And here, his grandmother's farm at Asokore came to mind¹⁴⁴.

S.K.B. Asante graduated in 1956 with an LLB Honours which his lecturers characterized as a "near-first" and actually, equivalent to a first in London University. He and his colleague, J.K. Agyemang, were placed among the top three students. There again, the Gold Coaster had come tops to the surprise of all¹⁴⁵. He had laid a firm foundation for his future professional and intellectual pursuits and looked forward for the second phase of his legal training with considerable confidence.

3.6 Studying at King's College, London and Internship

S.K.B. Asante moved to London in 1956 to complete the second phase of his legal training as per his scholarship. He did his legal internship under Mr. W.J.F. Church, the Town Clerk and Solicitor of Brentford and Chiswick Corporation.

Though an LLM was not part of the scholarship package, he took advantage of his spare time to pursue one. As such, he officially registered as an LLM student at King's College in the Strand in 1956. It involved an inter-collegiate programme which required that he attended evening classes at various institutions scattered around the city. To this end, he studied Jurisprudence¹⁴⁶ (legal theory) at King's

¹⁴⁴ Information from Nana Susubribi Krobea Asante's private papers

¹⁴⁵ Ibid.

¹⁴⁶ Taught by Professors Graveson and Kiralfy

College in the Strand and Jurisprudence (Concepts)¹⁴⁷ at the Institute of Advanced Legal Studies at No.25 Russell Square. He also took Illegality and Restitution¹⁴⁸ at the Institute of Advanced Legal Studies; African Law¹⁴⁹ at the School of Oriental and African Studies; International Law¹⁵⁰ at University College on Gower Street; and the Law of International Institutions¹⁵¹ at the London School of Economics and Political Sciences (L.S.E.) near Holborn¹⁵².

As a postgraduate student, he was also officially registered at the Institute of Advanced Legal Studies, which served as the centre for postgraduate studies with a well-stocked Law library including materials from all over the Commonwealth. It was fully equipped for postgraduate research for students from Europe, America, Commonwealth, and other areas. It was in this library and that of LSE's (London School of Economics) that S.K.B. Asante did most of his private studies.

The combination of the academic work and the daily routine of office work for legal training proved too much for his health. Asante and his colleague, Agyemang, therefore petitioned the Law Society, the regulatory body for the Solicitors, for a reprieve from office work for two days a week to enable them attend to their academic endeavours, a request¹⁵³ which was readily granted.

The LLM programme broadened his legal horizons with the exposure to International Institutions and International Law, African Law and more in-depth study of Jurisprudence. The Law of International Institutions taught by J.H.N. Johnson and Michael Mann of the LSE had introduced him to the law and practices of the United

¹⁴⁷ Taught by Professor Dennis Lloyd

¹⁴⁸ Taught by Professor Sir David Hughes Parry

¹⁴⁹ Taught by Tony Allott

¹⁵⁰ Taught by Professor Schwarzenberg, Dr. Bin Chen and L.C. Green

¹⁵¹ Taught by D.H.N. Johnson and Michael Mann

¹⁵² Information obtained from Private papers of Nana Susubribi Krobea Asante

¹⁵³ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

Nations, International Court of Justice and International arbitration which came in handy in later years.

In addition, the study of African Law under Allott opened up an entire new dimension of law in Africa which was intertwined with anthropology and indigenous institutions during his LLB days. Jurisprudence made him aware of the volume and depth of legal study theory and legal concepts which were encompassed by that subject.¹⁵⁴

His internship as an articled clerk with the Solicitor's Department was useful though he considered it as not exciting. It taught him the virtues of careful drafting and documentation, particularly agreements and conveyance. He was also given assignments relating to the legal aspects of committees of enquiry in respect of proposed measures of the legal authority. To him, his most exciting assignment was acting as a returning officer in the local and national elections.¹⁵⁵

Major events of the world between 1956 and 1960 stimulated a lot of discussions and debates within the University. Political events such as the nationalization of the Suez Canal and the consequential war unleashed by a coalition of France, UK and Israel against Egypt in 1956; the Hungarian nationwide uprising against the Soviet Union imposed policies of its government and the dramatic repression of the insurgency in 1956; the attainment of Ghana's independence in 1957; the Cuban revolution led by Fidel Castro from 1953 to 1959, became subjects of some of the most antagonistic debates at the time. The ideological conflict between the communist countries led by the Soviet Union and the United States was also subject of debates, and S.K.B. with his much interest in debating was very much a part of the discourses¹⁵⁶.

¹⁵⁴ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

¹⁵⁵ Ibid.

¹⁵⁶ Information from Nana Susubribi Krobea Asante's private papers

Eventually, he took his examination in 1958 and again, S.K.B. Asante and his Ghanaian colleague, J.K. Agyeman, repeated what they had done at Nottingham University when they came top in the final examination to the amazement of the entire University community¹⁵⁷.

After completing the LLM, he prepared for the Solicitor's final examination which was generally recognized as one of the toughest professional examinations. To qualify for the Solicitor's final examination, one had to pass a preliminary examination in Trust Accounts. This, S.K.B passed and awaited the final hurdle, the solicitor's final examination. Passing the final examination plus appropriate period of internship was enough to secure admission as a solicitor. However, to be placed in the Honours Division, the student had to reach a certain high standard in the final examination, and having made that grade, pass another examination which was more of a tougher version of a University LLB examination. A successful candidate in all three stages was then adjudged to have passed the Solicitors Final Examination with Honours. Indeed, S.K.B. passed with such Honours in October 1958.¹⁵⁸

According to Nana S.K.B. Asante, in those days, results of Law examinations were always published in the London Times and Mr. Geoffrey Bing QC, Ghana's Attorney-General who was visiting London at the time saw the results in June 1960. He immediately invited S.K.B. Asante to the Ghana High Commission in London, and expressed his impression of his results. He declared to him that he would engage him at the Attorney-General's Department upon his return to Ghana. This timely intervention gave him the much-desired reprieve from appointment to the Lands' Department as stipulated in his scholarship, a prospect that he had detested right from

¹⁵⁷ Information from Nana Susubribi Krobea Asante's private papers

¹⁵⁸ Interview with Nana Susubribi Krobea Asante, on 11th November 2014 at Accra

day one. For him, the adage that “God works in mysterious ways” was proven as valid as ever¹⁵⁹.

Nana S.K.B. Asante recalled that living in London at the time included some Ghanaians who later rose into prominence. These included Nana Jacob Mathew Poku, then a law student who was later enthroned as Otumfuo Opoku Ware II, Asantehene in 1970; and Albert Adu Boahen, his classmate and friend from Asokore Methodist School, later Professor of History, who had come from the University of Ghana to do his doctorate degree in History at the School of Oriental and African Studies¹⁶⁰.

Nana S.K.B. Asante also recalled meeting the first group of Ghanaians sent to London to be trained as diplomats when he was attending law classes at King’s College, London in 1956-57. These included F.E. Boaten, E.M. Debrah, Henry Sekyi, K.B. Asante, Harry Amonoo and others¹⁶¹. The Ghanaian community organized social events where they interacted among themselves.

In 1958, when S.K.B. Asante moved from North London to stay for a few months at West Hampstead, he shared accommodation with Mwai Kibaki¹⁶², then an Economics graduate student at LSE. He remembers an amusing incident in their home one day. Kibaki was cooking in their common oven, and had taken hours without finishing. S.K.B. had become impatient, because he wanted to cook his own dinner. In his exasperation, he opened the oven and saw a big lump of meat with only a few vegetables. Intrigued by that, he asked him, “where is the food?” Kibaki pointed to the meat and said “that is the food”. It was at that point that Kibaki explained to him that Kikuyus¹⁶³ of Kenya consumed large chunks of meat as their staple food¹⁶⁴.

¹⁵⁹ Information from Nana Susubribi Krobea Asante’s private papers

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Mwai Kibaki later became Vice President from 1978 to 1988 and then President of Kenya in 2002

¹⁶³ Kibaki’s ethnic group in Kenya

When S.K.B. Asante was finally admitted as a Solicitor of the Supreme Court of England in 1959, he was appointed Assistant Solicitor in the firm of Canter & Martin, at No.10 Old Square Lincoln's Inn, the hub of legal practice where he gained considerable experience in commercial and civil work.

The LLM Degree he had pursued which was not originally part of the scholarship granted by the colonial authority in the Gold Coast coupled with his indifference to his appointment to the Lands' Department had slightly extended his stay in London. Geoffrey Bing's intervention therefore came in handy and S.K.B. Asante packed bag and baggage and returned to independent Ghana in 1960, a country he left seven years ago, the Gold Coast, a British Colony.

3.7 Yale Law School

S.K.B. Asante's working life in Ghana started as an Assistant State Attorney at the Attorney-General's Department in 1960, and then moved on to the Law Department of the University of Ghana in 1961 as a law lecturer. Details of these are however, discussed in chapter five.

After two years of teaching at the Law Department, University of Ghana, he applied and was offered Fellowship by the Yale Law School, New Haven, for the JSD¹⁶⁵ (Doctor of Juridical Science) programme in 1963. Yale Law School like other top American Law Universities had developed a keen interest in admitting African graduate students in the early 1960s. The objective according to Nana S.K.B. Asante was to train future teachers of law for the emerging law schools in Africa within the

¹⁶⁴ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

¹⁶⁵ The equivalent of a PhD

broader framework of exposing Africa to the American legal system and then return to their respective countries carrying the touch of American legal enlightenment.¹⁶⁶

What even made S.K.B.'s offer juicy according to him was the fact that, in addition to the Yale Law School Fellowship, he was granted an Aggrey Fellowship by the Phelps-Stokes Foundation, and again, a Fulbright Travel Grant and finally, two years study leave by the University of Ghana, definitely, an offer one could not refuse.¹⁶⁷

He arrived in New York on 28th August 1963, a memorable day in the lives of African-Americans. It was the day that Dr. Martin Luther King Jr. delivered his famous "I have a dream" speech to a mammoth and enthusiastic crowd that had participated in the Civil Rights March in Washington DC. Black people in the United States of America went on a peaceful demonstration to register their protest against what they called oppression and extreme disrespect as second class citizens of the land, mainly due to the colour of their skin (Appiah-Menka, 2010:87). S.K.B. Asante was touched by Dr. King's speech and became interested in his activities. He did not miss the opportunity to listen to his lecture at the Law School in 1964 when he was awarded an honorary LLD by Yale University.¹⁶⁸

Nana S.K.B. Asante recalled that the Law School had about 50 regular academic staff and about a dozen lecturers with absolutely first class quality. Appointment to the Law Faculty as a lecturer was a formidable intellectual feat subject to peer review and approval. Fellow professors voted on the appointment and promotion of their colleagues. He recalled some of the eminent and internationally acclaimed faculty members including, Dean Eugene Rostow who subsequently became number two in the US State Department. Myres McDougal taught International Law and also supervised all graduate fellows. Alexander Bickel and Charles Black were renowned

¹⁶⁶ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

¹⁶⁷ Information from Nana Susubribi Krobea Asante's private papers

¹⁶⁸ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

constitutional lawyers who were dedicated to the course of students. Boris Bitker was an authority on tax law whilst Thomas Emerson was known to be a civil rights expert. Robert Bork, an anti-trust legal expert who became the Solicitor General and a Courts of Appeal Judge in America was always available for student consultation. Fowler Harper, teacher of Torts and Common Law was a rare kind who commanded the respect of both students and lecturers alike. Grant Gilmore, the Security Law expert, Fleming James, the authority of Civil Rights Procedure and Abraham Goldstein, specialist in Criminal Law, amongst others were a collection of astute professionals who discharged their duties with tact and precision.¹⁶⁹

Among the young faculty members Nana S.K.B. Asante recalled Guido Calabresi who had returned from Oxford University as Rhodes Scholar and celebrated as the youngest full professor. He later became Dean of the Law School and an Appeal Court Judge. Also, Ronald Dworkin returned from Oxford as an Associate Professor and taught Private International Law. He later attained international acclaim as Professor of Jurisprudence at Oxford and an authority on Legal Theory.¹⁷⁰

The quality of the student body was second to none, Nana S.K.B. Asante stressed. The LLB programme was a post-graduate enterprise which attracted some of the brightest and most sophisticated young men and women of America and other parts of the world¹⁷¹. Most of them came from top universities, with a few already with doctorates in other academic areas, and a significant number with international travel experience. They were sharp and engaged in discussions on various issues including civil rights in America and the evolving political developments in Africa. He recalled that the brightest students were elected into the Law Review Board to serve on the Yale Law Journal as editors. All articles submitted for the Yale Journal for

¹⁶⁹ Information from Nana Susubribi Krobea Asante's private papers

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

publication had to be reviewed, evaluated and finally approved and edited by the board before publication. Therefore election to the board was a mark of the highest academic distinction. Legal scholars throughout the country hence competed fiercely to have their articles accepted for publication in the journal which was published every two months. S.K.B. went through this process to have his first article published in the Yale Law Journal, in 1964¹⁷².

Nana S.K.B. Asante is of the opinion that the Yale Law School was a complete university community. Its building housed all lecture rooms: an auditorium, administrative offices, dining hall, students common room and faculty lounge, professors' offices, a huge library equipped with carrels for private study and residential quarters for most of the about 500 students. The entire structure was built around a quadrangle which also served as the venue for ceremonies such as matriculation and graduation. With the exception of married students living outside the school with their families, the school was a self-contained law family where students and faculty crisscrossed the same corridor.

A striking difference between Yale Law School and London University as Dr. S.K.B. Asante observed, lay in the treatment of graduate students. Whereas as a graduate law student in London, he had been virtually left on his own, except for supervision by a single professor in the issue of writing his thesis, Yale Law School had an elaborate graduate programme for graduate students supervised by its head, Professor Myres McDougal, an internationally acclaimed lawyer, and assisted by the Board of the Graduate programme. Graduate students studying for the LLM or J.S.D. were required to do prescribed course work before writing their thesis for the masters or dissertations for the doctorate. The normal roadmap or policy to a J.S.D. programme

¹⁷²Information obtained from Nana Susubribi Krobea Asante's private papers

was to do the LLM at Yale before proceeding to the J.S.D. irrespective of whether one came to the Law School with another LLM from another law school.¹⁷³

S.K.B. Asante was bewildered by one academic procedure at Yale with respect to foreign students which he thought was unnecessary. It was a strict requirement of the University that all foreign students, upon admission, would submit themselves to a basic test in written English, except those who claimed English as their first language. S.K.B. Asante and his colleagues protested and argued on the premise that English Language was their official language and that they had passed the Cambridge School Certificate and the Cambridge Higher School Certificate and also received two degrees from English universities. They pleaded that they be exempted from that policy. Their plea was turned down. He therefore reluctantly took that preliminary examination and passed. Within 12 months after that episode, the Yale Law School community came to terms over his mastery of the language. This was when the prestigious Yale Law Journal published a major article of his titled *Interests in Land in the Customary Law of Ghana: A New Appraisal* in 1965¹⁷⁴. Many marveled at the quality of his English writing.¹⁷⁵

S.K.B. Asante again petitioned to be exempted from the University's requirement demanding that he took Yale LLM before proceeding to the J.S.D. programme, contending that, in addition to his LLM (London), he had acted as the Head of the Law Department of the University of Ghana.

In response to S.K.B.'s protests, the Board of the Graduate programme agreed to review his work for the first semester in 1963-64 before reacting to his petition, a rare departure from the university's regulations. After his good performance in the first semester and the submission of two lengthy papers on Property Law and Trusts, he

¹⁷³ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

¹⁷⁴ *Interests in Land in the Customary Law of Ghana: A new Appraisal* Yale Law Journal April 1965

¹⁷⁵ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

was duly exempted from the LLM and formally admitted to the J.S.D. programme after the first semester.¹⁷⁶

The teaching methods at Yale Law School were substantially different from those employed in other schools. Instead of lectures, he observed that, the Faculty adopted the Socratic method of interrogating students against the background of materials, usually cases which the lecturers had previously recommended to students to read, coupled with seminars. This was not new to him though, because Professor Harry Street who had previously pursued graduate studies and research at Columbia University Law School, had introduced the American model to him at Nottingham University. However, he thought the methods were perfected at Yale Law School¹⁷⁷.

Another distinguishing feature of the school as Professor Kwame Frimpong observed was that, it went beyond the narrow confines of the law to examine the relationship between law and other disciplines, such as economics, sociology, political science, medicine and psychiatry. Professors had been specifically appointed to explore these linkages. These innovations provided students with every opportunity to widen his intellectual horizons and appreciate American approaches to law in various areas, and reflected deeply on Anglo-American and Ghanaian legal concepts¹⁷⁸.

S.K.B. Asante's area of concentration was Real Property and Trusts, subjects he was teaching at the University of Ghana. His professors in these areas were Professors Elias Clark and John Simon. In addition to these, he registered for Jurisprudence, International Law, Political and Civil Rights, and Soviet Law, courses with LLB students before embarking on his thesis writing¹⁷⁹.

¹⁷⁶ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

¹⁷⁷ Ibid.

¹⁷⁸ Interview with Professor Kwame Frimpong, on 8th April 2015 at Accra

¹⁷⁹ Information obtained from Nana Susubribi Krobea Asante's private papers

His doctoral thesis, *The Concept of Trusteeship in Ghana Land Law*, was assessed by Professors Elias Clark, Quinton Johnson and John Simon. The resultant book from the thesis, *Property Law and Social Goals in Ghana*, published in Ghana in 1976, became the basic reference book for the Department of Land Economy of the Kwame Nkrumah University of Science and Technology, Kumasi in the 1970s and 1980s and had significant impact on academic scholarship, private law practice and on policy formulation in the public sector¹⁸⁰.

S.K.B. Asante was subsequently awarded the J.S.D. degree in September 1965, in record time, only two years of his admission to the Yale Law School. He was then already lecturing at the Law Faculty of Leeds University, UK.

Yale Law School had not only opened new vistas of legal knowledge and analysis to him, but also set him on a path of legal scholarship, researching and reflecting deeply on law in the Anglo-American world. This knowledge later put him in a position to contribute to the formidable task of reforming and shaping the legal system in Ghana, and to some extent, Africa.

It is observed that, the grand design of Yale University and other top American universities to train African legal scholars with the aim that, they will return to their countries with knowledge of American legal values to contribute to development, to some extent, failed to see the light of day. This is evident in Nana S.K.B. Asante's exposition that most beneficiaries of the legal scholarship failed to go back to their various countries. He attributed this to political turbulence and instability that prevailed in many African countries at the time. According to him, even those who when back to Africa a significant number were compelled by the absence of congenial political atmosphere to leave for Europe or America to take up academic or

¹⁸⁰ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

international appointments, a situation in which S.K.B. Asante also found himself.¹⁸¹ To this end, what began originally as a contribution to legal education in Africa, eventually turned to be a significant contribution to the larger international community.

Nana S.K.B. Asante recalls some African graduates from Yale Law School between 1960 and 1965. Sam Gyandoh did return briefly to the Law School at the University of Ghana and became Dean, but subsequently left for Temple University where he taught until retirement. Thomas Mensah also returned to University of Ghana for a little while and then embarked on international career which took him, first, to the Legal Department of the International Atomic Energy Commission, then to the International Maritime Organization. Reginald Bannerman taught law at Ahmadu Bello University in Nigeria before eventually returning to Ghana to serve as Mayor of Accra while practicing law. Walter Kamba could not return to his home country, Rhodesia, Zimbabwe, because of the unilateral declaration of independence by the minority white regime led by Ian Smith. He therefore took up an academic appointment at the University of Dundee in Scotland where he later rose to be Professor and Dean of the Law Faculty. Abel Alier and Francis Deng from Sudan could not return immediately to Sudan after their graduation from Yale, because of the North-South conflict in that country. Abel took up appointments elsewhere, and later became a judge where he participated in the earlier settlements between the Northern and Southern Sudanese. Francis Deng first took up an appointment as a top official of the Ford Foundation in Washington DC and later as a special envoy of the Secretary General of the United Nations on humanitarian affairs and internal displacement¹⁸².

¹⁸¹ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

¹⁸² Information obtained from Nana Susubribi Krobea Asante's private papers

However, Marcus Jones of Sierra Leone went immediately back to the Law School in Fourah Bay. Also, Defalla EL Radi Siddic of Ethiopia went back home after graduation and eventually became the Deputy Chief Justice of his country. Some of the Nigerians, Sam Onejeme, Michael Jegede, Yekeni Adio, Dennis Eweluka and Abayomi Sogbesan, however, found enough space in their oil rich country despite the general instability in their country. Sam went into private practice, Michael and Abayomi went to Lagos University Law School, Yekeni was appointed a High Court Judge, and Dennis went to the University of Nigeria at Nsuka¹⁸³.

In the case of S.K.B. Asante, perceived instability and political wrangling at the University of Ghana did not appeal to him to go back to the Law Department. After failed attempts to transfer to other departments of the University such as the Institute of African Studies, he eventually gave up the idea and sought for other opportunities abroad which took him to lecture at the Law Faculty of Leeds University in August 1965.¹⁸⁴

Dr. Asante recalls some Ghanaian Yale Law graduates who went to the Law School after 1965 who have played key roles in national and international affairs. Samuel K. Date-Bah was Legal Adviser to the Commonwealth Secretariat in London before his appointment to the Supreme Court of Ghana; Kwame Frimpong became Dean of the Law School in Botswana before assuming the Deanship of the Law School at the Ghana Institute of Management and Public Administration (GIMPA); E.V.O. Dankwa became Professor at the Law Faculty of the University of Ghana and also Chairman of the African Human Rights Commission; Edward Kwakwa became the General Counsel of WIPO (World Intellectual Property Organization) in Geneva; and Henrietta Mensah Bonsu became Professor at the Law Faculty of the University

¹⁸³ Information obtained from Nana Susubribi Krobea Asante's private papers

¹⁸⁴ Ibid.

of Ghana and subsequently, the Deputy Representative of the United Nations Secretary-General in Liberia¹⁸⁵.

Dr. S.K.B. Asante's university education at Nottingham University in the United Kingdom served as the eye opener to his quest for higher intellectual knowledge acquisition. As a young man from Asokore, then a remote village in the Gold Coast, he had resolved to take advantage of every opportunity presented him to excel. No wonder he came up tops in his class upon his completion of the LLB in 1956. As a determined person, though his scholarship did not include the pursuit of an LLM, he took advantage and registered for LLM classes at King's College which was mostly evening classes whilst he served his legal internship as required by the scholarship. Upon his return to Ghana, he had qualified and been admitted as a Solicitor of the Supreme Court of England in addition to being the holder of a Master of Laws Degree which he earned in 1958. His pursuit for intellect earned him a fellowship to the Yale Law School where he obtained a J.S.D. in 1965, setting him on a high academic pedestal ready to take off.

¹⁸⁵ Information obtained from Nana Susubribi Krobea Asante's private papers

CHAPTER FOUR

4.1 Marriage and Family Life

According to Nukunya (2003); Awedoba (2005) and others, marriage as a rite of passage, is a very important aspect of human existence in all African societies. The continuity of the human race is fueled by the reproduction of its members mainly through the union of a male and a female. To this end, various authors have defined marriage in varied ways. For example, Nukunya (2003) sees marriage as “any union in which the couple has gone through all the procedures recognized in the society for the purposes of sexual intercourse, raising a family, or companionship” (Nukunya 2003:42). To Awedoba (2005:149), marriage is “a union of a couple as husband and wife”. The *Notes and Queries in Anthropology* also defines marriage as “a union between a man and a woman such that children born to the woman are recognized as legitimate children of both parents” (1951:110).

From the above definitions, it is clear that for a marriage to be contracted there has to be the involvement of two persons who have agreed to live together. It was on this premise that when S.K.B. Asante met a young lady, Philomena Margaret Aidoo, in London in 1958, he proposed marriage to her. As Nana S.K.B. Asante recalled¹⁸⁶, he met Philomena, a native of Cape Coast, in October 1958 just after completing his Masters Degree in Law and was attached to the law firm of Solicitors, Brentford and Chiswick Corporation whilst waiting for his results to be published. They met through his friend and colleague, J.K. Agyeman, at Shoppers Push in London.¹⁸⁷

¹⁸⁶ Interview with Nana Susubribi Krobea Asante, on 20th November 2014 at Adabraka, Accra

¹⁸⁷ Philomena was the first cousin of Agyeman’s wife

Philomena was then a graduate nursing student pursuing midwifery at Mayday Hospital in Surrey. She had completed her State Registered Nursing course in Ghana and she was in Mayday for further studies.¹⁸⁸

Nana S.K.B. Asante recalls with nostalgia his first date with Philomena in October 1958. As a fan of classical music, he thought it best to take her to a classical musical concert organized at one of the best places in London, the Royal Albert Hall. To his surprise, she slept throughout the entire concert. He had been worried and wondered whether she did not fancy classical music or she found him boring and therefore decided to sleep instead. He was however relieved when she later apologized and explained that she was exhausted having been on her feet all day working at the hospital without the least of chances to rest. She added that, the soothing music rather increased the desire to sleep¹⁸⁹.

The relationship between the two grew and eventually, Philomena gave S.K.B. Asante permission to write to her father, Mr. Dominic De-Graft Aidoo Snr., proprietor of the Mfantsiman Press in Cape Coast about his intentions of marrying her.

Little did S.K.B. Asante know that he had breached the custom of marriage in Ghana. Such a proposal according to Awedoba (2005:151) should have come from a representative of S.K.B. Asante's family rather than his direct approach. Mr. Aidoo who did not take kindly to the procedure, wrote to his daughter and ordered her to "bring the young man home".¹⁹⁰

After S.K.B. Asante's study and admission to the Supreme Court of England as solicitor, and having worked briefly as an Assistant Solicitor at Canter and Martin at No.10 Old Square Lincoln's Inn, he returned to Ghana with Philomena in 1960.

¹⁸⁸ Interview with Nana Susubribi Krobea Asante, on 20th November 2014 at Adabraka, Accra

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

Philomena secured employment at the 37 Military Hospital in Accra where she was first a Lieutenant and subsequently, promoted to the rank of Captain in the nursing corps of the Hospital. She later moved to the University of Ghana Hospital and served as the Chief Nursing Officer.¹⁹¹ After all the necessary preparations were done, they got the blessing from their respective families and had the formal Registrar General's marriage on 26th January 1961. Their wedding ceremony took place at the Aggrey Chapel at Achimota School on 15th April 1961, and was attended by enthusiastic families and friends of the couple.¹⁹²

To Nana S.K.B. Asante, the remarkable thing about that wedding was that, he was able to persuade Mr. Edward Akufo-Addo, to attend and proposed the toast. He also had Mr. Akufo-Addo's wife, Mrs. Adeline Akuffo Addo, to cut the wedding cake with the couple. As he recalls, he had discussed that invitation with friends who thought that it was an impossible feat to get such a person of high social standing to attend. Mr. Akufo-Addo who became the President of the Second Republic of Ghana in 1970 was then an astute lawyer of international repute and a member of the famous "Big Six", was not known for attending such social events. Nana Asante recalled¹⁹³ his excitement when Mr. Akufo-Addo said "delighted, my boy I will come" when he contacted him. It may be recalled that, S.K.B. Asante had appeared before a panel chaired by Mr. Akufo-Addo that interviewed candidates for law scholarship for legal education tenable in the UK in 1953. He had met and introduced himself again to him in London during his legal studies and Mr. Akufo-Addo possibly took a liking to him to the extent that upon his return to Ghana, even when he was working at Attorney-

¹⁹¹ Interview with Nana Susubribi Krobea Asante, on 20th November 2014 at Adabraka, Accra

¹⁹² Ibid.

¹⁹³ Ibid.

General's Department, S.K.B. Asante served as an intern in Mr. Akufo-Addo's chambers.¹⁹⁴

The Marriage between Mr. and Mrs. Asante was fruitful and they had five children. Mention also must be made here that before S.K.B. Asante married Philomena, he had a daughter, Ama Asante, from a previous relationship in London. She was educated at the Loughborough University of Technology in England and graduated with a degree in Geography and Information Studies, and subsequently worked with an investment Bank in the UK.¹⁹⁵

Due to the nature of S.K.B. Asante's professional working life, the family lived in three different countries depending on where he found himself, that is, Ghana, the UK and the United States of America. The couple welcomed their first child, Adlai Kwaku Asante on 18th October 1961 in Accra, a month after S.K.B. Asante transferred from the Attorney-General's Department to the Law Department of the University of Ghana. The couple's second child, Joyce Ama Serwa Asante was born on 26th December 1964 in the United States when S.K.B. Asante was at Yale University Law School, New Haven, pursuing a JSD. Philomena had resigned from the University of Ghana Hospital and joined her husband in December 1963.¹⁹⁶

Nana recalled¹⁹⁷ how his wife, Philomena had acted as an unofficial ambassador of Ghana and enlightened Americans about the political, economic and social developments in the country. This was at a time when much attention was focused on emerging African nations, and particularly Ghana being the first country south of the Sahara to gain its independence in 1957. She gave series of public lectures on Ghana

¹⁹⁴ Interview with Nana Susubribi Krobea Asante, on 20th November 2014 at Adabraka, Accra

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

in New Haven and its neighbourhood which earned her a full page published interview in the New Haven Register in April 1965.¹⁹⁸

Dominic Kofi Asante Esq., the third child of the Asantes was born on 31st March 1966 in Leeds when Dr. S.K.B. Asante was lecturing at the Law Faculty of Leeds University. For Nana S.K.B. Asante, his birth on that day was historic as it was on that day that Harold Watson of the Labour Party in the UK led the party to win power in a general election. His “historic” birth was a joyous occasion not only to his parents but also to the family’s neighbours at Granton Road where they lived, who according to Nana S.K.B. Asante showed a great deal of hospitality to them.¹⁹⁹ Dr. Philomena Ama Boatemaa Asante, the fourth child was born on 26th September 1970 in Accra when Nana S.K.B. Asante was the Solicitor General of Ghana. Angela Nana Akua Nimo Asante, the last child of the family was born on 29th October 1975 in Accra when Nana S.K.B. Asante was the Deputy Attorney- General of Ghana.²⁰⁰

According to Dominic Asante, his father, Nana S.K.B. Asante, was much focused on education and invested a lot in their education as well as that of members of his extended family. He ensured that all of his children attended the best schools wherever the family found itself. Dominic believes that his father’s decision to move to the UNCTC was not only to advance his career, but also to give his children the opportunity to study abroad and have the benefit of attending some of the reputable schools in the United States.²⁰¹

Ama Boatemaa concurs and reiterates Dominic’s opinion by citing some of the schools they attended, and the resultant professional career paths they took.

¹⁹⁸ Information obtained from Private papers of Nana Susubribi Krobea Asante

¹⁹⁹ Ibid.

²⁰⁰ Interview with Dominic Kofi Asante Esq., on 28th April 2015 via Skype

²⁰¹ Ibid.

According to her, after their High School education at the United Nations International School in New York where almost all of them attended, Adlai got a Degree in Systems Engineering with a focus on Banks from the University of Pennsylvania in Philadelphia, one of the top Universities of the US. After graduate studies, he went into banking and consultancy for banking firms including the Bank of America. On her part, Joyce, after her graduation from the New Rochelle High School, attended a vocational school and studied catering and home management and eventually became a homemaker. Dominic, was admitted to Haverford College where he obtained his B.A. degree in Political Science with a focus on Development and International Economics. In his quest to follow his father's trails, he enrolled at the Harvard Law School and by coincidence, was the classmate of Barack Obama, President of the United States of America, and graduated with an LLB degree in 1993. He qualified as a lawyer with concentration on Corporate Law and practiced in the United States. Ama Boatemaa graduated from Harvard University with a BA degree in French. Later when she discovered her passion for medicine, she gained admission to the University of Rochester where she pursued medicine specializing in Pediatrics. After Medical School, she went back to the Harvard School of Public Health for a Master's programme. On completion, she was employed at the Boston Public Health Department of which she is now its director. Angela also graduated from the Wellesley College with a B.A. in International Relations and African Studies then eventually pursued a Master's Degree in Public Administration at Binghamton University in New York.²⁰²

According to Nana S.K.B. Asante's children, Nana is very much of a family person who puts his family first. He had a calm presence in times of trouble and easily came

²⁰² Interview with Dr. Philomena Ama Boatemaa Asante, on 29th April 2015 via Skype

up with solutions when everyone else seemed despaired. For them, though their father's career demanded that he traveled often, his travels did not bother the family much, because they had a very supportive and understanding mother who even resigned her job in order to take care of the family. They were of the view that, even during his travels, his presence was always felt at home due to his regular phone calls. As a dedicated and committed family person, he never missed important events such as graduations and birthdays of his children.²⁰³

When in 1995, Dr. S.K.B. Asante decided to put himself up for nomination and election as the *Omanhene*²⁰⁴ of Asokore Traditional Area, his wife and children did not support the idea. According to Dominic and Ama Boatemaa, though the family was aware of his love and zeal for community service, in their opinion, he had served Ghana and the Asokore community enough over the years and deserved some rest after his retirement from active public and international service. They probably thought that the responsibilities that came with the invariably lifelong office of an *Omanhene* was a daunting challenge considering the extended family obligations coupled with the performance of traditional cultural practices which in their view, was going to take most of his time, much to their neglect.²⁰⁵

According to Dominic, one of the problems of developing countries such as Africa, is the coexistence of the traditional and modern forms of government which came about as a result of Africa's colonial experience. The phenomenon, which Nana S.K.B. Asante refers to as dualism, has created two worlds which more often, are in constant

²⁰³ Interview with Dr. Philomena Ama Asante, on 29th April 2015 and Dominic Kofi Asante Esq., on 28th April 2015 via Skype

²⁰⁴ Paramount Chief

²⁰⁵ Interview with Dr. Philomena Ama Asante, on 29th April 2015 and Dominic Kofi Asante Esq., on 28th April 2015 via Skype

competition with the possible promotion of one and the neglect of the other²⁰⁶. Dominic observed that, the difficulty has been how to negotiate between the traditional world which is part of the culture of the people, and the modern world, for the benefit of society. For him, most people who get the kind of education and professional life that Nana S.K.B. had, stay in the modern world. In his view, Nana S.K.B. Asante has however been able to successfully negotiate between the traditional system and modern world. Nana did not focus only on the modern side of economic development, but also on the traditional economic development to bring economic relief to the rural folk. For this feat, Nana S.K.B. Asante gained the eventual support of his children as a result of his skills in using the law and chieftaincy as instruments of social change thereby bridging the gap between the two worlds.²⁰⁷

Though Nana S.K.B. Asante's career as a public servant in Ghana and an international legal expert and scholar proved challenging, he enjoyed the total support of his wife, Philomena, in raising their children the best way possible. His desire for the best education for his children motivated him to create an enabling environment for them to be educated in top educational institutions in the United States. His marriage of 53 years to Mrs. Philomena Margaret Asante has resulted in five children besides his earlier daughter, Ama Asante. Their children have given them five grandchildren.

²⁰⁶ *African Traditional Systems and the Growth of Democracy and Good Governance*. Paper presented by S.K.B. Asante, at the conference on African Traditional Leadership. (Prempeh Assembly Hall, Kumasi 3rd August, 2003)

²⁰⁷ Interview with Dominic Kofi Asante Esq., on 28th April 2015 via Skype

CHAPTER FIVE

4.1 Professional Working Life

It is believed that, one goes through education most often with the aim of putting the knowledge acquired into practice to benefit society and also better one's standard of living. Nana Susubribi Krobea Asante's case was not different from that belief. It will be recalled that as a young boy at Asokore Methodist School, he had resolved to be a lawyer even when there was no avenue for legal studies in the Gold Coast and had been perceived by his colleagues as an impossible dreamer. Eventually, he achieved his long held dream and became a lawyer.

Nana Susubribi Krobea Asante's working life is categorized into four main themes for the purposes of this thesis. In the order of presentation, the first theme is his public service in Ghana; second, his international service abroad; third, his academic experiences as a Law Lecturer, an Adjunct and Visiting Professor to universities across the World including his publications. The final theme is his developmental efforts as the Paramount Chief of Asokore Traditional Area in Ashanti and his contribution to national discourses through the Judicial Council of Ghana and the National Peace Council.

5.2 PUBLIC SERVICE IN GHANA

Public service emerged in Africa as an important aspect of governance particularly in post colonial Africa. Governments had the responsibility to provide certain essential services to the people. The services included among others healthcare, education, housing and security. Central governments engaged the services of individuals in the country with specific skills and experience to deliver these essential services to the people on its behalf. Such individuals, commonly referred to as Public or Civil

Servants can be considered as part of the government set up since their services are linked directly to government policies.

In Ghana, public service can be traced back to the colonial era where some educated Gold Coasters were absorbed into the government sector to offer important services such as secretarial, telecommunications, postal, court and office clericals, and security among others. The public service was strengthened in the late 1940s upon the recommendation of the Watson Commission.²⁰⁸

As the Gold Coast was on the verge of attaining independence, it became essential to secure the confidence, fairness and impartiality of people who would be in positions to deliver vital services to the emerging nation. Public service therefore became an attractive sector which offered employment opportunities to returning young educated people who were offered government scholarships to study abroad.²⁰⁹ According to Batley & Larbi (2004:2), “[it] was partly a matter of policy transfer from the more developed capitalist and socialist countries in their race to fill the post-colonial ‘vacuum’”. It was envisaged that, after independence, the colonialists would be required to vacate their positions which would be filled with Africans. One of such young people to return to Ghana after studying abroad was Samuel Kwadwo Boateng Asante.

²⁰⁸ The Watson Commission was set up to investigate the February 1948 political riots in Ghana, recommended among others that, a new constitution be drawn which would as a matter of policy, give preference to Gold Coasters who possessed the requisite qualifications to be trained and appointed to all sectors in the civil and public services in the country. Information retrieved from <http://www.psc.gov.gh/About-Us/history.html> on 13th January 2015

²⁰⁹ Two of S.K.B.’s other four colleagues who were also given government scholarships for law studies abroad, David Andoh who went to Southampton University and T.E. Anin who went to Cambridge University, however, upon their graduation, first worked at the Lands Department before leaving for other avenues. J.K. Agyeman S.K.B.’s colleague at Nottingham University, upon his graduation, taught at the Law School at Makola whilst E.A.K. Akuoko who went to Southampton University, went to the Legal Department of the Volta River Authority (VRA). Information from *Recollection of the History of the Law Faculty at Legon: The Turbulent Years*. Paper presented by Nana S.K.B. Asante on the 50th Anniversary of the Law Faculty of the University of Ghana in 2008

5.3 Assistant State Attorney

It may be recalled that when S.K.B. Asante was offered scholarship to study Law at Nottingham University in 1953, the original plan under the scheme was for him to get an LLB Degree, complete his internship with a firm of Solicitors, pass the Solicitor's final examination and return to Ghana to serve in the Lands' Department, now part of the Lands' Commission.

But as it turned out, though he did not have the official blessing of the colonial authorities, he used the opportunity offered him to also study for the LLM Degree in addition to the above. This led to a slight extension of his stay in London. The intervention of Geoffrey Bing, whom he met in London in June 1960, diverted his interest from the Lands' Department to the Attorney-General's Department.

S.K.B. Asante was appointed Assistant State Attorney and assigned to the newly established Commercial Law Unit which dealt with the legal aspects of the Government's international and national commercial transactions. The Unit was headed by one Howard. In S.K.B.'s view, Howard was however not particularly inclined to impart his expertise and therefore did not involve S.K.B. in much of his work. S.K.B. on the other hand, had other legal duties such as writing legal opinions for MDAs (Ministries, Departments and Agencies) and civil litigation.²¹⁰

After S.K.B. Asante was called to the Ghana Bar in October 1960, he defended the interest of the state in a number of cases in court and observed that in Ghana, the legal profession was essentially amalgamated. The Ghanaian system permitted barristers to practice as solicitors and vice-versa. Furthermore in Britain, while barristers spoke in courts and presented cases before judges or juries in their representation of litigants, solicitors generally met with clients and did preparatory and administrative work, and

²¹⁰ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

provided legal advice. They drafted and reviewed legal documents in connection with land and commercial transactions, interacted with clients as necessary, prepared evidence, and generally managed the day-to-day administration of a lawsuit.²¹¹

S.K.B. Asante was impressed with the work of Attorneys at the Attorney-General's Department at the time. He however preferred the non-contentious legal work of a Solicitor, for which he trained in Britain. For him, business transactions such as negotiations and drafting of international business instruments were critical development strategies to developing economies.²¹²

He recalled some of the people he worked with at the Department included Mills-Odoi,²¹³ Dua Sakyi,²¹⁴ Austin Amisah,²¹⁵ VCRAC Crabbe,²¹⁶ and Peter Ala Adjetey²¹⁷. D.F. Annan²¹⁸ who was at the Department had just been transferred to the Kumasi office and L.J. Chinery Hesse.^{219 220}

The attainment of Ghana's independence in 1957 and the subsequent Republican status in 1960 had brought with it a period of intensive legal activities. The Gower Commission, chaired by Professor L.C.B. Gower, professor of Commercial Law at the London School of Economics (L.S.E.), was working on the reform of Ghana's Company Law at the time. One of S.K.B.'s assignments was to read the Republican Constitution of 1960 and the consequential legislation. He also spent considerable

²¹¹ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²¹² Ibid.

²¹³ Then Solicitor General of Ghana

²¹⁴ Then Director of Public Prosecutions

²¹⁵ Senior State Attorney

²¹⁶ Parliamentary Counsel

²¹⁷ Former Speaker of Ghana's Parliament and then State Attorney

²¹⁸ Former Speaker of Ghana's Parliament

²¹⁹ Parliamentary Counsel

²²⁰ Information obtained from Private papers of Nana Susubribi Krobea Asante

time writing legal opinions on various issues referred to the Department by other Ministries and Departments.²²¹

Additionally, the Attorney-General had also recruited a number of well-qualified expatriates to the Department to augment the staff. Nana S.K.B. Asante recalled J. Abbensetts as Senior State Attorney from the West Indies; Crogan from Ireland who assisted with legislative drafting and statute law reform; P.S. Atiyah, half Egyptian and English, an academic who wrote Ghana's Contract Act and prepared many law reform projects; Francis Bennion from the UK was the lead draftsman of the new Republican Constitution of 1960 and related Acts.²²²

S.K.B.'s work at the Attorney-General's Department notwithstanding, he did not abandon his academic ambitions altogether. Prior to his return to Ghana, he sent an application to Professor J.H.A. Lang, Head of the Law Department, University of Ghana, to be considered for a position as a law lecturer in the Department. He recalled that, in the early 1960s, during the period where the university was transiting from a university college to a full independent university, the Law Department suffered from acute shortage of teaching staff.

Upon his return to Ghana, S.K.B. Asante followed up his application to the Department with a personal visit to Professor Lang. Lang had encouraged him to apply formally, which he did. To his pleasant surprise, Geoffrey Bing did not object to his request for a transfer from the AG's Department to the University of Ghana. Bing had played a major role in procuring the appointment of Lang as Professor and Head of the Law Department and therefore, deploying the services of S.K.B. Asante to such an emerging Law Faculty, for him, was a step in the right direction. S.K.B.

²²¹ Information obtained from Private papers of Nana Susubribi Krobea Asante

²²² Ibid.

Asante was henceforth appointed lecturer in Law at the University of Ghana, Legon September 1961, marking the beginning of his long academic career.

Before leaving the Attorney-General's Department for the University of Ghana, he recalls an event which had profound impact on him as a young Attorney. It had to do with Dr. J.B. Danquah's appearance at the Supreme Court challenging the constitutionality of the (PDA) Preventive Detention Act (PDA) in respect of the Re Akoto Case in 1961. Dr. Danquah's clients, Baffour Osei Akoto, Senior Linguist to the Asantehene, and seven others²²³ had been arrested and placed in detention in November, 1959, under Section 2 of the PDA. Under the Preventive Detention Act, 1958 (No. 17 of 1958), a person suspected of having the intension of committing a crime in future, could be detained for up to 5 years without trial (PDA 1958 (No. 17 of 1958)). The eight persons had been charged with acting in a manner which was prejudicial to the security of the state, and their application at the High Court had been refused. For S.K.B. Asante who sat throughout the proceedings, it was a surprise to him that although it was a major constitutional case presided over by a panel consisting of Chief Justice Sir Arku Korsah, Justice Van Lare and Justice Akiwumi with government represented by the Attorney-General, Geoffrey Bing Q.C., and supported by Austin Amissah, a Senior State Attorney, there was hardly anybody in the Supreme Court. Neither did political actors swarm the court nor did members of the Bar or the general public show any enthusiasm in the proceedings. J.B. Danquah had appeared in court as a lone ranger without any supporting counsel. According to S.K.B. Asante, J.B. Danquah who had failed in his campaign against the PDA in 1958, and had also lost an election to Kwame Nkrumah in July 1960, was seen by members of the Bar as going on a-wild-goose-chase.

²²³ Peter Alex Danso alias Kwaku Danso; Osei Assibey Mensah; Nana Antwi Boasiako alias John Mensah; Joseph Kojo Antwi-Kusi alias Anane Antwi-Kusi; Benjamin Kwaku Owusu; Andrew Kojo Edusei; and Halidu Kramo

J.B. Danquah had evoked Article 13 of the 1960 Republican Constitution of Ghana and argued that, the PDA was unconstitutional and that the Court should strike it down. He contended that “not only that the Presidential declaration to uphold fundamental rights was justifiable, but that the Supreme Court was generally competent to declare legislative or executive acts null and void if they violated the constitution, particularly, if they invaded fundamental rights and freedoms” (Asante 2002:4).

According to Dr. S.K.B. Asante, what makes the Re: Akoto case particularly important to him is the fact that, though Dr. J.B. Danquah may have known that under the circumstance, he could not have prevailed at the end of the day, his courage, will and tenacious arguments served as a guide for posterity for the protection of human rights in subsequent constitutions. For S.K.B. Asante, though J.B. Danquah lost the Re: Akoto Case in 1961, he was vindicated in successive constitutions that had human right charters which were judiciable.²²⁴

The Re: Akoto case was a major eye opener for S.K.B. Asante which taught him the virtue of standing for what he believes in, and never relent on his convictions. These were his principles as he was transiting from the Attorney-General’s Department to the University of Ghana Law Department.

5.4 Solicitor General of Ghana

Dr. S.K.B. Asante had served as an attorney in the Legal Department of the World Bank from July 1966 to October 1969. The period coincided with the regime of the National Liberation Council’s (NLC) that overthrew the government of Kwame

²²⁴ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

Nkrumah on 24th February 1966. The NLC, after about three years in office, by 29th August 1969 had organized elections and handed over power to a civilian government headed by Prime Minister K.A. Busia of the Progress Party in 1969 under the promulgated 1969 Constitution, the Second Republic of Ghana.

S.K.B. Asante had met a number of senior Ghanaian officials who were on official business either at the World Bank or in Washington with various Departments of the US Government. When he was asked about his interest in returning to Ghana to assist in the country's development strategies, his response was that, he would return at the appropriate time. Surprisingly, the message had been communicated to the Prime Minister, K.A. Busia. Upon strong recommendation by his friend and senior at Nottingham University, B.J. da Rocha, the General Secretary of Busia's Progress Party, he was invited in September 1969 by the Prime Minister for an interview for the position of Solicitor General in the Attorney-General's Department. Soon after the interview, his appointment was announced by General A.A. Afrifa, then Chairman of the Presidential Commissions.²²⁵

His appointment was received with much excitement by his colleagues and friends at the World Bank in Washington DC. He recalled the numerous send-off lunches given by the Legal Department of the World Bank, by the Bank-Fund African Clubs, the Ghana Ambassador to the US, Ambassador E.M. Debrah, the Legal Counsel of the State Department and by other friends. They were delighted that he had been given a role to play in the new constitutional order of Ghana. So excited was Mrs. Asante about the family coming back home that she preceded Dr. S.K.B. Asante to Ghana with their children Kwaku, Joyce and Kofi in September 1969.

²²⁵ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

He however recalls one dissenting voice of a friend and colleague in the Legal Department, Daniel Lecuona, whose warning came to haunt him soon after his appointment. He had wondered, as Nana S. K.B. recalled, “why Sam would leave the World Bank with a secure position, with excellent terms and conditions including provision for your children’s education, for a post, however exalted, in unstable Africa?” Dr. S.K.B. Asante airily dismissed his concerns, assuring him that the new democratic constitution promulgated in Ghana ushered in a new era of stability and rule of law and that, all would be well.²²⁶ Daniel Lecuona had no idea how much S.K.B. had resolved to return to Ghana at the slightest opportunity to contribute to its development.

When he assumed office as Solicitor General of Ghana in October 1969, his appointment was received with mixed feelings in Ghana. Whilst some resented his appointment citing the fact that, he was from outside of Ghana and had little knowledge about happenings at the time, others hailed his appointment, praising him for his courage to leave the World Bank for Ghana. Particularly, some leading members of the Ghana Bar pointed out that he had little court room experience. His supporters on the other hand, countered those arguments by pointing out that, his expertise in international business transactions and negotiations, coupled with his strong academic credentials were invaluable.²²⁷

As Solicitor General, Dr. S.K.B. Asante supervised the legal aspects of government transactions with both local and international entities and gave general legal advice to government. He also supervised litigation in civil cases and also represented government directly in constitutional litigations. He was ranked number two in the

²²⁶ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²²⁷ Ibid.

hierarchy at the Attorney-General's Department after the Attorney-General, and acted as Attorney-General in his absence. According to Appiah Menka (2010), the position of Deputy Attorney-General was created in 1970 when he, Appiah Menka, was transferred as the Deputy Minister of Trade, Industry and Tourism to the Ministry of Justice and Attorney-General as the first Deputy Minister (Appiah Menka, 2010:141).

Within a few months of Dr. Asante's appointment, he met his first challenge, which was representing the government in a constitutional litigation at the Supreme Court in what became known as the Captan case. In the case, Captan, a Lebanese businessman was faced with deportation from the country under the Aliens Compliance Order of 1970 and went to court to challenge the constitutionality of the government's deportation Order.²²⁸ Dr. S.K.B. Asante led a team of state attorneys to defend the state in the matter. Ironically, though the case was politically sensitive, Dr. S.K.B.'s successful defense of the government and the display of his advocacy disposed off the reservations of lawyers who had questioned his competence in the courtroom and gained their confidence. Within a few months, he had established his credentials as Solicitor General not only in the courtroom, but in legal opinions which won him the respect of many including the Prime Minister and his immediate superior, Mr. N.Y.B. Adade, the Attorney-General who initially was suspected to have doubted his competence in the court.

In the area of government transactions, he set out to streamline the procedures governing the negotiation and conclusion of agreements between the government's Ministries, Departments and Agencies (MDAs), and both local and foreign entities. The recommended procedures having been approved by the government were

²²⁸ Captan v Minister of Interior. 2G & G739 (2d)

circulated to all MDAs. Hitherto, the standard procedure in handling agreements involving government was to send drafts, usually prepared by the other party, from the sponsoring Ministry, Department or Agency to the Attorney-General's Department and Ministry of Finance for separate "vetting". His new procedures required the constitution of an inter-ministerial team to handle the negotiation of the transaction before clearance by the Attorney-General's Department and other key agencies, that is, Finance and the sponsoring agency and ultimately, submission to the Cabinet for approval.

In the case of loan transactions, an additional step was approval by Parliament in accordance with the 1969 Constitution and Loans Act 1970. The reforms became necessary as a result of cases of corruption found by Commissions of Enquiry which had investigated Kwame Nkrumah's administration after his overthrow in 1966. The Commissions found out that some of the loan agreements were contracted through fraudulent means and therefore, as Solicitor General, Dr. S.K.B. Asante found it expedient to establish more efficient, government business transactions to stamp out corruption.

In 1971, when a special Cabinet Committee on Agreements to review agreements before final Cabinet approval was established, Dr. S.K.B. Asante was appointed secretary to the Committee. It was his duty to prepare a critique of the agreements for the consideration of the Committee before it goes to Cabinet.²²⁹

Dr. S.K.B.'s World Bank experience came in handy in his international business transactions including negotiations for several loan and credit transactions with the World Bank Group including the International Development Association (IDA);

²²⁹ Information obtained from Private papers of Nana Susubribi Krobea Asante

negotiations for the restructuring of Ghana's external indebtedness; negotiations with foreign governments and agencies for financing arrangements; negotiating of international and local agreements, among others. He recalled a pleasant experience in 1971 when he visited the World Bank as part of the Ghanaian team where he raised some negotiation points which his former colleagues at the Bank found a bit disturbing. They had wondered, "is this not the same Sam who just a while ago was on our side?"²³⁰

Dr. S.K.B. Asante personally handled a number of cases in court on behalf of the government. He recalled some of the most outstanding ones including the Passer case and Levandowski case which in later years, Justice I.K. Abban, former Chief Justice of Ghana alluded to in a reference letter that, Dr. S.K.B. Asante successfully defended the Government of Ghana and prevented the payment of judgment debts to a foreign national and a foreign company in 1971.²³¹

According to Nana S.K.B. Asante, in the Passer case, Victor Passer, an English businessman had managed to acquire a number of soviet-built trawlers belonging to the State Fishing Corporation in unexplained circumstances, a transaction unknown to the government. The management of the Corporation headed by Dr. K.E. Adjei, explained that the trawlers had been condemned as unusable and had virtually been reduced to scrap because they had been lying idle since the fall of the Kwame Nkrumah regime in 1966. The management therefore thought it prudent to dispose of the trawlers for a worthless sum. When the government realized that the trawlers acquired with substantial state funds from the Soviet Union were virtually given away for free, it intervened. Passer then sued the government on grounds of breach of

²³⁰ Information obtained from Private papers of Nana Susubribi Krobea Asante

²³¹ See Appendix two

contract. Dr. Adjei denied any wrongdoing in the transaction, but Dr. Asante felt something unpleasant about the transaction and went to court in defense of government. As it turned out, Dr. Asante successfully defended the state in the case which revealed some unscrupulous deals Passer had engaged in. Eventually, the trawlers were retained to Ghana.²³²

The Levandowski case as Dr. Asante recollected, involved a claim by a foreign company against the government of Ghana for several millions of dollars for allegedly preparing drawings for the government which were never used. Dr. S.K.B. successfully challenged the claim on grounds that the foreign company was not a registered entity in Ghana, and had no identifiable address. According to him, this case established a major precedent in civil litigation in Ghana.

Dr. S.K.B. Asante was also involved in constitutional cases often under the leadership of the Attorney-General. Apart from the Captan case, he also won a number of others. However there were some setbacks in his litigations on behalf of government. The first of such had to do with a criminal contempt brought against Chief S.D. Dombo, Minister of Interior and Mr. B.A. Yakubu, Inspector General of Police in February 1970. In that case, an application had been filed at the Accra High Court, presided over by Mr. Justice Charles Coussey by Mr. E.N. Moore, counsel for the plaintiff, Mrs. Birukoya Nelly Narh, a Russian lady married to a Ghanaian medical practitioner. The application was on the grounds that the two persons had deported the lady whilst her application for relief was pending in a court of law. She had pleaded that, by virtue of being married to a Ghanaian, she was a citizen of Ghana, and therefore could not be deported from Ghana under the Aliens Act of 1969. Dombo and Yabuku were subsequently convicted at the High Court for contempt and the conviction was upheld

²³² Information obtained from the Private papers of Nana Susubribi Krobea Asante

at the Court of Appeal despite all of S.K.B. Asante's efforts in court.²³³ For Dr. S.K.B. Asante, it was a flawed decision by the court claiming that there was no basis for the holding of contempt against the Minister. His argument was that, in the first place, the contention that Mrs. Narh was a Ghanaian by virtue of being married to a Ghanaian was untenable. The citizenship law demanded that another step of naturalization before the acquisition of Ghanaian citizenship by a spouse had to be fulfilled. He admits that, that point addressed an issue of merit which was premature, however, the only ground of the court decision was that, the deportation constituted contempt by virtue of the fact that the case was pending before a court of law.²³⁴

Dr. S.K.B. Asante further observed that, that decision was open to three objections. First, there was no specific order by the court against the deportation and therefore no violation of a court order which could be constructed as an affront to the court. Secondly, the deportation was carried out by statutory powers under the Aliens Act of 1969. Third, in his view, the most critical was that Dombo had not ordered the deportation himself, rather, the order was effected on the orders of the Deputy Minister of Interior, Kwaku Baah and in his opinion criminal contempt must be committed personally by the person facing contempt and imprisonment. To him, a person could not be convicted of contempt unless he personally committed the contempt. Although this was the bases of S.K.B. Asante's argument in court, the majority judgment led by Justice Azu Crabbe held that the affidavit submitted by the government did not specifically deny Dombo's personal responsibility.²³⁵

According to S.K.B. Asante, though the Prime Minister was outraged by the decision, Dombo, devastated by it, and S.K.B. Asante utterly dismayed, the court's decision

²³³ See Ghanaian Times, February 12, 1970

²³⁴ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²³⁵ Information obtained from Private papers of Nana Susubribi Krobea Asante

made a mark that the judiciary was independent and could not be influenced to give judgment to favour a certain political class.²³⁶

According to Nana Asante, though the decision of the court had reinforced the perception that a certain member of the highest court had threatened to “teach the Busia government a lesson at the slightest opportunity”, Busia could do nothing about it. He had wondered why his efforts to restore constitutional democracy were not appreciated by the judges. Dr. Asante is of the opinion that these suspicions formed the background of Prime Minister Busia’s outburst after the Sallah case of 1970.²³⁷

The Sallah case according to Nana Dr. Asante, had great constitutional significance in the sense that, Busia’s reaction to its outcome was severely criticized and regarded by many commentators as a dent in the democratic credentials of the Prime Minister who had fiercely and heroically resisted autocracy in Ghana during the Kwame Nkrumah regime.²³⁸

The case was a constitutional challenge to the removal of E.K. Sallah, the General Manager of the Ghana National Trading Corporation (GNTC) from office not by virtue of any specific act of misconduct, but in line with Section 9(1) (a) of the Transitional Provisions of the Constitution.²³⁹ It was argued by government that the revolution that ousted Nkrumah’s regime erased the entire legal regime constructed under Nkrumah, including legislation under which Sallah had been appointed. The revolutionary leaders had issued a proclamation abolishing the Constitution and Parliament. The consequence was that, all positions in the public service had been abolished unless specifically confirmed by the new government. It was on that basis

²³⁶ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²³⁷ Attorney General V. Sallah 2G & G739 (2d)

²³⁸ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²³⁹ See Ghanaian Times March 19th 1970 page 1

that 568 of public officers were removed from office which became known as "Apollo 568", a scar on the Busia government.

According to Nana S.K.B. Asante, the background of the case depicted a familiar issue which characterizes new political regimes in Africa particularly Ghana. Each of them has had to grapple with the extent to which public servants perceived to be unsympathetic to the new government could be removed without any specific charge of misconduct. According to him, the Busia government faced this problem in a very acute form. For him, a cue could be taken from the British tradition of a neutral public service which gave impartial service to all governments of whatever ideology, and which were therefore immune from political change of government. On the other hand, he observed that, there was also considerable evidence that in the long rule of Nkrumah's CPP government, coupled with its declaration of a One-party State in 1964, some public servants had openly become active ideologically, and identified themselves politically with the CPP, thereby raising the question about their loyalty to the new government.²⁴⁰

As far as Dr. S.K.B. Asante was concerned, the 568 public officers removed included three categories of persons. The first were those perceived as ideologically committed to the CPP and therefore unsympathetic to the Busia government. Second were officers who were known to have been engaged in corrupt practices and third, officers who were found to be incompetent.²⁴¹

According to Dr. S.K.B. Asante, the challenge of the government was the in appropriate method of removal of the 568 public officers especially when the letters dismissing them did not allege any impropriety. Few top officials outside the Cabinet

²⁴⁰ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²⁴¹ Information obtained from Private papers of Nana Susubribi Krobea Asante

were also consulted in the matter including Dr. S.K.B. Asante. His opinion was that, there had to be a certain mechanism for the determination of the constitutionality of proposed executive measures or bills, a suggestion he later recommended for the consideration of the Committee of Experts that drafted the 1992 Constitution. For him, such executive bills should be properly reviewed by a specially constituted body to determine its test of time in the law court should they be challenged.²⁴²

The Sallah case achieved notoriety not only for the eventual outcome on the merits, but also for the government's challenge of two members of the Supreme Court Panel, Justices Fred Apaloo and E.N.P Sowah, on the grounds of bias.²⁴³ The court's ruling on the challenge of bias and the highly critical reaction of the Prime Minister to the final decision in the substantive case caused a stir in the country.

Dr. Asante recounted that, Sallah challenged the legality of his dismissal at the Appeals Court presided over by Mr. Justice Fred Apaloo, and had judgment given in his favour. The government's legal team including Dr. S.K.B. Asante proceeded to the Supreme Court led by the Attorney-General, N.Y.B. Adade, to seek to overturn the earlier ruling which was in favour of Sallah.²⁴⁴ The importance of the case to the government could not be underestimated because if Sallah's removal was constitutionally flawed, it meant that the dismissal of the remaining 567 public officers was equally unconstitutional.

Dr. S.K.B. Asante recounted events that led to the determination of the case. He said after the first day of hearing, it was thought that two judges, Justices Fred Apaloo and E.N.P Sowah, had displayed unusual zeal in questioning the Attorney-General. Victor

²⁴² Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²⁴³ See Ghanaian Times, March 25th 1970 page 1

²⁴⁴ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

Owusu, former Attorney-General and a close friend of Justice Apaloo strongly urged the raising of an objection to the participation of the two judges. He was emphatic that he knew there was a very close personal relationship between Justice Apaloo and Sallah which he had observed when the two gentlemen were living in Kumasi on official duty. Justice Sowah was also suspected to have a personal relationship with Sallah.²⁴⁵

The Attorney-General sought counsel with the Ag. Chief Justice Azu Crabbe in chambers and disclosed government's intention to object to the two judges, but was not comfortable doing that in open court. Justice Crabbe had allegedly agreed to reconstitute the court the follow day which did not happen. The Attorney-General filed an application objecting to the two judges. The Application had to be supported by affidavits to substantiate the claim and to establish the likelihood of bias on the part of the two judges. Dr. S.K.B. Asante was assigned the supervision of the filling of the application in view of its sensitive nature. The task was a source of embarrassment to him personally as he had established a close friendship with Justice Apaloo.²⁴⁶ He recalled that when he was teaching at Leeds University, he had sent a copy of his Yale Law Journal article on "Interests in Land in Ghanaian Customary Law" to Justice Apaloo whom he knew only by his intellectual reputation. Justice Apaloo had responded warmly to his letter and commended him for his publication; thereafter, a friendship developed between them. Also, under Justice Apaloo's chairmanship, the Ghana Law Reporting Council had offered him the editorship of the Ghana Reports, but unfortunately he was unable to accept the offer. Again, when he was appointed Solicitor General of Ghana, Justice Apaloo was delighted and had

²⁴⁵ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra. See also Ghanaian Times, April 11th 1970 page 1

²⁴⁶ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

written to congratulate him.²⁴⁷ Recalling these interactions, Dr. S.K.B. Asante felt highly uncomfortable filing an application against Justice Apaloo.

Nana S.K.B. recalled that, other evidences given by officials against the two judges were lukewarm pieces of evidence which presented a weak affidavit with an application bound to fail. Eventually, a special panel headed by Justice A.N. Amisshah constituted by Justice Azu Crabbe, heard the application, rejected it and dismissed the objection.²⁴⁸ As it turned out, the government lost the substantive case and E.K. Sallah's removal was therefore declared unconstitutional.²⁴⁹

According to Nana Dr. S.K.B. Asante, the Prime Minister saw the decision of the court as confirmation of the judicial antipathy to his government. He had reacted angrily in a speech delivered soon after the judgment, declaring that “no court no court” would compel him to appoint public officers he did not approve of.²⁵⁰ Nana S.K.B. Asante recalled many subsequent commentators quoted the words “no court no court” as the Prime Minister's defiance of the courts. He however thinks that, unlike other leaders such as Nkrumah, Acheampong and Rawlings, Busia never sacked any judge.²⁵¹ In his view, the Prime Minister was probably invoking the common law principle that although an employee wrongly dismissed can be compensated by damages, his contract of service cannot be specifically enforced, that is, the employer cannot be compelled to keep him. It can, of course, be argued that the position of a public officer is different, because where the position is regulated by the Constitution

²⁴⁷ See Appendix Three

²⁴⁸ See Ghanaian Times, April 14th 1970 page 1

²⁴⁹ See Ghanaian Times, April 21st 1970 page 1; Attorney General V. Sallah 2G & G739 (2d)

²⁵⁰ Ibid.

²⁵¹ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

and the removal is adjudged unconstitutional, then it is null is void and cannot be compensated with damages and the public servant retains his/her position.²⁵²

Nana Dr. Asante observed that although the removal of public servants on the arrival of a new government was denounced as outrageous, the practice has become the norm in the contemporary political system of Ghana and to some extent, Africa. He recalled for example that, at the change of government of Ghana in 2001 and 2009, several thousands of officers lost their jobs. These included not only Ministers and political appointees, but also heads and Board members of numerous statutory and state owned enterprises, the head of the civil service and members of all public authorities and committees. At the local level, District, Metropolitan, Municipal and Chief Executives were also removed. He intimated that, the process went as far as to affect low-paying jobs such as cocoa sprayers, caterers of the School-feeding Programme and even administrators of public toilet facilities. He is of the opinion that the time has come for the establishment of some reasonable order which allows the continuous tenure of public officers or state-related employees whose work must not be disturbed on political grounds. For Nana Dr. Asante, the irony now is that, while the Busia government went to great lengths to find a legal justification for the removal, in these days a simple letter from the Chief of Staff or the Presidency is enough to dispose of persons whose appointments are even regulated by the Companies Code, not to mention persons appointed by the President or the Public Service Commission for fixed terms.²⁵³

Nana S.K.B. Asante is of the view that Ghana cannot afford the luxury of mass removal of public officers some of who have valuable and indispensable expertise by

²⁵² Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²⁵³ Ibid.

reason of the demands of political patronage. In his view, certain positions must be insulated from the vicissitudes of political life. He added that, the country's stability depended on the stability in government machinery. Political changes should not disturb the basic infrastructure of public service. Indeed, a frequent reshuffle of ministerial portfolios is a source of great instability and an impediment to progress and development. He mentioned for example that, frequent changes of the Minister of Energy as many as three times in four years in one particular administration have not contributed to sustainable energy management.²⁵⁴

Dr. S.K.B. Asante's work as Solicitor General was not limited to the courtroom, but he was also actively involved in the economic aspects of governance. He recalled that after the overthrow of the Nkrumah regime in 1966, Ghana was confronted by a legacy of substantial external mature indebtedness arising from various projects financed by supply credits which had been contracted under the Kwame Nkrumah regime²⁵⁵. Many of the projects were not viable enough to generate income to offset the huge debts. Some projects though completed, were executed with defective materials thereby, making their use problematic. Foreign companies took the precaution of securing from the government negotiable instruments representing the bulk of the Government's indebtedness to them. They then discounted these instruments with foreign financial institutions, such as Export Credit Guarantee Department of the U.K., Cofface of France Hermes of West Germany and Eximbank of the U.S., which thus assumed the status of holders in due course, and consequently, were not liable for the transgressions of the original contractors. He recalled, for example, a glass factory built by a German firm collapsed immediately after

²⁵⁴ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²⁵⁵ See Business and Financial Times, 6th February, 2014

completion; old machines were passed off as new machines and sold to government, *inter alia*.²⁵⁶

The Busia administration attempted to find relief from the effect of this stifling indebtedness which impeded the country's developmental efforts. It endeavoured to reschedule the debt amounting to over US\$290 million as a first phase measure²⁵⁷. The National Liberation Council (NLC) which took over immediately from the Nkrumah government had already conducted two negotiations aimed at working out a period of moratorium on debt repayment schedule in 1966 and 1968 with Western creditor nations with little success. By the time Busia's administration took office in 1969, Ghana's indebtedness had increased substantially.²⁵⁸ According to Dr. S.K.B. Asante, in the view of the government, the short term nature of previous debt rescheduling and the high cost of the transactions were impediments to economic growth and development of the country.²⁵⁹ The government was therefore determined to seek a long term debt settlement with a long grace period. In view of this, the Minister of Finance, J.H. Mensah, was given the task of making the government's case for a new debt settlement with creditors, both in the Western World²⁶⁰, and the Eastern World²⁶¹. According to Dr. Asante, J.H. Mensah assembled at least 20 experts and officials including J.A. Kufuor²⁶² Jones Ofori-Atta, J.H. Frimpong Ansah and Dr. Amon Nikoi. Other experts came from the Ministry of Finance and Economic Planning, Bank of Ghana and Ministry of Foreign Affairs (Economic Relations). Dr. S.K.B. Asante and Tony Killick were special economic advisers who were part of the

²⁵⁶ See Business and Financial Times, 6th February, 2014

²⁵⁷ Ibid.

²⁵⁸ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²⁵⁹ Ibid.

²⁶⁰ The United States of America, United Kingdom, Germany, and France

²⁶¹ Including Russia, Japan, China, and South Korea

²⁶² Former President of the Republic of Ghana (2001-2009), then the Deputy Foreign Affairs Minister

team. At a meeting held at the Peduase Lodge, Aburi, in the Eastern Region of Ghana, a book was prepared containing Ghana's case for a new long-term debt settlement.²⁶³

According to Dr. Asante, initially, the Western creditor nations were reluctant to re-open the settlement reached in 1966 and 1968, and had to be persuaded to come to the negotiating table. On the day of the negotiations at Marlborough House, Dr. Asante recalled that the Ghana team met a very unsympathetic Western side who rejected the plea for a long term settlement with a terse rebuttal to Ghana's contention that, the debt burden was an impediment to economic growth and development. He recalled their statement that "debt re-arrangement must be distinguished from aid, and it cannot be provided at concessionary rates. Debt is debt and aid is aid".²⁶⁴ For them, the need for economic growth and development in Ghana had virtually nothing to do with debt payments and for it to warrant rescheduling.²⁶⁵ They saw it as purely business transactions between entities and could not fathom how it could stifle economic growth and democratic sustenance in Ghana.

Dr. Asante was of the opinion that the response from the Western side was not very different from that of 1966 and 1968 when there were attempts to reschedule the debts. They could only reschedule a small portion of the debt over a short repayment period with a substantial moratorium, so debt was piled on debt.

The negotiations for a long-term debt settlement once again proved unsuccessful and Dr. S.K.B. Asante wondered personally whether the Western World had shown enough sensitivity to Ghana's plight. He therefore resolved to do something about it, if he were given the opportunity, an opening which came in 1974.

²⁶³ Information obtained from Private papers of Nana Susubribi Krobea Asante

²⁶⁴ See Business and Financial Times, 6th February 2014

²⁶⁵ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

With the failure of the first phase measure, according to Dr. S.K.B. Asante, the Prime Minister resorted to passionate personal appeals to Prime Minister Ted Heath of the UK and President Richard Nixon of the United States of America to intervene for a long term debt settlement in order to salvage the ailing Ghanaian economy. Dr. Busia had argued that his efforts to restore democracy in Ghana and achieve reasonable economic development were thwarted by the constraints imposed by the rising debt burden. He maintained that, “as a democratically elected government, sensitive to the needs of the electorate, it could not afford to divert the country’s scarce foreign exchange resources from development programmes to debt service”.²⁶⁶ Busia’s idea was possibly what became popular in the local parlance as “*okafo didi*”²⁶⁷. He saw no reason to channel scarce resources to paying the nation’s external debts in respect of projects of little value while the nation needed those resources to improve the quality of lives of ordinary Ghanaians who had no hand in procuring such debts.

Nana S.K.B. Asante continues that, the two leaders, Nixon and Heath, were sympathetic but their only condition was that, Ghana should approach the IMF for agreement on appropriate financial measures.²⁶⁸ Busia’s attempt to strengthen the external sector of the economy, control inflation, stimulate new investments and boost industrial production at the insistence of the IMF devalued the Ghana Cedi by 43% vis-à-vis the US Dollar on 27th December, 1971. The devaluation caused a political and social uproar in the country as the policy came with economic hardships to consumers and especially to workers in the private sector. Production levels in industries started to decline, affecting employment and wages. This resulted in the overthrow of Busia’s government on 13th January 1972 by the National Redemption Council (NRC) led by Colonel Ignatius Kutu Acheampong (Oquaye 1980).

²⁶⁶ See Business and Financial Times, 6th February 2014

²⁶⁷ “The debtor also eats”

²⁶⁸ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

According to Dr. S.K.B. Asante, the lonely dissenting voice of his friend and colleague in the Legal Department of the World Bank, Daniel Lecuona, who had tried to dissuade him of his decision to leave the Bank to “unstable” Africa in 1969, was fresh on his mind at that time, especially when some of his friends and top officials in the Busia administration including George Ofori Amaah, J.A. Kufuor, and others had been arrested and put behind bars.²⁶⁹ He felt so uncomfortable in that situation and the idea of resigning from his job and returning to the World Bank occurred to him.²⁷⁰ He was however advised that resignation at such a time would mean political declaration and therefore he would be treated as an enemy and possibly imprisoned. He took the advice and decided to stay for a while till the situation stabilized with the view that he would resign at the slightest opportunity. His fears included the ushering in of an uncertain future with no assurance of due process or stability, coupled with the contradiction of a law officer working for a military regime, and the fact that he had been visible representing the Busia administration in constitutional litigations and hence perceived as a political figure. Colonel Acheampong had referred to him as “Busia’s friend” a couple of times and he had felt uncomfortable about the prospect of political victimization on that account.

According to Professor Kwame Frimpong, Dr. S.K.B. Asante made enormous contribution to legal development in Ghana. Together with Victor Owusu and others during the short period of the Progress Party’s stay in office, they were able to shape the laws of Ghana. For him, quite a number of important pieces of legislations emerged during their tenure. These included the revision of the Courts Act and the revision of the Laws of Ghana.²⁷¹

²⁶⁹ Interview with Nana Susubribi Krobea Asante, on 2nd December 2014 at Adabraka, Accra

²⁷⁰ He had been assured of a position at the World Bank at anytime he felt he wanted to go back.

²⁷¹ Interview with Professor Kwame Frimpong, former Dean of the Ghana Institute of Management and Public Administration (GIMPA) Law School, on 8th April 2015, Accra

According to Adu-Boahen (2007), one of the first actions of the NRC was to strengthen its justification for the 1972 coup d'état. Its first policy decisions involved the restoration of cut allowances and other benefits to the military and public servants and a half-way revaluation of the Ghanaian currency as a way of reversing the devaluation measure.

The issue of Ghana's external debt servicing was soon to hit the NRC government. Barely a month in government on 5th February 1972, Colonel Acheampong issued a statement and emphasized the NRC government's repudiation of all previous short-term debt rescheduling arrangements. It therefore discards all debt obligations deemed to have been contracted through "fraudulent means" and also refused to honour debts from poorly executed contracts. However, it offered to pay all valid debts arising from suppliers' credits on IDA terms.²⁷²

Dr. S.K.B. Asante played an integral role in that particular decision of the government. He recalled that, at a meeting in the Legal Department of the World Bank in 1966, he questioned senior officials of the Bank why the World Bank was insisting that poor countries like Ghana should pay indebtedness which had been found by Commissions of Enquiry as having been procured through bribery and other illegal means. The answer from the Senior Officials had been that "nobody has asked Ghana to pay and as a matter of fact, they were surprised that the National Liberation Council (NLC) made the statement that they were going to honour all of the country's debt obligations". They added that, Ghana had the right to investigate, and if they found that indeed the debts were tainted and vitiated by illegal means, they could challenge them at the International Arbitration.²⁷³ Meanwhile, "officials of a well known British firm [had] openly testified before a public inquiry that their company

²⁷² See Business and Financial Times, 6th February 2014

²⁷³ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

had made payments to Ghanaian Ministers allegedly to be passed on to the coffers of the ruling party²⁷⁴. This clearly was enough evidence that some of the debts were not legal therefore could be challenged.

Dr. S.K.B. Asante had this at the back of his mind and after gathering enough international legal opinion at an Economic Advisory Committee, he advised government accordingly. In his advice, he said that the government should say they would only honour debts which are valid and not tainted with bribery and corruption. Moreover, they would prefer a 50-year repayment period without any moratorium interest and if the Western creditor nations did not agree, they could go to international arbitration. This refusal to honour illegal debts became popular parlance in the country when Colonel Acheampong referred to it as “yentua”²⁷⁵. An erroneous impression was however created that, Ghana had refused to pay all of its debts, both legal and illegal. Dr. S.K.B. Asante was emphatic that, it was only debts found by the Public Commissions of Enquiry to have been contracted through illegal or fraudulent means that Ghana refused to honour. In his view, the effect of “yentua” was that, it reactivated the initiative of to negotiate Ghana’s debt repayment. The creditors who hitherto, did not want to come to the negotiating table, eventually petitioned the World Bank to persuade Ghana to come to the negotiating table. In 1974, the Treaty of Rome was reached.²⁷⁶ In the treaty, “Ghana obtained a long term debt settlement of 28 years with 10 years grace period and a moratorium interest of 2%”²⁷⁷. It must be understood that, Colonel Acheampong took this bold decision of “yentua” pursuant to the advice he received from his technocrats of which Dr. S.K.B. Asante was very much a part.

²⁷⁴ See Business and Financial Times 6th February 2014

²⁷⁵ We will not pay

²⁷⁶ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

²⁷⁷ See Business and Financial Times 6th February 2014

According to Nana S.K.B. Asante, though Ghana was blacklisted and touted as not credit worthy, it was not long before development aid started coming in again from Western donors. Apart from the debt rescheduling, a substantial British indebtedness was also written off, relieving Ghana of huge debts which had stifled economic growth and development.²⁷⁸

Dr. S.K.B. Asante's work as Solicitor General continued under the NRC government. According to him, during the first two years of the regime, the relationship between the military leaders and the technocrats was favourable. For instance, an Economic Advisory Committee on which S.K.B. Asante served and chaired by Dr. Amon Nikoi, Governor of the Bank of Ghana, with J.H. Frimpong Ansah, Kwame Donkor Fordjor amongst others as members, advised the regime on economic matters (Frimpong-Ansah 1996). Also, the government established the Public Agreements Review Committee (PARC) in 1972 in which Dr. S.K.B. Asante played a prominent role. From experience and reports of the Public Commissions of Enquiry, he realized that, the nation's debt burden could be traced to some of the agreements Ghana signed with multinational and transnational corporations without proper supervision and due process. Hence, the PARC was set up as a proper mechanism for reviewing all business agreements entered into between the Government of Ghana and multinational and transnational corporations. The PARC had as its members, the Senior Principal Secretaries of Finance, Trade, Accountant General and Commissioner of Tax with Dr. S.K.B. Asante as its Chairman. They reviewed all agreements before it got to the NRC for final approval (Botsio 1972).

The economy saw an improvement as according to Adu-Boahen (2007), in 1972 and 1973, Ghana's trade balance showed a surplus with external reserves increasing

²⁷⁸ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

considerably over those of the Progress Party years. He attributes the initial success of the NRC government to the country's comparative disentanglement from parts of its external debts, which of course, Dr. S.K.B. Asante had a big hand in. This enabled the NRC to focus on its practical ideas of self reliance and the popular OFY²⁷⁹ programme. The OFY programme aimed at re-orienting the thinking of Ghanaians towards the idea that, for true independence, they needed to depend on themselves and not on foreigners at least for their subsistence. They therefore encouraged Ghanaians to cultivate backyard gardens in their various homes and produce their basic food needs themselves (Adu-Boahen 2007). This, in my view, was a sort of decolonizing discourse or strategy for confronting the menace of neocolonialism.

Dr. Asante also led the Ghana negotiating team to successfully acquire 55% majority equity interest in Ashanti Goldfields Corporation and Consolidated African Selection Trust (CAST), 55% majority equity share interest in foreign-owned timber companies, 100% acquisition of AGIP Ghana Company Limited, now Ghana Oil Company (Goil) and Joint Venture Agreements with Unilever in respect of Oil Palm and Textiles in 1974 (Asante 2002:6).

Dr. S.K.B. Asante however, recalled that, after the first two years cooperation between the technocrats and the NRC fell short as the latter began to take decisions without recourse to the laid down rules and regulations. For instance, some members of the NRC used to tell them when they questioned some of their decisions, "you are just officious, you are interfering with our work, you are not the government"²⁸⁰. Such statements possibly clipped the wings of the technocrats including Dr. S.K.B. Asante,

²⁷⁹ "Operation Feed Yourself"

²⁸⁰ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

because their advice was not heeded to by the government.²⁸¹ At this instance, the technocrat became the government's headache, and the latter, the former's nightmare.

In view of the adamant stance of the NRC government, Dr. S.K.B. Asante decided to leave, but to his surprise, Colonel Acheampong dissuaded him by pointing out to him that, his expertise was still needed by the government. To show the government's commitment to him, he was promoted from Solicitor General to Deputy Attorney-General in 1974.

5.5 Deputy Attorney-General of Ghana

The Deputy Attorney-General position in Ghana was created in 1970 by Prime Minister Busia with Akenten Appiah-Menka as the first person to occupy that office (Appiah-Menka 2010:141). According to Appiah-Menka (ibid), it became necessary that the deputy position be created to assist the substantive Minister, N.Y.B. Adade in his duties as the chief legal advisor of the government (Appiah-Menka 2010:307). The position therefore became the second highest ranking in the Attorney-General's Office with special responsibility as the Public Service head of the Legal Class of the Attorney-General's Department. The Deputy Attorney-General acted as the Attorney-General in his absence. When in 1974 Dr. S.K.B. Asante was promoted to the position of Deputy Attorney-General²⁸², in addition to his duties as the head of the Government's legal class, he took on an ever greater responsibility including being the government's advisor on international law and international business transactions. He was also in charge of government's negotiations with foreign governments, transnational corporations, international financial institutions, and many others. His

²⁸¹ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

²⁸² Then equivalent to the rank of an Appeals Court Judge

expertise in legislative drafting earned him consultancy services for a number of entities including the African Development Bank in Abidjan. He assisted in drafting the Charter of Africa Reinsurance Corporation in 1974 and was also consulted by the Commonwealth Secretariat in London to establish a training programme in legislative drafting. Among his many international business negotiations on behalf of the Government of Ghana, he recalls with nostalgia, his co-leadership of the Government of Ghana/Volta River Authority team that negotiated for the financing of the Kpong Hydroelectric Project extension, the irrigation project and the supply of treated water to the eastern part of Accra and its environs in March 1976 from seven international financial institutions. The team negotiated for funding from the World Bank, Saudi Fund for Development, European Investment Bank, European Development Fund, Kuwait Fund, Arab Bank for Economic Development in Africa and the Canadian International Development Agency for the construction of the dam and its ancillary projects.²⁸³

Adu-Boahen (2007) observed that, by 1975, the NRC's spending began to rise steeply, military men were appointed to high offices in the public sector and boards of financial institutions and these soldiers began to involve themselves deeply in corrupt practices. Corruption thus increased in government circles and as well as in the public sector generally. It also granted its members and cronies import licenses while some established commercial houses that needed those facilities were denied them. Corruption, profiteering, cheating and artificial shortage of consumer commodities became the feature of everyday life in Ghana. According to Oquaye (1980), unconcealed corruption exposed the NRC members and their civilian allies to severe bitter criticism, public attack and resentment.

²⁸³ Information obtained from Private Papers of Nana Susubribi Krobea Asante

Colonel Acheampong in an attempt to win back the trust of the people in the wake of the public criticisms and resentments, demonstrated his commitment and readiness to control corruption by changing the shape of the government in October 1975. A seven-man Supreme Military Council (S.M.C.) consisting exclusively of service commanders was formed and Colonel Acheampong promoted himself straight from the rank of *Colonel* to *General*.²⁸⁴ For General Acheampong according to Adu-Boahen (2007), the restructuring of the NRC was to infuse fresh blood with the zeal to ensure discipline and with capability of stamping out corruption, into the ruling body so as to redirect the path of the government to the revolutionary principles which had brought about the overthrow of the previous regime.

In Dr. S.K.B. Asante's opinion, the restructuring of government did not bring any significant change in the way the country was governed apart from compensating the most senior officers in the military with political power much to the chagrin of the other ranks in the military, a situation which threatened danger of an uprising in the near future. The S.M.C. continued to ignore the advice of the technocrats in their dealings with multinational corporations and corruption became a "pandemic" permeating the entire economic and political life of the nation.²⁸⁵ So widespread was the phenomenon of corruption that it became known as "*Kalabuley*". "*Kalabuley*", believed to have originated from Calabar in Nigeria is the corrupted version of the Hausa phrase "*Kari ka buude*", meaning, don't open?, was a situation where individuals with ties to government circles got into shady deals and businesses in order to make quick fortunes without passing through the right institutions (Adu-Boahen 2007).

²⁸⁴ Information obtained from Private Papers of Nana Susubribi Krobea Asante

²⁸⁵ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

Dr. S.K.B. Asante made particular reference to an incident during the government of Ghana negotiations for 100% acquisition of Ghanaian Italian Petroleum Company (GHAIP), now Tema Oil Refinery in 1975, with ANIC Societa per Azioni and AGIP Societa per Azioni of Italy who owned 50% equity shares. During the process, General Acheampong wrote a note to the Ghana team saying, “I have seen these people, this is the price ... they have offered, I have accepted the price and therefore go ahead and wind up the negotiations”.²⁸⁶ This was when the Ghana negotiating team was trying to beat down the price quoted by ANIC Societa per Azioni and AGIP Societa per Azioni. He recalled that in the process of negotiation, the Italians had asked for an adjournment and gone to see General Acheampong in private.

The idea for an opportunity to leave the government occurred to Dr. Asante again in 1977 when his relationship with the SMC deteriorated as a result of uncongenial technical advice given to the government which most often, was contrary to the laid down procedure in international business transactions. Contracts were approved without going through the Public Agreement Review Committee and the Economic Advisory Committee was no longer consulted for technical advice. Dr. S.K.B. Asante and others were perceived as obstacles and opposition to the regime which had become impatient with their advice. Dr. S.K.B. Asante felt uncomfortable and therefore decided to seek employment elsewhere or go into private legal and consultancy services.²⁸⁷

Dr. S.K.B. Asante had returned to Ghana in 1969 and was determined to contribute to the country’s economic development. However, being part of a government that does not adhere to good governance practices was definitely not what he bargained for. Especially, the feeling of the bitter discontent and resentment among the generality of

²⁸⁶ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

²⁸⁷ Ibid.

the public through student demonstrations and those of opposition political movements such as the Movement for Freedom and Justice, Front for the Prevention of Dictatorship and others against the SMC and its associates, was daunting on him as the Deputy Attorney-General.²⁸⁸

The opportunity came in March 1977 as he recalled when he received a telex from Mr. Klaus Sahlgren, then Executive Director of the United Nations Centre on Transnational Corporations (UNCTC), inviting him to be the Senior Legal Adviser at the Centre. Dr. Asante had intimated to Sahlgren privately of his imminent plans of establishing his private legal and consulting firm and expressed interest in undertaking consultancy assignments for the UNCTC. He gave Sahlgren an article he had written on TNCs and developing countries which the latter found quite interesting and therefore decided to make him an offer as an adviser at the Centre.²⁸⁹

In view of his discomfort as the Deputy Attorney-General of Ghana, he accepted the offer but was however unsure of the reaction of the government about his resignation intended. His idea was to acquire some international legal experience briefly before establishing his private law practice in Ghana.

Surprisingly, his quest for leave of absence from government was granted by General Acheampong without question. However, when he went to pay his respects and bid the government goodbye, the Attorney-General, Dr. Gustav Koranteng-Addo, was asked to inform Dr. S.K.B. Asante that it was unnecessary for him to have come to thank him. So Dr. S.K.B. Asante left Ghana for New York in August 1977 to the United Nations Centre on Transnational Corporations without being given the

²⁸⁸ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

²⁸⁹ Ibid.

opportunity to pay his gratitude to the government and people of Ghana for the opportunity to serve his nation from 1969 to 1977.²⁹⁰

Dr. S.K.B. Asante however, did not cut ties with Ghana while working with the United Nations in spite of the government's hostile attitude towards him in his latter days as the Deputy Attorney-General of Ghana.

5.6 Chairman of the Ghana Constitution Drafting Committee

Most countries and organizations around the world are governed by rules and regulations that its members are enjoined to operate under. These rules and regulations which together make up what the entity is, are often written down in a document which is usually referred to as the constitution of the body. According to the New Oxford American Dictionary, "a constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed".²⁹¹ Within countries, the constitution defines the principles upon which the state is based, the procedure in which laws are made and by whom.

Frempong (2007) is the view that "not only does a constitution regulate the exercise of political power, but also the relationship between political entities and between the state and citizens. Being the supreme law, it helps to shape the organization and development of society both for the present and future generations, and sets objective standards upon which the people and the international community can judge government performance" (Frempong 2007). The making of a constitution therefore becomes an important exercise which presents an exceptional and useful opportunity for the democratic involvement of various political, religious, economic and social

²⁹⁰ Interview with Nana Susubribi Krobea Asante, on 18th December 2014 at Airport Residential Area, Accra

²⁹¹ New Oxford American Dictionary

interests in the society. It requires agreement from all quarters of society so that it becomes a living document revered by all members of the society with pride.

Ghana has had its share of constitutions which have evolved from pre-independent to post-independent times. Ghana's political history coupled with military interventions has experienced about ten constitutions. According to Ayensu & Darkwa (2000), the first Constitution being the Guggisberg Constitution of 1925, enabled mercantile and mining Members to be nominated to the Legislative Council. It was however replaced by the 1946 Burns Constitution where Ashanti was given representation for the first time and the African representatives in the Legislative Council formed the majority of the 32-member Council. It provided for 18 elected African members and 14 nominated members. In all 21 Africans became members of the Council in 1946 (Ayensu & Darkwa 2000).

The Watson Commission set up to investigate the disturbances as a result of the 28th February 1948 political riots in Ghana's report recommended among others, that the 1946 Constitution was outmoded and a new Constitution which would give some amount of self governance to the Africans be drawn. It also recommended for an all-African constitutional committee to draft a new constitution for the Gold Coast. As a result, the 40-member Coussey constitutional committee formed in 1949 to draw the 1951 Constitution was all African.²⁹² Being the first time Africans were given this opportunity, the committee recommended that the Legislative Council be enlarged with members principally elected by popular votes with representation from different geographical areas as well as allocation of African ministerial positions on the Executive Council (Frempong 2007). The Executive Council which consisted mostly of African members from the Legislative Council included three ex-officio members appointed by the Governor was responsible for formulating policies. This Constitution

²⁹² New Oxford American Dictionary

later saw Kwame Nkrumah become Leader of Government Business after the 1951 elections (Ayensu & Darkwa 2000).

The 1951 Constitution according to Ayensu & Darkwa (2006) was subsequently replaced with the 1954 Transitional Constitution which provided that members of the Legislative Assembly be chosen by direct election from constituencies all over the country on the basis of universal adult suffrage. It also increased the size of the Legislative Assembly to 104 members (Ayensu & Darkwa 2006).

When Ghana gained independence, a new Constitution, the Independence Constitution of 1957, modeled after the Westminster system where the Head of State was the Queen of Britain and the head of government or Prime Minister was an elected Member of Parliament with majority support of Members of Parliament, was promulgated. It also provided that the Prime Minister selected all his Cabinet Ministers from the House of Parliament (ibid).

In spite of the fact that the Independence Constitution gave Ghana some liberties, it was not until 1st of July 1960 when the First Republican Constitution which made Ghana a sovereign unitary Republic came into being. The Constitution changed Ghana from a parliamentary system with a Prime Minister to a republican form of government headed by an Executive President, Kwame Nkrumah (ibid). In 1964, when Ghana became a One-party State, an amendment to the 1960 Republican Constitution ushered in the 1964 Constitution.

After the overthrow of the Nkrumah regime in 1966 and the subsequent restoration of constitutional order in 1969, the 1969 Constitution of the Second Republic fashioned after the Westminster model, was promulgated that brought the Busia regime to power in 1969. The 1979 Constitution of the Third Republic modeled after the Presidential system, where the Executive President could only appoint his Cabinet

Ministers from outside of Parliament was promulgated. Finally, the Fourth Republican Constitution of 1992 was promulgated after the country had been under military rule from 1981 to 1992 (Ayensu & Darkwa 2000:2-7).

The various constitutions enumerated here, though each of them seemed to have improved upon the previous versions, they each had their unique challenges. The Second Republican and the Third Presidential Constitutions for example, had challenges with the appointments of Cabinet Ministers from within and outside of Parliament respectively. This was a challenge which the formulators of the proposals for the drafting of the 1992 Constitution of which Dr. S.K.B. Asante was a major part of, took into serious consideration.

As required of his work at the United Nations Centre on Transnational Corporations, Dr. S.K.B. Asante had to study how constitutions were drafted and implemented. This was because in order to understand the legal regimes of the various countries the Centre dealt with, he had to examine the constitutions of those countries. In his own words, “one cannot deal with foreign investment without looking at the constitutional framework of that country”.²⁹³ This therefore made him become very conversant with various constitutions around the world.

During one of his numerous trips to Ghana to a seminar on *Petroleum in Africa*, organized by the Ghana National Petroleum Corporation and supported by the UNCTC in 1989, Dr. S.K.B. Asante went to pay his respects to Justice D.F. Annan²⁹⁴ and Capt. Kojo Tsikata²⁹⁵. The two were prominent members in the Provisional National Defence Council (PNDC) government. During his conversation with them, Dr. S.K.B. Asante recalled commending Ghana for the good economic performance

²⁹³ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

²⁹⁴ Dr. S.K.B. Asante’s former colleague at the Attorney-General’s Department

²⁹⁵ Dr. S.K.B. Asante’s former school mate at Achimota School

after all the difficulties of the early 1980s.²⁹⁶ According to Yayoh (2007), during the period between 1985 and 1989, Ghana's economy recorded a growth rate of between 5 to 6%. Dr. Asante therefore suggested to Mr. Tsikata and subsequently to Mr. Justice Annan that, since Ghana was being praised for its economic stability, in his view, it would be better if all of it was regularized under a constitutional framework. Justice Annan answered that, it was something that the government had thought about and had tasked the National Commission for Democracy (NCD) to go on a nationwide tour to solicit views for a possible return to constitutional democratic governance. Justice Annan then asked Dr. S.K.B. Asante "if we get the process in place, will you be prepared to assist in drafting of the Constitution?" Dr. S.K.B. Asante answered, "I am prepared and will be happy to assist".²⁹⁷ According to Yayoh, the report of the NCD "recommended among other things, the formation of a consultative assembly to draft a new Constitution for the country" (Yayoh 2007:132).

Not more than a year afterwards, Dr. S.K.B. Asante was invited to Chair a nine-member Committee of Experts that was to formulate proposals for the drafting of the 1992 Constitution. After the necessary requests by the Government of Ghana to the Secretary General of the United Nations, Javier Pèrez de Cuèllar, Dr. S.K.B. Asante was seconded to the Government of Ghana for the national duty. This meant that, all expenditures on him were paid for by the UN.²⁹⁸

Dr. S.K.B. Asante was most enthusiastic about Ghana returning to constitutional rule. As may be recalled, he had served under the military government of General Kutu Acheampong as the Solicitor General and later as Deputy Attorney-General and had observed with keen interest how uncertain the future of a government could be under a military regime. He also observed that, Africans in international service at the time

²⁹⁶ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

²⁹⁷ Ibid.

²⁹⁸ Ibid.

could not advance easily as a result of the political instability in their various countries.²⁹⁹ Dr. Asante therefore realized that constitutionalism and stability were essential ingredients to the economic development of a country.

According to Dr. S.K.B. Asante, the terms of reference given to the Committee was most assuring in view of the fact that it had all the ingredients of a liberal constitutional order. The proposals to be drafted were to be debated at a consultative assembly. The proposals to be formulated were to have the primary objective of providing for an Executive President to be elected on the basis of universal adult suffrage; provide for a Prime Minister who must have a majority in Parliament; and provide for a Parliament to be elected on the basis of universal adult suffrage. It was also to include the assurance of fundamental human rights and freedoms including free speech, freedom from whimsical and capricious arrest and incarceration, freedom of assembly and association, women and children's rights, workers' rights and rights of the physically disabled. A free and independent Judiciary and a guaranteed free and independent media were also to be provided for. There was also to be a provision for directive principles of state policy that was to ensure participatory democracy and good management of the national economy (Asante 2002).

Dr. S.K.B. Asante recalled his excitement and the goodwill he received from his colleagues at the UN in view of the fact that he was going to help his country to get back to constitutional rule. He was however unpleasantly surprised at the reception he received when he arrived in Ghana in May 1991. His friends' attitude towards his acceptance of the offer was most discouraging. Most of them wondered why he would involve himself in such an exercise and intimated to him that, if he had consulted them, they would have advised him against it.³⁰⁰ According to him, their action was a

²⁹⁹ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

³⁰⁰ Ibid.

reaction to the current happenings at the time. Many individuals and pro-democratic groups that had been formed to put pressure on the government to return the country to democratic rule were not in favour of the formation of the consultative assembly as they were suspicious of the PNDC. They preferred a Constituent Assembly as had been the practice in drafting previous constitutions in Ghana. To such people, a Consultative Assembly was merely an advisory body that did not have real jurisdiction (Yayoh 2007).

Justice Annan, according to Dadzie & Ahwoi (2010), initially appeared to have supported the idea of a Constituent Assembly as had been the norm in Ghana's constitution drafting, but he was however anxious that the work could be marred by the increasing vocal opposition in the country and thought that a Consultative Assembly whose work will be put to a referendum would be a better option (Dadzie & Ahwoi 2010:82). In spite of the concerns of the people, Dr. S.K.B. Asante was of the opinion that, if the country had to move to constitutional democratic rule, then some sacrifices had to be made in the form of time and energy which he was prepared to offer.³⁰¹

According to Dadzie & Ahwoi (2010), the nine-member Committee of Experts comprised of prominent Ghanaian citizens had Dr. S.K.B. Asante as its Chairman. The other members were Mrs. Justice Annie Jiagge, Osagyefo Oseadeeyo Dr. Agyeman-Badu, Dr. E.V.O. Dankwa, Dr. Charles D. Jebuni, Dr. Kwadwo Afari Gyan, Mr. L.J. Chinery-Hesse, Mr. Ebo Bentsi-Enchill and Mrs. Sabina Ofori Boateng as member/secretary (Dadzie & Ahwoi 2010:78). In addition, the Committee had a secretariat made up of an Administrative Secretary, volunteers and some research assistants to help with its work.

³⁰¹ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

According to Asante (2002), the Committee began its work in June 1991 and had very limited time of less than two months to submit its report to the PNDC for onward presentation to the Consultative Assembly. The Committee's work involved consultations with people in various fields of endeavour including those in public and private life, reference to memoranda from individuals considered to be authorities in certain areas of academic pursuits. They also relied on past Constitutions of Ghana and Constitutions of other countries for reference.

Nana S.K.B. Asante recalled one of the interesting discussions during the work of the Committee. It involved the constitutional provision of the presidential power to appoint Cabinet Ministers from within parliament and from without Parliament. This became important as a result of history. The 1969 Westminster type of Constitution under the Busia regime required that all Cabinet Ministers be appointed from Parliament. The Progress Party that formed government did not have any Member of Parliament elected from the Volta Region and hence, the Prime Minister could not appoint a Cabinet Minister from that region. The people of the region had castigated him as being discriminatory, which in fact, was the logic of the Westminster system. The 1979 Constitution based on the US Presidential system, ensured complete separation of powers between Parliament and the Executive. The President, Dr. Hilla Limann of the People's National Party (PNP), could not appoint any Minister from within Parliament unless the person resigned from Parliament.³⁰² Though this created autonomy of Parliament to the extent that the PNP majority Parliament even rejected a budget submitted by the Executive in 1980, it however, according to Ayensu & Darkwa (2006), weakened Parliament because most vibrant and politically ambitious MPs resigned from Parliament and assumed ministerial positions.

³⁰² Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

According to Dr. S.K.B. Asante, considering the concerns above, the Committee therefore insisted that at least the President should have power to appoint some Ministers from within and outside of Parliament in order to ensure balance, which could be on either gender or regional balance. Hence, what became known as the hybrid system, a combination of both the British Westminster and the US Presidential systems, with majority from Parliament, was one of the proposals made by the Committee.³⁰³

The Committee of Experts presented its final report made up of proposals for the formulation of the 1992 Constitution to the PNDC on 31st July 1991. According to Yayoh (2006), the proposals were debated in the Consultative Assembly “made up of 259 members out of which 117 were elected by the District Assemblies, 22 were appointed by the government, and 121 represented various organizations in the country”. According to Dr. S.K.B. Asante, the Ghana Bar Association (GBA) and the National Union of Ghana Students (NUGS) boycotted the proceedings of the Consultative Assembly. Apart from the composition of the Assembly which included ordinary citizens with less academic backgrounds such as barbers, dressmakers, traditional caterers, fishermen and farmers, the GBA did not also agree with the process. They cited PNDC Law 4, 78, 91, 211 and 221 as impeding freedom of speech and as such should be repealed to allow for meaningful and effective deliberations at the Assembly (Yayoh 2006).

The work of the Committee was not without criticisms from the general public. Some Ghanaians castigated the Committee for various reasons particularly the insertion of Indemnity Clauses in the Transitional Provisions attached to the final draft Constitution for the referendum. Dr. S.K.B. Asante recalled that when he went back to the United Nations, he wondered why people made these comments, but after looking

³⁰³ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

at the history of the United States Constitution, he saw that, Alexander Hamilton and others, who were involved in the drafting of the American Constitution, received lots of criticisms and castigations from the general public. This made Dr. S.K.B. Asante realize that, people felt strongly about such matters and they often meted out their frustrations on the framers of the Constitution. He therefore took the criticisms in good faith and maintained his good relationship with Ghana.³⁰⁴

According to Dadzie & Ahwoi, the Ghanaian people had questioned why the Indemnity Clauses, particularly what became section 34 of the Transitional Provisions, did not form part of the issues debated at the Consultative Assembly (Dadzie & Ahwoi 2010:84). Dr. S.K.B. Asante reiterates that, what was not known to the general public was the fact that, the Committee of Experts had nothing to do with the insertion of the Indemnity Clauses in the Transitional Provisions which became part of the final Constitution.³⁰⁵ Dadzie & Ahwoi noted that, the “[Indemnity Clauses] were discussed and negotiated by the PNDC Legal Team led by Justice D.F. Annan and the Speaker of the Consultative Assembly, Pe Rowland Ayagitam II (Chiana-Pio), and some of the Chairpersons of the Standing Committees of the Consultative Assembly. Once agreement was reached on the final formulation of the Indemnity Clauses, they were inserted into the Transitional Provisions and made part of the Constitution for the referendum” (Dadzie & Ahwoi 2010:84). The referendum of 28th April 1992 was to ascertain whether the people approved of the draft Constitution or not. This situation must have put the people in a state of dilemma because, if they objected to the Indemnity Clauses and voted against the draft Constitution, they were inadvertently rejecting constitutional democracy and the status quo would have remained. In that case, they must have been constrained in their decision as whether or not to vote. As it turned out, at the referendum conducted by the Interim National

³⁰⁴ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

³⁰⁵ Ibid.

Electoral Commission (INEC), an overwhelming majority of the people (about 3.7 million or 92.6%) voted “Yes” for the Constitution (Yayoh 2007:135).

Though the Committee did not work on the Indemnity Clauses, personally, Dr. S.K.B. Asante, did not have any problems with having some form of indemnity as part of the Constitution. He took lessons from a discussion he had with General Olusegun Obasanjo in New York when was first appointed Chairman of the Committee 1991. General Obasanjo who had served as a military leader of Nigeria from 1976 to 1979 had said to Dr. S.K.B. Asante, “do you know why soldiers hang onto power? It is because they don’t know what will happen to them when they hand over power”. For Dr. S.K.B. Asante, the fear of the unknown on the part of military leaders handing over power to constitutional order compels them to indemnify³⁰⁶ themselves. For him, without it, they would be most unwilling to hand over power to democratically elected governments, besides, that had been the practice in the 1969 and 1979 Constitutions of Ghana.³⁰⁷

Dr. S.K.B. Asante is of the view that, Constitutions by themselves are not particularly meaningful if they are not enforced with the spirit of the Constitution by those who operate it. He thinks that there are many countries which have written beautiful Constitutions but they have been dismissed in the course of time by people who wielded power and believed in power more than the Constitution. He refers to the Nigerian constitutional lawyer, B.O. Nwabueze, who once emphasized that, “in Africa, the important thing is not what is written but what people do”. To Dr. S.K.B. Asante, probably, except for the 1964 Constitution that created a One Party State that perhaps gave some justification for the 1966 coup d’état, the political instability of the country as a result of coup d’états was largely not due to the nature of the Constitution

³⁰⁶ That is, unlawful acts committed during one’s term of office could not be a justification to bring an action against one before a court of competent jurisdiction

³⁰⁷ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

that operated at the time. In his view, the 1969 and 1979 Constitutions of Ghana for example, did not have much defects which could not be amended, but it was due to sheer ambition on the part of soldiers that overthrew the various Constitutions. He is of the opinion that, after twenty-two years of operating a Constitution that provides for amendment, certain provisions may be due for amendment. For him, the provision that mandates the President to appoint majority of his cabinet ministers from Parliament should be amended to give the President the freewill to appoint any number of cabinet ministers from within or outside of Parliament. He however opposed a review of the entire Constitution because in his view, a constitutional crisis has not arisen to warrant such an action. He thinks that Constitutions take time to consolidate values such as human rights, political tolerance, interpretations by the Judiciary, the executive arm learning to be constrained among others, hence, particular aspects of it could be amended as opposed to a total review.³⁰⁸

Eventually Dr. S.K.B. Asante, who had been seconded to Ghana by the United Nations, left Ghana and resumed duty at the United Nations Centre on Transnational Corporations in December 1991 having fulfilled his ambition of contributing effectively to the process of Ghana's return to constitutional democracy once again.

5.7 First Chairman of the Public Utilities Regulatory Commission of Ghana

The Public Utilities Regulatory Commission of Ghana (PURC) is an independent body set up by the Government of Ghana in October, 1997 under the Public Utilities Regulatory Act, 1997 (Act 538) to regulate and manage the provision of utility services in the electricity and water sectors.³⁰⁹ According Mr. Stephen Adu, former Executive Secretary of PURC, the establishment of the Commission, one of the firsts

³⁰⁸ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

³⁰⁹ Information retrieved from <http://www.purc.com.gh/purc/features/fusion-menu>

of its kind in Africa, became necessary when services provided by utility companies were generally of poor quality and consumers were not inclined to pay for such services. This often resulted in conflicts between service providers and consumers that led to bankruptcy of service providers. At the advice of the World Bank, the Commission was therefore established as a multi-sectorial regulator as part of the utility sector reform processes to ensure that consumers enjoyed the best of services from service providers whilst paying commensurate rates for services rendered.³¹⁰

Mr. Adu was of the view that the importance and tricky nature of the work of the commission needed someone who was knowledgeable, meticulous and extremely resourceful with skills to negotiate effectively between two demanding groups, consumers who wanted the best of services but were not inclined to pay higher rates, and service providers who wanted higher rate for services but usually were not efficient in their delivery of services. When the Commission was set in 1997, the President, Flt. Lt. Jerry John Rawlings, in consultation with the Council of State, appointed Nana Dr. S.K.B. Asante as its first Chairman for a five-year term.³¹¹

The Commission had eight other members including an Executive Secretary, an institutional representative each for Labour (TUC), Industry (AGI), and domestic consumers, as well as four experts in various aspects of the Commission's work such as accountants, lawyers, engineers, and other professionals. It also had a secretariat headed by the Executive Secretary who acted as the link between the Commission and the secretariat.³¹²

According to Mr. Adu, the Commission as part of its mandate was to provide guidelines for the determination of rates to be charged for the provision of utility

³¹⁰ Interview with Mr. Stephen Adu, former Executive Secretary of Public Utilities Regulatory Commission of Ghana (PURC) on 15th April 2015 at Accra

³¹¹ Ibid.

³¹² Information obtained from Nana Susubribi Krobea Asante's Private Papers

services in Ghana. It was also to protect the interest of consumers and to monitor and enforce standards of performance of utility service providers. He recalled that the Commission also received comments, complaints and suggestions from the general public. In his view, such comments and complaints did not only help the Commission to protect consumer interests, but they also served as an invaluable means of assisting the Commission to monitor the efficiency of the utility companies.³¹³

Nana Dr. S.K.B. Asante underscores the fact that, the rationale for the Commission's setup as an independent body was to insulate it from the political manipulations. It was also to relieve political leadership of the responsibility of determining tariffs. He continues that, it was felt that tariff changes would be most accepted by the public if it were handled by an independent professional body outside of government.³¹⁴

According to Mr. Adu, during Dr. S.K.B. Asante's tenure as Chairman, the PURC conducted public hearings to find out the views of consumers on proposed tariff charges and assessed proposals submitted by utility services for tariffs. After evaluating the views and submissions of all stakeholders, the Commission then came up with regulations for tariffs and quality of service. This was to ensure that there was a specific standard that services must meet and consumers were also obliged to meet their payment obligations when such standards were met. In effect, these regulations contributed to by both service providers and representatives of consumers, were to guarantee fairness and peaceful coexistence of both parties which in his opinion, worked almost perfectly.³¹⁵

³¹³ Interview with Mr. Stephen Adu, former Executive Secretary of Public Utilities Regulatory Commission of Ghana (PURC) on 15th April 2015 at Accra

³¹⁴ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

³¹⁵ Interview with Mr. Stephen Adu, former Executive Secretary of Public Utilities Regulatory Commission of Ghana (PURC) on 15th April 2015 at Accra

Dr. S.K.B. Asante observes that, his work as Chairman of PURC was most challenging as it was the Commission's responsibility to take into account the interest of consumers, investors and the utility companies. According to him, this imposed on the PURC the delicate task of balancing the respective interest and needs which most often conflicted. Consumers were interested in low tariffs whereas investors and utility providers were interested in high tariffs to maximize profit. Investors and utility providers insisted on high tariffs on grounds that they needed substantial investments to replace outmoded equipment and to procure the necessary inputs in the provision of better services. Consumers on the other hand, were always up in arms anytime these requests were made arguing that, the quality of services rendered was by no means commensurate with the levels of tariff requests. They cited inefficiencies on the part of utility providers which were not necessarily attributable to defective equipment such as degree of water losses through burst pipes due to lack of maintenance, illegal connections due to poor supervision, and poor tariff collection record among others.³¹⁶

It may be recalled that, the term of office of the Chairman and Commissioners of the PURC was five years which was renewable. However, after Dr. S.K.B. Asante's first term expired in 2002, he decided to bow out and give opportunity to others he had mentored over the years to take up the role.

5.8 INTERNATIONAL SERVICE

5.8.1 Attorney at the Legal Department of the World Bank

The World Bank or technically, the International Bank for Reconstruction and Development (IBRD) was established at the United Nations Monetary and Financial

³¹⁶ Interview with Nana Susubribi Krobea Asante, on 3rd February 2015 at Adabraka, Accra

Conference in Bretton Woods, New Hampshire, USA in July 1944. At the Conference which became known as the Breton Woods Conference, the International Monetary Fund (IMF) was also founded. Together, the World Bank and the International Monetary Fund (IMF) are referred to as the Breton Woods Institutions. The objective of these two international financial institutions was to provide investment capital for the reconstruction of war-torn economies of Europe and development projects of Less Developed Countries (LDCs) of member states in Asia, Latin America and Africa after the Second World War.³¹⁷

It was a component of the World Bank Group which consisted of the International Bank for Reconstruction and Development (IBRD); International Development Association (IDA); International Finance Corporation (IFC); Multilateral Investment Guarantee Agency (MIGA); International Centre for Settlement of Investment Disputes (ICSID), and also a member of the United Nations Development Group.³¹⁸

The Bank was operated by a Board of Directors representing various member countries with highly skilled and competent professional staff drawn from member countries. According to Dr. S.K.B. Asante, by 1966, Africa was poorly represented on the staff of the Bank. There were only four Ghanaian staff members and not more than a total of ten Africans on the entire staff of the Bank. He recalled the Ghanaians to include Kwame Donkor Fordwor, Reo Basoah and Paul Danquah³¹⁹. The Nigerians at the Bank included Fred Brume, Clement Isong, Godwin E. Okurume and Abad Arroyo. There was one Guinean, Mamadou Ba and Othello Coleman, a Liberian who represented a group of African countries on the Board of the Bank.³²⁰

³¹⁷ Information retrieved from <http://www.worldbank.org/en/about/what-we-do/brief/ibrd> on 2nd March 2015

³¹⁸ Ibid.

³¹⁹ Dr. J.B. Danquah's son

³²⁰ Information obtained from Private papers of Nana Susubribi Krobea Asante

By May 1965, Dr .S.K.B. Asante had resigned from the University of Ghana following what he called, “the turbulent early years of the Law Faculty due to political interference”, at a time when he had no immediate employment. However, within a period of three months, he had secured four job offers; three from various universities and the World Bank. By the time he got the World Bank offer in August 1965, he had committed to teaching at the Law Department of Leeds University and fortunately, the World Bank gave him one year grace period to report for duty in July 1966.

After teaching for a year at the Law Department of Leeds University, Dr. S.K.B. Asante left for the World Bank in July 1966. On arrival at the World Bank, he served as an Attorney at the Legal Department of the Bank. As he recalled, the Legal Department in those days comprised of not more than 25 lawyers from various parts of the World, headed by the General Counsel and Vice President of the Bank, Dr. Aron Broches from the Netherlands. To Dr. S.K.B. Asante, it was a highly professional and mutually respectful group of individuals, deeply committed to the cause of development. He remembers the congenial atmosphere in which he worked and the extremely friendly manner they interacted with each other.

Among the Attorneys at the Bank, Dr. S.K.B. Asante recalled Gene Webb from the United States of America, David Sassoon from Israel, Pin-Chen Loh from China, Chris Walser from Switzerland, Tobias Asser from the Netherlands, Daniel Lecuona from Argentina, among others. Together, they created a friendly environment for easy interaction and cooperation among staff particularly on issues relating to development strategies of member countries.³²¹

³²¹ Information obtained from Private papers of Nana Susubribi Krobea Asante

Being the first African south of the Sahara to be appointed to the Legal Department of the World Bank, Dr. S.K.B. Asante had a lot of responsibilities on his shoulders to deliver development projects to that sub-region of Africa. Though he was not directly assigned to that part of Africa since attorneys were each assigned a cluster of countries, he was very visible in some very important projects in sub-Saharan Africa as a lot was expected of him.

According to Dr. S.K.B. Asante, there was a procedure in those days for financing of development projects after a satisfactory review of the macro-economic policies and the political stability of the country concerned. The first step was a joint exercise by the government of the member country and World Bank's officials in the identification of a particular project in a specific sector. The second was the appraisal of the project by the Bank's officials. This involved a delegation from the Bank to the beneficiary country to have detailed discussions with Government officials on the premise and scope of the project, the institutional arrangements to be made for the execution of the project, the amount of the loan or credit and the terms of the loan. If it was necessary for the beneficiary government to make some institutional reforms as part of the requirements, it was clearly spelt out.

The third step was the preparation and submission of the Appraisal Report to the Loan Committee for approval. The fourth step was the negotiation of the loan and credit documents between the representatives of the Government of the beneficiary country and officials of the Bank. The Bank was represented by a team consisting of a loan officer from the Area Department, e.g. Africa Department, an Attorney from the Legal Department, a technical expert, an engineer and a financial analyst from the Treasury of the Bank. The negotiated documents had elaborate provisions on the financing arrangements, the principal, amortization schedule, the conditionalities of

the loan, the precise definition of the project to be financed, disbursement of the loan and the procurement of goods and services for the project.

The fifth step was the submission of the loan or credit documents to the Board of the Bank for approval, and the stipulation of the interest in the loan agreement. The Sixth, was the signing of the Loan Documentation by the Board's representative and that of the beneficiary country. According to Dr. S.K.B. Asante, the signing of the document was usually done on behalf of the beneficiary country by its ambassador in the USA, and a senior official of the Bank, usually a Vice President, on behalf of the Bank. The seventh step was the completion of conditions of effectiveness of the loan or credit and the commencement of the effectiveness of the loan or credit. The last step was the disbursement of the loan or credit in accordance with prescribed procedures and the amortization schedule.³²² Dr. S.K.B. Asante recalled that it was only contractors from member countries of the Bank that qualified to execute World Bank projects.

Dr. S.K.B. Asante was assigned responsibility for handling the legal aspects of the Bank's transactions and relations with a number of countries including South Korea, Singapore, Malaysia, Trinidad and Tobago, Jamaica, Guyana, Kenya, Tanzania, Uganda, Nigeria and Liberia. As an Attorney, Dr. S.K.B. Asante's assignment consisted of participation in the appraisal of various development projects in the mentioned countries, the structuring of the projects, the negotiation and drafting of the relevant loans or credit or grant agreement. He also offered legal advice on the viability of various projects involving roads, telecommunications, water, electricity, among others, financed by the Bank.³²³

³²²Interview with Dr. Antonio Parra, former Deputy Secretary-General of the World Bank Group's International Centre for Settlement of Investment Disputes (ICSID) on 13th April 2015

³²³ Interview with Nana Susubribi Krobea Asante, on 23rd February 2015 at Adabraka, Accra

Among the numerous projects that Dr. S.K.B. Asante was involved in their negotiations and execution included road projects in Finland and Nigeria, Steel project in Pakistan, development finance project in South Korea, irrigation project in Malaysia and education in Trinidad and Tobago. He also executed power and telecommunications project in Jamaica, sea defense in Guyana, fisheries in Ecuador, port project in Liberia, copper mining project in Guinea, power project in Nigeria among other projects.³²⁴

In carrying out these assignments, Dr. S.K.B. Asante had the privilege of working with professionals and experts of various disciplines such as engineers, financial analysts, agriculturalists, industrial experts, development finance experts, power experts, among others.³²⁵ This multidisciplinary approach to his work brought out a yearning which had been evident in him in all levels of his education. He was not content to confine his learning experience to the narrow parameters of the school or university curriculum. It may be recalled that, at Achimota School, he was enthusiastic about extracurricular intellectual activities such as his membership of the Plato Club, the Six Form Discussion Group, the Literary and Classical Clubs and also, editor of the School Magazine, *The Achimotan*. At Nottingham University, he was prominent in the University Debating Society. His doctoral thesis at Yale University had examined the relationship between Property Law in Ghana and Philosophy, Political Science, Economics, Agriculture and socio-economic goals and values of Ghana. In this regard, Dr. Asante was free to explore other intellectual areas and therefore, never saw himself as a narrow professional.

With these experiences, the World finally confirmed Dr. Asante's holistic approach to many phenomena and more particularly, to development, which had a more

³²⁴ Information obtained from Private papers of Nana Susubribi Krobea Asante

³²⁵ Interview with Nana Susubribi Krobea Asante, on 23rd February 2015 at Adabraka, Accra

fundamental effect on his career preferences. It therefore became quite clear to him that though he would remain faithful to the scholarly enterprise, a purely academic career seemed to be unduly restricted having regard to the formidable challenges of development. Dr. Asante continued to research, publish and occasionally lectured though the tasks imposed by the development effort with the World Bank required greater of his time.³²⁶

According to Dr. S.K.B. Asante, his work with the World Bank was also an enjoyable experience since he had the opportunity to travel around the world. He recalled particularly, a trip around the world in February in 1968 when he was on a mission to South Korea. He flew from Washington across the US to Alaska and then to Tokyo where he spent the night before proceeding to Seoul, South Korea. He was directed that upon the completion of that mission, he was to proceed to another mission in Lagos, Nigeria. That also involved crossing the Pacific to Hong Kong and then flew through Bangkok, Karachi and Bombay to Addis Ababa to Khartoum and eventually to Lagos, Nigeria. After his two weeks mission in Nigeria, he finally returned to Washington through Accra, Monrovia and New York.³²⁷

The Korean Mission involved the establishment of the Korea Development Finance Corporation (KDFC) in 1968. The World Bank, IFC and nine private International Banks collaborated with South Korea in its efforts in the establishment of the KDFC. The mission was to review the completion of the conditions for the effectiveness of the loans. Dr. Asante's main function was to review the legal opinion prepared by the Korean Attorney-General and to pronounce whether or not it was acceptable to the World Bank. The task demanded meticulous attention to detail, a duty which he

³²⁶ Interview with Nana Susubribi Krobea Asante, on 23rd February 2015 at Adabraka, Accra

³²⁷ Ibid.

executed with tact much to the discomfiture of the other parties but to the pleasure of his employers.³²⁸

Dr. Asante recalled that the KDFC which later became known as Fine Asset Management Corporation subsequently prospered and played a critical role in the industrialization of Korea by engaging in the provision of financial services. It operated through a lease division, a loan division, a factoring division, a project financing division, an investment banking division and finally, a new technology business division, which invested in venture capital companies. The KDFC therefore served as the conduct pipe for foreign exchange inflows to the country for the financing of particular projects and ventures which eventually, led to the advancement of the country's prospects.³²⁹

Dr. S.K.B. Asante also recalled his mission to Lagos, Nigeria in 1968. The mission was to study the impact of the creation of twelve new states in Nigeria on World Bank projects. The previous four regions of the Federal Government of Nigeria had contractual agreements with the Bank in respect of various development projects. The new states had been calved out of the four regions, Northern, Southern, Eastern and Midwest regions. According to Dr. Asante, if a loan was given to the Federal Government for the purpose of a project in the Western Region for example, the loan would have the main loan agreement with the Federal Government with specific reference to the Western region. However, the Bank would also conclude project implementation agreement with the Western Regional Government.

For the Bank, with the creation of the twelve new states, although the responsibility of the Federal Government remained unchanged, new project implementation

³²⁸ Information obtained from Private papers of Nana Susubribi Krobea Asante

³²⁹ Interview with Dr. Antonio Parra, former Deputy Secretary-General of the World Bank Group's International Centre for Settlement of Investment Disputes (ICSID) on 13th April 2015

arrangements had to be concluded with the particular new states which succeeded the former region, if those states were in fact beneficiaries of World Bank projects.³³⁰

Dr. Asante recalls another memorable mission to Nairobi, Kenya in 1967. The mission was to review the drafts of the statutes for the establishment of the constituent corporations, East African Railways Corporation; East African Harbours Corporation; East African Airways Corporation and East African Development Bank of the newly established East African Community (EAC). The EAC was an intergovernmental organization established in 1967 comprising of three countries, Kenya, Tanzania and Uganda in the African Great Lakes region in eastern Africa. The Community aimed to strengthen the ties between its members through a common market, a common customs tariff and a range of public services so as to achieve balanced economic growth within the region. The constituent corporations of the Community were beneficiaries of loans from the World Bank for development projects which were guaranteed jointly and severally by members of the Community. As an Attorney of the Bank, Dr. Asante worked on the loan transaction agreements between the East African Harbours Corporation and the World Bank in 1969.³³¹

Dr. Asante also recalled that, in 1977, when Uganda, led by its leader Iddi Amin Dada, defaulted in loan payments, it triggered the joint and several liability of Kenya and Tanzania which eventually led to strained relations between the countries and resulted in the Community's dissolution in 1977.³³²

Although Dr. Asante enjoyed his time working for the World Bank, he pondered over a few issues which he thought needed attention. In his view, the nature of the Bank's lending procedures defeated the Bank's object of assisting the poor. The IDA interest

³³⁰ Interview with Nana Susubribi Krobea Asante, on 23rd February 2015 at Adabraka, Accra

³³¹ Ibid.

³³² Ibid.

free credit given to governments to lend to needy farmers ended up with the farmers being charged interest, dubbed administrative expenses, on the credit by financial institutions that were given the task of relending to the farmers. In Dr. Asante's view, the IDA procedure of giving the credit to the government for relending to a financial institution before finally lending to the farmers with interests defeated the ultimate benefit to the farmers. Therefore, if the credit was to benefit needy farmers, then it needed to be made free in all terms.³³³

Another issue of concern to Dr. S.K.B. Asante had to do with the autonomy of public institutions in the disbursement of the credits lent by the World Bank. According to him, when the Bank lent to public institutions with the guarantee of the government, the Bank's practices appeared inconsistent. Though the Bank always insisted on full autonomy of the beneficiary public institution without government interference, it imposed a responsibility on the guarantor, usually the government, to ensure that the institution carries out its obligations with the Bank. This, Dr. Asante, found most inconsistent as it sought to undermine the autonomy of the beneficiary institution.³³⁴

Again, Dr. Asante observed that World Bank officials most often likened the continuous stay of a political regime in power to mean political stability and as such saw opposition challenge to unseat incumbent governments as marks of instability. This was because the Bank's officials were usually of the opinion that successive governments were most unlikely to honour the country's debt obligations with the Bank. Dr. Asante recalled a presentation of a loan made to Kenya to the Bank's Board in which the project officer reported enthusiastically, with some relief, that "the

³³³ Interview with Nana Susubribi Krobea Asante, on 23rd February 2015 at Adabraka, Accra

³³⁴ Ibid.

opposition to the President of Kenya had failed in its bid to unseat the Government in an election”.³³⁵

Dr. S.K.B. Asante’s work as an attorney at the Legal Department of the World Bank did not limit him to reviewing contract agreements and advising the Bank on legal matters. He also engaged himself with extracurricular activities while in Washington. He lectured on International Business Transactions at the Howard University Law School as an adjunct Professor from 1967 to 1969. He also delivered a lecture on “Human Rights and Nation Building in Emergent African Nations” at Cornell University Law School.³³⁶

Dr. S.K.B. Asante in his quest to acquire more knowledge in other professional areas, took advantage of the World Bank’s sponsored course in Corporate Finance organized by Harvard Business School for World Bank officials for a month at the American University Campus, and added to his knowledge base.

Also, during his period with the Bank, Dr. Asante participated actively in the annual meetings of the American Society of International Law held in Washington and in New York. The Society established in 1906, was a prominent scholarly society in the international law which organized conferences, researched into international law and published on its findings.³³⁷

Again, Dr. Asante was elected the founding President of the Bank Fund African Club (BFAC) with Fred Brume from Nigeria as the Secretary. The BFAC was an association of the African staff members of both the World Bank and the IMF with

³³⁵ Information obtained from Private papers of Nana Susubribi Krobea Asante

³³⁶ Interview with Nana Susubribi Krobea Asante, on 23rd February 2015 at Adabraka, Accra

³³⁷ Ibid.

the aim of reflecting on the development challenges of Africa and how best they could offer their services to the course of developing the continent.³³⁸

In all, Dr. S.K.B. Asante spent three years and three months, that is, July 1966 to October 1969, at the Legal Department of the World Bank. He was exposed to development issues around the world and acquired invaluable international experience through travel and interaction with peoples of all nationalities which culminated in the broadening of his intellectual horizon as well. In his own words, “as a middle level officer, I was insulated from the politics at the top. I was assessed annually and received an appropriate increment in salary on grounds of merit”.³³⁹ In effect, this put less stress on him and he delivered to his ability.

As Dr. Antonio R. Parra, puts it, “it was Dr. Asante’s dedicated service rendered at the Legal Department of the World Bank that was one of the attractions for me in joining it years later”.³⁴⁰ Dr. Asante’s commitment to duty and incorruptible nature was admired by all well-meaning people who came in contact with him.

The international experience gained by Dr. Asante earned him a call-up to public service by Prime Minister Busia as the Solicitor General of Ghana in 1969 when the country returned to constitutional democratic rule.

5.1.9 Director of the United Nations Centre on Transnational Corporations

The United Nations (UN) is an international organization founded in October 1945 after the Second World War by the victorious states with the aim of “maintaining international peace and security and to work together for social progress” (Everyone’s United Nations 1986:3). The UN has its antecedence from the League of Nations,

³³⁸ Information obtained from Private papers of Nana Susubribi Krobea Asante

³³⁹ Interview with Nana Susubribi Krobea Asante, on 23rd February 2015 at Adabraka, Accra

³⁴⁰ Interview with Dr. Antonio Parra, former Deputy Secretary-General of the World Bank Group’s International Centre for Settlement of Investment Disputes (ICSID) on 13th April 2015

established in 1919 after the First World War to ensure peaceful coexistence of all nations. As an organization with a developmental agenda, it was also to promote better living standards and ensure human rights of all member states and to develop friendly relations among nations which hitherto, were at loggerheads during the Second World War.³⁴¹

According to Roberts & Kingsbury (1996), the United Nations' six principal organs upon which the organization is based includes the General Assembly, which is the main deliberative body consisting of all members of the United Nations. The fifteen-member Security Council consisting of five permanent members, that is, China, France, Russia, the United Kingdom, and the United States, and ten non-permanent members, is responsible for all matters bothering on security within and without member states. The Economic and Social Council according to *Everyone's United Nations* (1986), works under the authority of the General Assembly and is responsible for managing the economic and social work of the United Nations and its specialized agencies. The Secretariat headed by the Secretary-General, is responsible for the day-to-day administration of the United Nations. The International Court of Justice, responsible for legal issues, ensures that member states operate within the legal framework of the Organization. Finally, the sixth organ, the Trusteeship Council was responsible for trustee nations but has suspended operations since 1994 when the last of its trustee nations, Palau, gained its independence in 1994 after 47 years under US trusteeship.

Everyone's United Nations (1986) also enumerates some "specialized agencies" that are tasked to perform specific services for the United Nations. These agencies include the International Labour Organization (ILO), Food and Agricultural Organization

³⁴¹Interview with Dr. Antonio Parra, former Deputy Secretary-General of the World Bank Group's International Centre for Settlement of Investment Disputes (ICSID) on 13th April 2015

(FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO) (Everyone's United Nations 1986:4).

Apart from the specialized agencies, there are also departments within the Headquarters including the United Nations Centre on Transnational Corporations, that Dr. S.K.B. Asante found himself first as a Senior Legal Adviser, later, as Chief Adviser on Legal matters and finally as Director of the Centre.

According to Asante (2005), though the benevolent activities of Transnational Corporations (TNCs) in the developmental agenda of developing countries could not be overemphasized in the early 1970s, there was no doubt that some TNCs were exploiting developing economies in the area of international negotiations and agreements. Asante (ibid), notes that TNCs were seen around the world as “predators and imperialists agents, as illegal contributors to political parties of foreign countries, as purveyors of bribery and corruption in host countries” (Asante 2005).

Moran (2009) observed that the perception of the TNCs as the epitome of dishonesty in their dealings with developing economies in the world stage, led the United Nations Economic and Social Council in 1973 to establish the United Nations Commission on Transnational Corporations as recommended by a group of eminent persons constituted to deliberate on how to rectify the anomaly. The Commission was to serve as a permanent medium between TNCs and developing economies in their deliberations on issues related to international business transactions.

The Commission established its secretariat, the United Nations Centre on Transnational Corporations (UNCTC), at the UN headquarters in New York in November 1974 to study the phenomenon of transnational corporations' dealings and their impact on development in developing economies. It was also to help in working

out the code of conduct in the form of an international agreement to regulate the activities of transnational and multinational corporations (Asante 2005).

It may be recalled that Dr. S.K.B. Asante resigned from his position as the Deputy Attorney-General of Ghana and assumed an appointment as Chief Legal Adviser at the UNCTC in August 1977. He was placed at level L7³⁴² which was equivalent to D2³⁴³ in terms of remuneration. Dr. S.K.B. Asante recalled that, when he was offered a line position of D1³⁴⁴, he declined because as an expert, he wanted to immerse himself in his substantive work of purely advising on legal matters and wanted to avoid administrative work. In his view, administrative work immediately could hamper his ambitions.³⁴⁵

Dr. S.K.B. Asante settled in at the UNCTC as an adviser on transnational business negotiations. He traveled throughout the developing world advising governments and their agencies on their dealings with TNCs. He recalled that, his main focus was on economic law, evaluation and negotiations of various transactions with transnational corporations on matters such as joint ventures, investment agreements, technology transfer and licensing agreements, management contracts, petroleum and mining agreements, international loan transactions, debt-rescheduling and international income taxation.³⁴⁶

Of the numerous projects that he was involved in, Dr. Asante recalled his mission to China as a memorable one. In his view, China, a socialist oriented country had very little to do with Western transnational corporations up to the late 1970s and there had been calls for the Asian country to liberalize its laws and open up its economy and

³⁴² L7 was not a line position

³⁴³ Director position

³⁴⁴ An equivalent of Assistant Director

³⁴⁵ Interview with Nana Susubribi Krobea Asante, on 5th March 2015 at Adabraka, Accra

³⁴⁶ Information obtained from Private papers of Nana Susubribi Krobea Asante

market. Dr. Karl P. Sauvant of the Columbia University Law School in his recollections of his colleague, Dr. S.K.B. Asante at the UN, remembered that, “when China invited the UNCTC to advice on its economic liberalization efforts, Dr. S.K.B. Asante was part of the team from the Centre that embarked on that mission.” He was of the view that Dr. S.K.B. Asante played a major role in the formulation of the China Investment Policy, the Joint Venture Policy, the Petroleum and Mining Agreements preparations and drafting in 1980 and 1981. For him, the success of the mission in advising China in liberalizing its laws and economy in its dealings with Western transnationals was clearly as a result of the strong technical and research team from the Centre of which Dr. S.K.B. Asante was an integral part of.³⁴⁷

Other assignments took Dr. Asante to various parts of the world not only developing countries in Africa and Asia, but also to some Eastern European countries such as Poland. Whiles much of his time was spent in The Gambia, Ghana, Trinidad and Tobago, Zimbabwe, Ivory Coast, Senegal, Togo, Liberia, Benin, Nigeria and Sierra Leone where he offered legal advice, he was also an integral part of a team that organized series of training workshops in countries such as China, Ghana, Kenya, France, Zambia, Botswana, Barbados, Swaziland and Russia to equip private and government officials with requisite skills in the formulation of policies and legislations relating to foreign investments with transnational corporations and drafting of international business instruments.³⁴⁸

Dr. S.K.B. Asante was promoted to the position of Director of Advisory Services of the UNCTC in 1983 with the responsibility of offering advisory services to governments and governmental agencies in all regions of the world. His concentration

³⁴⁷ Interviewed with Dr. Karl P. Sauvant of the Columbia University Law School and former Director of the United Nations Conference on Trade and Development's (UNCTAD's) Investment Division on 27th April 2015 via Skype

³⁴⁸ Information obtained from Private papers of Nana Susubribi Krobea Asante

was on the legal aspects of foreign investments and international business transactions; the formulation and review of policies, laws and regulations relating to foreign investment and technology transfer.³⁴⁹

One would ask, “what benefit did Ghana derive from having one its own in such a strategic position at the time?” Dr. S.K.B. Asante recalled that, he adopted the policy that as an official of the United Nations whose advice was available to any country within the UN system of which Ghana was part of, he would bring his experience to bear on any occasion that he was called upon. Anytime his expertise was needed by the Government of Ghana, he did not hesitate at all to offer such expertise to Ghana. Perhaps it was on the basis of this service to Ghana and his astute knowledge of the law that the Government of Ghana nominated him as a Supreme Court Judge in July 1980 along with Justices E.N.P. Sowah, Philip N.K. Archer, I.K. Abban, P.D. Anin and V.C.R.A.C. Crabbe.³⁵⁰ Unfortunately, he was unable to accept the offer due to his international commitment to the UN Centre on Transnational Corporations.

He put his expertise in international business negotiations at the disposal of Ghana. For instance, he played a vital role in the renegotiation of the Volta Aluminum Company (VALCO) in 1984. The VALCO renegotiation according to Asante & Brown (1988) became a necessity in the early 1980s to review the 1962 agreement signed between the Government of Ghana/Volta River Authority (VRA) and Kaiser Aluminum Company/Reynolds Metals/VALCO, to reflect current economic trends at the time. In his view, the agreement had become a disadvantage to the government of Ghana because Kaiser was paying about US ₵2.165 per-kWh³⁵¹ of energy generated by VRA, a rate which was almost negligible (Asante & Brown 1988). The renegotiation focused on having a fixed price reviewable every five years at which

³⁴⁹ Information obtained from Private papers of Nana Susubribi Krobea Asante

³⁵⁰ Daily Graphic, July 18, 1980. See Appendix Six

³⁵¹ A mill is a tenth of a US Cent

hydroelectric power was to be sold by VRA to Kaiser for the smelting of alumina. The renegotiation also generated a formula for the calculation of tolling fees that Kaiser “which [was] liable to income tax in Ghana [was to] charge its shareholders, [Government of Ghana and VRA], for smelting their alumina” into aluminum taking into consideration market trends in that field (ibid). Again, the process also was concerned about the volume of hydroelectric power reserved for VALCO at any given time.

Such an exercise required expert hands and Dr. Asante did not hesitate to respond to the call of the government of Ghana to assist the renegotiating team led by Professor Akilagpa Sawyerr of the University of Ghana. Dr. Asante put together a viable team from the UNCTC and in addition to a team from the Commonwealth Secretariat, executed the assignment with tactfulness that ended in an agreement acceptable to both parties in July 1984. The outcome of the renegotiation was substantially beneficial to Ghana. The price VALCO paid for electricity generated by VRA was increased to US \$5.0 per-kWh, nearly three times more of the original price (ibid).

Again, Dr. S.K.B. Asante and his UNCTC team supported the Government of Ghana and the Ghana National Petroleum Corporation (GNPC) with technical assistance to negotiate its first model Petroleum Prospecting and Production Agreements between 1985 and 1990. He adds that his team also assisted Ghana in putting together some model and management contracts, engineering and constructing contracts and revised the Ghana Mining and Petroleum Laws which according to him, resulted in making the mining sector very vibrant and attractive to foreign investors.³⁵²

In 1990, when Dr. S.K.B. Asante was promoted to the position of Deputy Executive Director of the UNCTC, he took on additional responsibilities. This put him in a

³⁵² Interview with Nana Susubribi Krobea Asante, on 5th March 2015 at Adabraka, Accra

supervisory position and was in charge of monitoring all substantive work, advisory and research of the Centre. His quest to contribute to the development agenda of Ghana by way of helping to build high quality and growth oriented Small and Medium-size Enterprises (SMEs) which would be able to compete internationally, propelled him to establish the Empretec Ghana Foundation (EGF) in 1990. According to Dr. S.K.B. Asante the Empretec programme, formed in 1988 by the UN, was designed to inspire entrepreneurship. It was to encourage the growth of SMEs across the world and particularly in the developing world to ease the pressure on governments for employment opportunities. This, the Empretec programme did through intensive training programmes, giving business advice and most importantly, offered financial support funded by the UNDP.³⁵³

By 1991, Dr. S.K.B. Asante had become known widely in the legal fraternity to the extent that he was advised by some international jurists to consider putting himself up for election as a Judge at the International Court of Justice (ICJ) in The Hague. Though he was aware of the fact that progression to the ICJ was complicated by politics, an area which had never been part of his career, his ambition took the better of him especially when opinions of some eminent international jurists sought to be in his favour.³⁵⁴ According to him, while most of the jurists were in support of his candidacy, however he had a weak governmental support which placed his closest competitor from Nigeria ahead of him.

According to Nana S.K.B. Asante, when he tried again in 1993 for election to the ICJ, though he still had tremendous endorsements from some international jurists, he was again unsuccessful due to insufficient governmental support. According to Honourable Judge Charles Brower, Judge ad hoc, International Court of Justice, he

³⁵³ Interview with Nana Susubribi Krobea Asante, on 5th March 2015 at Adabraka, Accra

³⁵⁴ See Appendix Four for opinions of eminent international jurists

and other international jurists thought at the time that Dr. S.K.B. Asante was the best persons for the position, but were disappointed when he did not succeed in his bid. For him, Dr. Asante's astute knowledge of international law could not be overemphasized.³⁵⁵

According to Justice S.A. Brobbey, retired Justice of the Supreme Court of Ghana, one other important phenomenon or idea that Dr. S.K.B. Asante and his team established in Ghana is arbitration. In his view, as an experienced international arbitrator, Dr. S.K.B. Asante had observed that since international business transactions and negotiations had become the phenomenon in most parts of the world including Africa and particularly Ghana, disputes likely to arise needed appropriate dispute settlement mechanisms where both parties would be comfortable in participating.³⁵⁶ For Dr. S.K.B. Asante, since arbitration usually provided secure and neutral environments devoid of biases, it was the choice of many litigants as an alternative to legal litigations in the courts.³⁵⁷

This initiative of Dr. Asante in collaboration with some leading members of the Ghana Bar Association eventually led to the establishment of the Ghana Arbitration Centre in 1996 with some financial assistance from the Danish International Development Agency (DANIDA). Professor Kwame Frimpong thinks that, the effective utilization of the Ghana Arbitration Centre would drastically reduce the proliferation of judgment debt cases which have become a phenomenon in recent times as a result of poor business negotiations without proper due diligence. He is also

³⁵⁵ Interview with Honourable Judge Charles Brower, Judge ad hoc, International Court of Justice on 27th April 2015, via Skype communication.

³⁵⁶ Interview with Justice S. Alan Brobbey, retired Justice of the Supreme Court of Ghana on 9th April 2015 at Accra

³⁵⁷ Interview with Nana Susubribi Krobea Asante, on 5th March 2015 at Adabraka, Accra

of the view that, arbitration would also decongest the courts of cases arising from business transactions with transnational and multinational corporations.³⁵⁸

Dr. Asante's time at the United Nations Centre on Transnational Corporations was one that he described as not only eventful but also intellectual in nature. He recalled his participation in various research projects on different aspects of the role of TNCs in development. His exposure to the central issues of international business transactions made him become internationally recognized as an expert in the legal aspects of international transactions. This earned him a number of positions and memberships of various associations including being elected to the Executive Council of the American Journal of International Law; elected to the Boards of ICSID Law Review, Fordham Law Journal and Third World Legal Review; member of International Law Association; Honorary Fellow of the Institute of Advanced Legal Studies, among others. He also published articles in some leading International Journals such as the American Journal of International Law, International and Comparative Law, Quarterly Journal of World Trade Law, Harvard Journal of International Law, Journal of African Law among others.

Professor Henry J. Richardson III of Temple University Beasley School of Law, is also of the view that, Dr. Asante through the UNCTC and his pioneering legal scholarship and reports, leveraged the UN system to systematically and persistently address the critical question of whether multinational corporations could be held directly liable for their global activities, including regarding protecting international human rights under international law. This, he said, was a frontier and a highly contentious question at the time. He added that, this was an issue of global prominence and importance, and he believes there was no one better than Dr. S.K.B.

³⁵⁸ Interview with Professor Kwame Frimpong, former Dean of the Ghana Institute of Management and Public Administration (GIMPA) Law School on 8th April 2015, Accra

Asante to be its spearhead, which he did with learned and savvy determination towards pushing to develop such new legal doctrine.³⁵⁹

Dr. S.K.B. Asante whose intention was to acquire some two years international exposure at the UNCTC and return to private practice in Ghana eventually spent sixteen years and retired in 1993 just after being appointed Director of Legal Advisory Services for Development of the United Nations Department of Economic and Social Development in 1992. Professor Kwame Frimpong was of the opinion that Dr. S.K.B. Asante's position at the UNCTC benefited Africa enormously as a result of the regulations put in place in respect of transnational corporations operating in Africa. He added that Dr. S.K.B. Asante intervened when the slightest opportunity presented itself in accordance with the mandate of the UNCTC and put his rich experience at the disposal of Africa and particularly Ghana in many areas of development where necessary.³⁶⁰

Dr. S.K.B. Asante returned to Ghana to set up a private law firm, S.K.B. Asante and Associates in 1996 after being enstooled as the Omanhene of Asante Asokore Traditional Area.

5.9 International Legal Arbitrator

According to Asouzu (2004:12) arbitration “is a process by which a dispute between two or more parties as to their legal rights and liabilities is referred to and determined judicially and with binding effect by the application of law by one or more persons (the arbitral tribunal) instead of by a court of law”. More often, parties from different cultural and legal jurisdictions who enter into international business transactions have

³⁵⁹ Interview with Professor Henry J. Richardson III, professor of Law at Temple University Beasley Law School Philadelphia, Pennsylvania on 18th April 2015 via Skype

³⁶⁰ Interview with Professor Kwame Frimpong, former Dean of the Ghana Institute of Management and Public Administration (GIMPA) Law School on 8th April 2015, Accra

as part of the agreements, clauses which indicate how disputes arising out of the transactions would be resolved. According to Dr. S.K.B. Asante, because of the diversity of legal systems operating within the various jurisdictions of parties to such agreements, international arbitration therefore is preferred for the resolution of disputes arising from such business agreements and other international relationships in view of its provision of some insurance against possible bias by a national judiciary.³⁶¹ International arbitration allows for parties to select the arbitrators and also design the procedures for the arbitration. Its versatility in also allowing parties to select neutral environments for the arbitration process devoid of perceived biases and uncertainties of the legal practices of the countries of any of the parties to the contract, has been a contributory factor to its popularity in recent times. After allowing parties the freewill to name the stipulations of the arbitration process, the final decision arrived at is enforceable and binding on all parties which serve as a distinguishing factor between arbitration and mediation. According to Asouzu (2004), in mediation, the parties agree with the help of a third party to settle their dispute on mutually satisfactory terms which are not binding.

It may be recalled that during the period when Dr. S.K.B. Asante was working with the UNCTC, the Centre organized workshops on negotiating international business transactions in various countries around the world. An invariable component of these transaction agreements was the dispute settlement clause which often provided for international arbitration.³⁶² In order to acquire professional knowledge in arbitration which had become part of his work, Dr. S.K.B. Asante enrolled for an Arbitrator's course at the American Arbitration Association in New York in 1990 where he attended a number of seminars on arbitration. Upon completion of the course, under the auspices of the UNCTC, he organized special workshops on international

³⁶¹ Interview with Nana Susubribi Krobea Asante, on 23rd March 2015 at Adabraka, Accra

³⁶² Ibid.

arbitration in various countries between 1992 and 1993 which made him well-known in international circus as an expert in that field.³⁶³

Upon his retirement from the UNCTC in 1993, Dr. S.K.B. Asante became an experienced international arbitrator and served in several international arbitration tribunals under the auspices of the International Court of Arbitration of the International Chamber of Commerce (ICC), the International Centre for the Settlement of Investment Disputes (ICSID), the London Court of International Arbitration, the Permanent Court of Arbitration at the Hague, the Ghana Arbitration Centre and the World Intellectual Property Organization (WIPO).³⁶⁴ He also served as a mediator under the auspices of the Multilateral Investment Guarantee Agency (MIGA), an international financial institution which supports economic growth in developing countries by encouraging foreign direct investments. As a panelist on a number of arbitration platforms, Dr. S.K.B. Asante worked tactfully towards the determination of arbitration hearings to the satisfaction of all parties involved.

Dr. Antonio R. Parra recalled how in June 1990, he had a close working relationship with Dr. S.K.B. Asante in an arbitration case at ICSID under a bilateral investment treaty. It was the case of the Asian Agricultural Products Limited verses Sri Lanka, a case in which Dr. S.K.B. Asante served as one of the arbitrators whilst Dr. Parra was then the manager of the ICSID Secretariat. As he recalled, Sri Lanka was held internationally responsible for the destruction in 1987 of the Hong Kong owned seafood factory during a counter-insurgency operations conducted by Sri Lankan security forces against the Sri Lankan rebel military movement, the Liberation Tigers of Tamil Eelam. According to him, the tribunal on which Dr. S.K.B. Asante served found that Sri Lanka had failed to exercise due diligence to prevent damage to the

³⁶³ Interview with Nana Susubribi Krobea Asante, on 23rd March 2015 at Adabraka, Accra

³⁶⁴ International Who is Who Legal Arbitration 2015

foreign owned property. He added that, this was a very innovative and important case, and Dr. S.K.B. Asante's contribution, including in particular his dissenting opinion, was very influential in its determination.³⁶⁵

Honourable Judge Charles Brower also recalled how he and Dr. S.K.B. Asante were involved in a number of international arbitration cases. He referred particularly to an arbitration case brought against Ghana in February 1994 before an ICSID tribunal, by Vacuum Salt Products Company Limited owned by a Greek national who had become a landed immigrant in Ghana since 1943 but who still maintained his Greek nationality. Judge Brower was appointed arbitrator by the Claimant, whilst Dr. Kamal Hossain was also appointed by the Respondent, Ghana, as an arbitrator. According to Judge Brower, eventually the ICSID tribunal's President, Judge Robert Jennings, who was then the President of the International Court of Justice, dismissed the case against Ghana for lack of jurisdiction due to a strong defence put up by the Ghana team which included Dr. S.K.B. Asante.³⁶⁶

Nana S.K.B. Asante's involvement in international arbitration around the world earned him a biographical listing in the *Who is Who of International Arbitrators*, a prestigious register that contained biographical entries of all qualified international arbitrators in the world from which parties to international arbitration are required to choose their preferred arbitrators.

5.9.1 ACADEMIC EXPERIENCE

One of Dr. S.K.B. Asante's ambitions in life as a young man was to be a law lecturer.

It may be recalled that when he appeared before a panel to be interviewed for a law

³⁶⁵ Interview with Dr. Antonio Parra, former Deputy Secretary-General of the World Bank Group's International Centre for Settlement of Investment Disputes (ICSID) on 13th April 2015

³⁶⁶ Interview with Honourable Judge Charles Brower, Judge ad hoc, International Court of Justice on 27th April 2015, via Skype communication

scholarship tenable in the UK in April 1953 and was asked to explain the inconsistency of his quest for a law scholarship to the UK with his application to the University of Ghana, he had tried to explain that he would return to lecture at the Law Faculty of the University of Ghana. Though the answer may not have sounded convincing considering the fact that it did not explain why he had applied to two different universities at the same time, somehow, the panel must have known that he indeed had a passion for teaching and therefore gave him the opportunity to study Law at Nottingham University in the UK. After his graduation with an LLB and LLM, he taught full time in the Law Faculties of two different universities and as a visiting Professor to many universities across the World.

5.9.2 Lecturing at University of Ghana Law Department

After obtaining his LLB and LLM, S.K.B. Asante had returned to Ghana in 1960 and worked as an Assistant State Attorney at the Attorney-General's Department from October 1960 to September 1961. During his period at the Attorney-General's Department, he was informed of the shortage of teaching staff at the newly established Law Department of the University of Ghana. He expressed interest and applied with permission from the Attorney-General, Geoffrey Bing. He was successful in his quest and was appointed lecturer at the Law Department and transferred from the Attorney-General's Department to the University of Ghana, in September 1961.³⁶⁷

Dr. S.K.B. Asante recounted how the earliest attempt for law studies at the University College of the Gold Coast had started at the Sociology Department of the university and headed by one Dr. K. Kurankyi Taylor in 1952. According to him, unfortunately,

³⁶⁷ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

Dr. Taylor died at the young age of 36 in 1953 and did not have a successor to continue from where he left off therefore the law studies idea was put on hold until revisited in 1956 (Asante 2008).

According to Agbodeka (1998), it was the University of Ghana's policy since its establishment in 1948 to concentrate on starting "academic departments" before turning its attention to "professional departments". He is of the view that it was on this basis that the university realized the need for the establishment of a Law Department which started in 1956 as part of a grant of £3million from the Government (Agbodeka 1998:210).

According to Dr. S.K.B. Asante, when all modalities, including whether the law degree was to follow the traditional pattern under the relationship between the University College of the Gold Coast and London University or a locally oriented LLB programme should be the way to go in view of the University of the Gold Coast's imminent independent status, among other issues were settled on, the Law Department was established in 1958 under the Faculty of Social Studies. The traditional pattern had been that the London University awarded the University College of the Gold Coast's degrees (Asante 2008). As said by Agbodeka (1998), it initially agreed on a five year programme which consisted of a three-year BA (Law) curriculum and a further two year course leading to the LLB which was both an academic and a professional qualification. According to Dr. Asante, however, subsequently, the five-year programme was replaced by a three-year LLB course at the university and followed by a one year professional training at the Law School (Asante 2008).

According to Agbodeka (1998), due to the unavailability of a permanent structure, the department was housed in the east wing of the main university library, Balme Library,

until sometime in late 1960s when it moved into a temporary structure. Prof. J.H.A. Lang was appointed as the head and the only member of staff of the department.

Dr. S.K.B. Asante disclosed that though Prof. Lang, then a solicitor for Imperial Chemical Industries, a major British company which produced defense-related material, was not an academic, he found himself in Ghana upon the recommendation by Geoffrey Bing, the Attorney-General of Ghana. He adds that, Lang had lost his job when he was forced to resign from his position which was classified as a sensitive one. Affected sensationally by his forced resignation, Dr. Asante is of the opinion that, Lang became a victim of the Western establishment and therefore found Ghana as a safe haven. Kwame Nkrumah, then Prime Minister of Ghana known for his socialist stands was perceived as an anti-west and therefore had sympathies for victims of the Western establishment (Asante 2008).

As the only member of staff of the department by 1958, according to Agbodeka (1998), Prof. J.H.A. Lang settled in and could only teach law to students pursuing B.Sc. (Econs) degree. It therefore became necessary that law lecturers be recruited into the department to augment the efforts of Lang. The response of prospective law lecturers led to the admission of the first batch of students to the LLB degree programme in 1959.

Nana S.K.B. Asante was one of the people who responded to the call for law lecturers at the Law Department in September in 1961. When he joined the department, as he recalled, the teaching staff at the time consisted of Prof. J.H.A. Lang, Dr. Kwamena Bentsi-Enchill, Alex C. Kuma and Dr. Bev Pooley. These five lecturers including S.K.B. Asante headed by Prof. Lang, steered the affairs of the department and tutored the students who according to Nana S.K.B. Asante, were very enthusiastic, hard-

working and ready to endure challenges even in a new academic environment.³⁶⁸ He recalled the pioneer students of 1959 that he met in 1961 that included A.K.P. Kludze³⁶⁹; Kaleo Bio, Hayfron-Benjamin Foster, Owoo T.G. Kumi, Kenneth Yeboah, Josephine Asante and U.U. Uche. He also called to mind, other students who formed part of the second, third and fourth batches to be admitted to the department. These included Nana Akuoko Sarpong³⁷⁰; Ofori Amankwaah; B. Sekyi Hughes³⁷¹; S. Date-Bah³⁷²; Kwami Tetteh³⁷³; S.A. Brobbey³⁷⁴; Bimpong Buta³⁷⁵; Modibo Ocran³⁷⁶ and John Evans Atta-Mills³⁷⁷ (Asante 2008).

S.K.B. Asante soon settled in at the Law Department and taught Real Property and Trusts, a course he did not initially fancy at Nottingham University but upon the advice of his senior colleague, B.J. da Rocha, eventually specialized and published an article in that area. He was of the opinion that, initially the department enjoyed a friendly environment until affected by the innovations introduced by the university in 1961 upon the attainment of an autonomous status.³⁷⁸ According to Agbodeka (1998), the innovations which were aimed at internationalizing the university by attracting “highly qualified personnel” to occupy specially established chairs, were thought to have been abused by the Chancellor, Kwame Nkrumah, when he appointed A.C. Kumah from the Law Department and another person from Physics Department, both members of staff of the university, far below the rank of professorship to the chairs (Agbodeka 1998:147). This act by President Kwame Nkrumah, according to Dr. S.K.B. Asante, though was an unusual practice, it did not cause much stir in the

³⁶⁸ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

³⁶⁹ Former Judge of the Supreme Court of Ghana

³⁷⁰ Omanhene of Agogo Traditional Area

³⁷¹ Former Speaker of Parliament

³⁷² Former Judge of the Supreme Court of Ghana

³⁷³ Former Ghana Bar Association President

³⁷⁴ Former Judge of the Supreme Court of Ghana

³⁷⁵ Former Judge of the Supreme Court of Ghana

³⁷⁶ Former Judge of the Supreme Court of Ghana

³⁷⁷ Former President of the Republic of Ghana

³⁷⁸ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

university as it was seen as a presidential prerogative. Prof. Lang, however, disagreed with the decision and threatened to resign if the appointment was not reversed. When the appointment was not rescinded, Prof. Lang went ahead as he had threatened and resigned from the university in January in 1962 not only as Professor and Head of the Law Department, but also as Director of Legal Education and Head of the Ghana Law School.³⁷⁹

After the exit of Prof Lang, and the departure of Dr. Kwamena Bentsi-Enchill, the most Senior Lecturer in the department to Chicago to complete his doctoral studies, S.K.B. Asante was appointed by the Academic Board as the Acting Head of the Law Department. By that appointment, he became the first Ghanaian to Head the Law Department in January 1962 at the age of 29 years.³⁸⁰

According to Dr. S.K.B. Asante, as a young and inexperienced head of a law department, he was confronted with three main challenges which he had to deal with almost immediately. The challenges as he recalled were to recruit a credible number of teaching staff in the short-term and eventually engage in a long-term recruitment of staff to augment the staff strength. Finally, he was to organize the first ever law degree examination in the university.³⁸¹

As a short-term measure, Nana S.K.B. Asante recalled recommending for appointment, the services of some experienced legal luminaries as part-time lecturers. These included Justice N.A. Ollennu of the Supreme Court and E.A.L. Bannerman.

On the long-term, S.K.B. Asante advised that formal approaches be made to Ghanaian legal scholars both home and abroad as prospective full-time lecturers. This resulted in the appointment of full-time lecturers. These included J.K. Agyemang in the

³⁷⁹ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

³⁸⁰ Ibid.

³⁸¹ Ibid.

1962/1963 academic year; William Cornelius Ekow Daniels from University College London in the 1962/1963 academic year; Thomas Mensah from Yale University in the 1963/1964 academic year and George Ofofu-Amaah from the United Nations in 1963/1964 academic year (Asante 2008).

With the assistance of Dr. Bev Pooley, S.K.B. Asante recommended for appointment, Professor William Burnett Harvey, a specialist in Law of Contracts and Legal Philosophy from the University of Michigan Law School, as Professor and substantive head of the Law Department.

The final challenge was the organization of the first law degree examination in the University of Ghana in 1962. It seemed more of a herculean task in view of the fact that it was an innovative undertaking. However, S.K.B. Asante with support from his colleagues in the department was successful in his effort to the extent that the examination gained international recognition. This was achieved by the appointment of eminent legal scholars such as Professor Harry Street from Manchester University and Dr. T.O. Elias³⁸², Attorney-General of the Federal Republic of Nigeria as external examiners. So committed were the duo that, as Nana S.K.B. Asante recalled, they supervised even the setting of the examination questions as well as grading of the answers. Professor Street actually traveled to Ghana to mark and grade the scripts whilst Dr. Elias did mark his scripts in Geneva, Switzerland where he was attending a conference on *Law of the Sea* (Asante 2008).

At the end of it all, the comments given by the external examiners on the performance of all 16 candidates suggested that S.K.B. Asante and his colleagues had performed extremely well in mentoring the first generation of Ghanaian law students trained on Ghana soil. Undoubtedly, upon the completion of their two-year professional law

³⁸² S.K.B. Asante had met Dr. T.O. Elias on a flight from London to Accra in September 1960 when the former was returning home after his LLB and LLM studies and the latter was returning to Nigeria to assume his new position as the Attorney-General of Nigeria.

training at the Ghana Law School, they were called to the Ghana Bar in September 1964.

In September 1962, when Professor Harvey arrived with two others, Robert Seidman, a Harvard Law School graduate as Senior Lecturer and Tom Rose, a Yale Law School graduate as a Research Fellow, Professor Harvey assumed the position as the substantive head of the department. Nana S.K.B. Asante recalled the invaluable contributions Prof. Harvey made to the department. According to him, he initiated the elevation of the Law Department to a Faculty status and with the assistance of the staff including S.K.B. Asante and the Academic Board, drafted the statutes of the proposed law faculty which made it the only faculty at the time without departments in the university. His efforts, as said by Dr. S.K.B. Asante, made the presence of the law faculty felt in the university after delivering a stimulating lecture on the *Legal Developments in Ghana* at the university in 1963. Prof. Harvey also instituted the *Sarbah Memorial Lectures* in 1963, the first of which was delivered by Justice Samuel Azu-Crabbe who later became the Chief Justice of Ghana (Asante 2008).

Having taught *Real Property and Trusts* at the Law Faculty of the University of Ghana for almost two years, September 1961 to August 1963, S.K.B. Asante applied and was offered Yale Law School Fellowship to pursue a Doctor of Juridical Science (JSD) programme at Yale University, USA. During his two-year stay in the Department, he was one time Acting Head of Department where he had the enormous task of organizing the University's first law degree examination which turned out successful. His support to the substantive Dean, Prof. Harvey, to move the department to a faculty status and also in producing drawings for the construction of temporary premises for the Faculty cannot be left in oblivion. Not only was he involved in administrative duties, he also wrote and published an article titled *Stare Decisis in the Supreme Court of Ghana* in the University of Ghana Law Journal in 1964. Upon his

admission to the Yale School Fellowship, he received the University of Ghana's blessing and was also offered a two-year study leave to return to the University of Ghana Law Faculty after his studies. However, events at the university by the time he completed his Doctorial studies in 1965, diverted his course which took him to Leeds University Law Faculty as a law lecturer after being in total three years and eight months with the University of Ghana, from September 1961 to May 1965.

5.9.3 Resignation from the University of Ghana

During S.K.B. Asante's second year at Yale Law School in 1964, the perceived political machinations by the Chancellor of the University of Ghana, Kwame Nkrumah, appeared to have resurfaced. This was as a result of the tensions between the Chancellor and the university authorities in 1963 arising from what the authorities termed as "interference" (Agbodeka 1998:148). Nkrumah had insisted that all appointments to head Departments should first be discussed with him much to the disagreement of the University. J.C. de Graft-Johnson was arrested and held in custody when an order from the Chancellor to amend the University Act was not heeded to (Agbodeka, 1998:147).

The American Dean of the Law Faculty, Professor William B. Harvey and Senior Law Lecturer, Robert Seildman, were summarily dismissed from the University and deported from Ghana together with four other expatriate members of staff of the university who were not officially charged with any offence except their general characterization as "CIA Agents" (Asante 2008).

These tensions between the university and the Chancellor, in Nana S.K.B. Asante's opinion, were as a result of the Nkrumah government's way of taking absolute control of the university and making sure that persons in the helm of affairs were

predominantly Ghanaians.³⁸³ According to him, the government's concept of university reform and the university's concept of academic freedom clashed. Nkrumah and the Convention People's Party (CPP) wanted the university to become an active instrument of their programme of change from colonialism and imperialism.

The university was seen as conservative and dominated by foreign ideas and attitudes which were unsympathetic to the CPP ideology and concept of progress and development. The attempted termination of all existing faculty appointments for reapplication failed upon major uproar particularly among the expatriate staff. Could it have been that Kwame Nkrumah was trying to make good his famous speech on the eve of Ghana's independence in 1957 that "the Blackman is capable of managing his own affairs", by making sure that expatriates were expelled from the university?

The university led by its Vice Chancellor, Dr. Conor Cruise O'Brien, resisted any programme or changes imposed from without as a violation of academic freedom. They believed in appointing persons to positions solely on merit rather than based on political affiliation and ideologies.³⁸⁴

This situation therefore created acute tension between the University and the Nkrumah government. Agbodeka (ibid) recounts some actions of supporters of the government against the university such as the 8th February 1964 mob attack by some members of the Workers Brigade³⁸⁵ in an attempt to provoke students of the university into a counter demonstration to create chaos on the campus (ibid). The impact of these tensions was destabilizing for the Law Faculty to which S.K.B. Asante was required to return after his studies.

Dr. S.K.B. Asante observed that, there was also a strong feeling among his colleagues on the Faculty that, the tensions were fueled by intelligence and informants from

³⁸³ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

³⁸⁴ Ibid.

³⁸⁵ A para-military organization within the Convention People's Party

within the Faculty. More so, the general political environment in the country had been marred by the promulgation of a one-party state in 1964 which had increased the tension on the political terrain. The idea of joining such a political controversy, to him, was not intriguing and therefore he decided to stay away from the Law Faculty. His first option was to request an extension of study leave from the authorities of the University of Ghana which was promptly and firmly rejected with an ultimatum that he either returned immediately or resign his position as lecturer. He then explored the possibility of working in other departments of the University such the Institute of African Studies without success. He therefore made the agonizing decision and resigned in May 1965 without any alternative position in place either in Ghana or abroad. He recalled his wife's question after the decision which in her opinion could also mean a self-imposed exile from Ghana, "where do we go next?"³⁸⁶

However, Nana S.K.B. Asante recalled that within about two months after his infamous decision to resign from the University of Ghana, with the assistance and recommendation of Professor Myres McDougal³⁸⁷, he secured appointment as a Visiting Lecturer in Law at the University of California, Los Angeles (UCLA) Law School; an Attorney at the Legal Department of the World Bank to begin in August 1966; Lecturer in Law at the University of Dar es Salaam; and Lecturer in Law at the Law Faculty of Leeds University. Thus, within a period of three months, May to August 1965, Dr. S.K.B. Asante progressed from a position of near despair to one of considerable confidence, armed with offers from three universities and the World Bank.

Dr. S.K.B Asante left New Haven for Leeds, UK, in August 1965 mindful of the spirit of public service which Achimota School had instilled in him. He only wondered as

³⁸⁶ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

³⁸⁷ Professor Myres McDougal taught S.K.B. Asante *International Law* at Yale University and was also the Dean of Graduate Fellows

he embarked on his first international academic career when that service will be rendered to his dear country, Ghana. He resolved to return at the right time.

5.9.4 Lecturer at Law Faculty, Leeds University

Upon arrival at Leeds University Law Faculty in August 1965, Dr. S.K.B. Asante was assigned to teach the second year students, *Law of Commercial Contracts*, and third and final year students, *The Law of International Institutions*. He was also responsible for tutorials in *Public International Law* with the third year students.³⁸⁸

Being an African, teaching English Law to predominantly English students was unprecedented at the time. Also what he later found out was his “strange accent”, which initially, was a source of discomfort to the students who manifested their uneasiness in the form of murmurs in class. On one particular day, as he recalled, there were loud murmurs in the class as he taught. He wondered what the issue was because in his opinion, he had really prepared for the lecture on *Law of Commercial Contracts* and therefore, the content was unquestionable. In fact, he had even been assisted in the preparation of the lecture notes by one Brian Hogan, an expert on the subject. He recalled asking one mature looking student after the class what the murmuring was about. He was surprised to have been told that, they were complaining about his accent. This criticism awoken all his phonetics skills that his English teachers taught him at Achimota School. He recalled that progressively, the students got used to his lectures and eventually some of the students voted one of his lectures as one of the best they had had that year.³⁸⁹

³⁸⁸ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

³⁸⁹ Ibid.

Reminiscing with nostalgia, the mature student he asked about the murmuring was called Jack Straw who later rose to become a prominent Labour Party politician in the UK and held top positions of Secretary of State for Foreign Affairs, Secretary of State for Home Affairs and Lord High Chancellor of the UK.³⁹⁰

After one year at the Law Faculty of Leeds University, it was time for Dr. S.K.B. Asante to leave for the World Bank which had kept his position as an Attorney at its Legal Department vacant for a year. Meanwhile, Professor James, the head of the Law Faculty, who was very content with Dr. S.K.B. Asante's performance was keen on convincing him to stay for a few more years. He advised him to establish a special unit on African legal studies as part of the Faculty's postgraduate programme, in collaboration with other departments interested with African studies. A state of dilemma arose since he was torn between two great opportunities. He had gained the trust of his students, and the confidence of the Law Faculty which had put him on the top scale of a lecturer's salary. The World Bank's appointment on the other hand, was also very difficult to resist. It was going to give him the opportunity to learn the legal aspects of international finance and American approaches to drafting international business transactions, an area he had always wanted to be involved in. Finally, upon the advice of Professor Harry Street, he opted for the World Bank.³⁹¹

Even though the perceived political machinations at the University of Ghana had ceased after the overthrow of Kwame Nkrumah's CPP government in February 1966, Dr. S.K.B. Asante had declined an offer from the Acting Dean of the Law Faculty of the University of Ghana, Kwame Affreh, to rejoin the Faculty. To him, the opportunity to acquire knowledge in international business transactions and negotiations with the World Bank was priceless. It had become evident through

³⁹⁰ Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

³⁹¹ Ibid.

Public Commissions of Enquiry after the overthrow of Kwame Nkrumah's government that Ghana lacked technical expertise in negotiating international business transactions. He therefore saw himself as the answer to that deficit in knowledge with the view that he would one day be beneficial to the development of Ghana. To show his solidarity to the University of Ghana Law Faculty, he however accepted the position of external examiner for the LLB examination from 1966 to 1977. He left Leeds University, UK, for the World Bank in Washington, USA in July 1966.³⁹²

S.K.B. Asante therefore gained his first international academic experience at the Law Faculty of Leeds University from August 1965 to July 1966. As much as he enjoyed teaching at Leeds University, the quest for international experience in business transactions and negotiations took the better of him and led him to accept an offer from the Legal Department of the World Bank as an Attorney and made history by becoming the first African south of the Sahara to be so appointed. Although he did not take up any more full-time appointments as a law lecturer, his academic work continued. Between 1967 and 1969, he was an Adjunct Professor of Law at Howard University Law School, and taught *International Business Transactions*. He was a Visiting Professor of Law and Business at the Temple University Law School in 1976 where he taught *International Investment Law*. He was also a Visiting Fellow at Clare Hall Cambridge University and a Visiting Member of the Law Faculty of Cambridge University from 1978 to 1979 and lectured on *Multinational Corporations and International Law*. The Law Faculty of the University of Ghana, Legon, also appointed him Visiting Professor of International Law in 1991. It may be recalled that he was appointed external examiner for the LLB examination at the Law Faculty of the University of Ghana in 1966-1976. He was also a Guest Lecturer on transnational

³⁹² Interview with Nana Susubribi Krobea Asante, on 6th April 2015 at Adabraka, Accra

corporations and international business law at numerous institutions of learning all over the world. These include Harvard Law School, Kennedy School of Government, Oxford University and Nottingham University. The others are California (Los Angeles and Berkeley) Universities, The Hague Academy of International Law, University of Khartoum and The Soviet Academy of Arts and Science. The rest are The Chinese Institute for the Promotion of International Trade, University of Lagos, and the German Foundation for International Development.

Dr. S.K.B. Asante has published widely on various aspects of law such as, Comparative Law; International Business Transactions; Commercial Arbitration; Law and Development; Property Law; International Law; Constitutional law, Human Rights and Governance; and Transnational Corporations. His publications include books, chapters and articles in leading international legal journals such as the Yale Law Journal, International and Comparative Law Quarterly, Leiden Journal of International Law, Journal of World Trade Law, Harvard Journal of International Law, Columbia Journal of Transnational Law, Wisconsin Law Review, Journal on African Law, Cornell Journal of International Law, Proceedings of the Hague Academy of International Law, Proceedings of the Soviet Academy of Arts and Science and the Proceedings of the German Foundation for International Development.

His publications targeted to the development needs of Africa and the world at the time, made him a recipient of the Ghana Book Award for distinguished writers in 1980.³⁹³

³⁹³ See Appendix Seven for Nana Dr. S.K.B. Asante's publications

5.9.5 President of the Ghana Academy of Arts and Sciences

According to Obeng (2009), the Ghana Academy of Arts and Sciences, a multidisciplinary and intellectual institution established in 1959, is a fellowship of highly enthusiastic and committed professionals and individuals of academic and intellectual repute. Being the first of its kind in post-colonial Africa, its mission of “the promotion of the study, extension and dissemination of knowledge in the arts and sciences”, has resulted in widening the knowledge base in all branches of the sciences and the humanities over the years (Obeng 2009).

The Ghana Academy of Arts and Sciences’ antecedence stems from the National Research Council of Ghana and the Ghana Academy of Learning formed at the instance of Dr. Kwame Nkrumah in 1958 and 1959 respectively. These two institutions established to synchronize each other, were to promote the study of arts, science and technology which were regarded as essential tools in the national development programme.³⁹⁴ Obeng (2009) posits that, it was the amalgamation of the two institutions that formed the Ghana Academy of Arts and Sciences in October 1968. This, as she observed was due to the two institution’s similar mandates (Obeng 2009:11).

Among the Academy’s activities were the organization of annual and memorial public lectures, symposia and discussions with students on various issues of national and international concern. Due to its versatility, the Academy headed by a President and two Vice Presidents (Arts and Sciences), attracted astute professionals from varied fields of academia who desired to be elected fellows. According to Obeng (ibid), executives of the two arms of the Academy, that is, Arts and Sciences, known as Sections, had as one of their responsibilities, the honourous task of nominating persons and processed documents of such person who were deemed fit to be elected as fellows

³⁹⁴ Interview with Nana Susubribi Krobea Asante, on 15th April 2015 at Adabraka, Accra

of the Academy. It was in this spirit that Dr. S.K.B. Asante was nominated and elected fellow of the Academy in 1976.

Dr. S.K.B. Asante's diligence in the activities of the Academy was admired by all and it came as no surprise when he was elected vice President for Arts Section in 1996 and served for three 2-year terms and eventually, elected President of the 12th Council of the Ghana Academy of Arts and Sciences in 2002 which he served for two terms.³⁹⁵ Obeng (ibid) is of the view that, it was during Dr. S.K.B. Asante's tenure that very fundamental reforms pertaining to the activities of the Academy were made. These included the increment of the number of fellows from 61 to 90 by the end of his tenure in 2006. According to Professor Henrietta Mensah-Bonsu, Dr. S.K.B. Asante's judgment for young, motivated and vibrant intellectuals instigated him to ask her and others to submit their documents for possible nomination and election to the Academy in 2008.³⁹⁶ Indeed Most Rev. Professor Asante confirms Professor Mensah-Bonsu's assertion of Nana Asante's passion for excellence when he recalled Nana Asante telling him at the Inaugural lecture of Professor Kwame Bediako upon his election to the Academy in 2006, that he was next to be nominated.³⁹⁷

Nana Dr. S.K.B. Asante's administration according to Obeng (2009) engaged government in the discussion of issues bordering on good governance and advised on policy formulation and implementation. The involvement of chiefs in the presentation of lectures on traditional governance as a way of fostering national integration was one key innovation of his administration. She adds that, Nana Dr. Asante's Council also expanded the frontiers of the Academy by encouraging "global partnerships" with overseas institutions such as the Royal Society of the UK, US National Academy

³⁹⁵ Interview with Nana Susubribi Krobea Asante, on 15th April 2015 at Adabraka, Accra

³⁹⁶ Interview with Professor Henrietta Mensah-Bonsu, professor of law at the Faculty of Law and Director of the Legon Center for International Affairs and Diplomacy (LECIAD), University of Ghana on 21st April 2015 at Accra

³⁹⁷ Interview with Most Rev. Professor Emmanuel Asante, Presiding Bishop of the Methodist Church Ghana and Chairman of the National Peace Council on 8th April 2015, Accra

of Sciences (US NAS), African Science Academies Development Initiative (ASADI), among others who also supported the Academy in various ways including funding (Obeng 2009:134).

In his reminiscences of his time as the President of the Academy, Nana S.K.B. Asante intimated that, he really enjoyed the period. In his opinion, it is alright for intellectuals or scholars to be distinguished in their individual capacities but he however observed that, harnessing the collective intellectual resource of fellows was a daunting challenge. Again, addressing development issues beyond the narrow confines of one's specialty was also another challenge he observed. Nana S.K.B. Asante is also a fellow of the World Academy of Arts and Sciences, elected in 1975.³⁹⁸

5.9.6 CHIEFTAINCY

The political system of indigenous Africa was largely based on either acephalous or central authorities (Arhin2002:4). The acephalous, such as the Igbo and Tiv of Nigeria; the Nuer of Sudan; Logoli of Kenya; Tallensi, Builsa, Konkomba of Ghana among others, constituted societies that did not have centralized authorities where political power was not vested in a single individual. Such societies were however governed by councils of elders or representatives of the various groupings within the society.

On the other hand, most societies in Africa such as the Zulu of South Africa; Swazi of Swaziland; Yoruba of Nigeria; Asante, Gonja, Dagomba of Ghana among others, practiced a political system where an individual was elected from among a group within the various societies in whom ultimate power was vested and was expected to exercise it in the name of the people (Arhin 2002:4).

³⁹⁸ Interview with Nana Susubribi Krobea Asante, on 15th April 2015 at Adabraka, Accra

These two political systems found in Ghana and in most parts of Africa were necessary institutions that served as means of rallying the society and ensured law and order within the society. They also served as unifying forces in the defense of the territorial boundaries of the society against external aggressions. The saying, “unity is strength” cannot be overemphasized here. However, unity of a society could not be sustained without an authority whether in the form of a council of elders or a chief who oversaw to the activities of the society.

Chieftaincy differed from society to society in Ghana and more often reflected the religious adherence of the locality. Whereas in Akan societies, “the ruler swears to rule with the consent of the representatives of the ruled, the Dagomba ruler [for example], affirms on the Al-Koran to rule well, with the inference that he is answerable to Allah ... and not to the ruled for his conduct as a ruler” (Arhin 2002:4). The Dagomba community has its culture heavily influenced by the Islamic faith as a result of their contact with the Soninke traders between the 12th to 15th centuries. This is not to say that in other societies such as Akan, religion did not play an integral part in chieftaincy affairs. In fact, the Akan chief in addition to his many roles was also seen as the intermediary between the people, the ancestors and the deities and therefore was the spiritual embodiment of the society. He led in the performance of rituals and customs on behalf of the whole society, which in fact meant that he was a *primus inter pares*, but the power he wielded was vested in the people he ruled (Odotei & Awedoba 2006).

From afar, the chief may be seen to have ultimate authority in making laws and decisions for the society, but in reality, he does these in consultation with a council of elders and sometimes a queen mother where available. This served as checks and balances so as not to make autocrats out of the chiefs. If the chief misconducted

himself in his dealings with the people, Frempong (2006) intimates that, he was liable for sanctions which could lead to destoolment.

In essence, traditionally, chieftaincy embodied governance, law and religion and was recognized by many societies with the chiefs' roles clearly defined by customary law. This age old institution was and is still highly revered in Ghana and Africa. It has survived from pre-colonial, colonial and post colonial times despite the challenges it faced and the transformations it has gone through over the years. In these modern times, the role and status of chieftaincy in Ghana has engaged the attention of political leaders and the entire nation.

For the purposes of this work, attention is focused on Akan chieftaincy in Ghana and specifically, Asante. Chieftaincy which is a feature of the centralized system of governance existed in Ghana even before the advent of Europeans in Africa. Chieftaincy in Ghana as used interchangeably with traditional leadership according to Odotei & Awedoba (2006), is an institution where an individual is nominated, elected and installed from a particular family or lineage in accordance with the customs and traditions of the locality (Odotei & Awedoba 2006:17). Eligibility for installation was the preserve of a group within the society referred to as the royal family, which claimed ancestry to the first settlers.

In Asante Asokore where Dr. Nana S.K.B. Asante hails from, chieftaincy has been the very basis of political authority since the founding of the town in the mid 17th Century. As a matrilineal society, descent was traced through the female line and therefore, successions to stools were the preserve of the lineage of the female royals.

As scholars have written, in Asante and other matrilineal societies, there were no automatic choices of successors as it pertained in primogeniture societies where usually, the successor was predetermined. In Asante, eligible royals competed,

sometimes fiercely, for nomination and election to stools when they became vacant as a result of death or removal of the occupant (Busia 1951:9; Hagan 2003:33; Addo-Fening 2011:58; Frempong 2006:383). According to Fynn (1971), after the death of Osei Tutu I (1670-1717), there was a succession dispute between the eventual successor, Opoku Ware I (1720–1750), and Okukuadani, also a nephew of Osei Tutu I (1670-1717), which resulted in a civil strife that spanned over a period of about three years (Fynn 1971:57). Also, the 1883–1888 civil war that broke out in Asante as a result of succession dispute between first, deposed king Kofi Karikari (1867-1874), deposed king Mensah Bonsu (1874-1883), and Kwaku Dua II (1884), and second, between Yaw Twereboanna and Kwaku Dua III (1888-1931) (later known as Prempeh I) for the golden stool, also attests to the extent of how fiercely the struggle for succession to stools in matrilineal societies could be (Aidoo 1972:163).

In matrilineal societies, it is the prerogative of the queen-mother, the female counterpart of the chief, to nominate a suitable candidate to be presented to the “kingmakers”³⁹⁹ for possible election and installation (Busia 1951:9; Hagan 2003:33; Addo-Fening 2011:58; Frempong 2006:383). As Busia (1951) observed, this task was after a formal request had been made by the “kingmakers” led by the *Kontihene* to the queen-mother for the nomination of a suitable candidate for the stool.

The role of the queen-mother in the process cannot be overemphasized. It was believed that, she being the “mother” of the society, had the best knowledge of who best qualified to be nominated. Though she discharged this duty in consultation with other members of the royal family who according to (Busia 1951:9), took into consideration, certain qualities such as “intelligence (*nyansa*), humility (*ahobrease*), generosity (*ayamye*), manliness (*akokoduru*) and physical fitness (*dem biara nni ne ho*)” of the eligible royal, her personal biases and ambitions could also be brought to

³⁹⁹ Kontihene, Akwamuhene, Adontenhene, Twafohene, Nifahene, Benkumhene and Kyidomhene

the fore. Hagan (2003:35) is of the view that, nominating someone closer to her, such as her son or brother was an assurance that, she would be better taken care of in the future.

The Akan queen-mother had to accomplish the nomination process within a specified period of time and had three chances to produce her nominee, that is, if her earlier nominations were rejected (Frempong 2006:383). The nominated person was presented to the Traditional Council for approval or otherwise. If successful, he became the chief-elect and the queen-mother pays “*aseda*”⁴⁰⁰ of money and drinks to the kingmakers pending the swearing-in ceremony (Odotei 2002:20). However, in the event where all three chances of the queen-mother were exhausted without the acceptance of any of her nominees, it then became the prerogative of the “kingmakers” to nominate from among the eligible candidates subject to the authentication of the person by the queen-mother as a true eligible royal (Frempong 2006:383; Busia 1951:11). Busia (1951) affirms that, on such an occasion, the popular Asante phrase, “*odehye nsi hene*”⁴⁰¹ was activated (Busia 1951:11). Here, the power of the queen-mother to nominate a candidate was passed on to “commoners” who decided who should be their chief. This confirms, among other things that, the role of “commoners” in Asante political system cannot be overemphasized. They had a stake in the affairs of the society though they may not hold any political office.

The swearing-in ceremony, the stage after election, was even more significant. It served as the basis of a contractual relationship between the elected chief and the people. It was at that ceremony that the people intimated to the elected chief what they expected of him and what they would also do to make his reign successful. The chief as well, swears an oath promising to rule with the advice of the elders and the

⁴⁰⁰ Thank you

⁴⁰¹ A royal does not install a chief

people and was ready to suffer the penalty should he violate the oath (Frempong 2006:383; Busia 1951:12).

5.9.7 Omanhene of Asante Asokore Traditional Area

It may be recalled that, Dr. S.K.B. Asante chaired the Committee of Experts in 1991 that formulated proposals for a draft Constitution of the Republic of Ghana. It was during that period, May-September 1991, that his predecessor, Nana Yaw Gyimah II (1951- 1991) died and his replacement was imminent. He recalled being approached by the Agyabeng/Nsuase royal family of Asokore as an eligible candidate for succession. The Agyabeng/Nsuase royal family, one of three royal families of Asokore, had not had the opportunity to occupy the Atweneboah stool of Asokore for over a hundred years. The reason according to Nana Asare Ankomah Boamah III, was as a result of the family's inability to present a suitable candidate anytime the stool became vacant.⁴⁰² The other two are the Atia and Akwamaso royal families. Nana Yaw Gyimah II belonged to the Akwamaso royal family.⁴⁰³

When Dr. S.K.B. Asante was approached, initially, he turned down the offer with the explanation that, he was not yet retired from the United Nations Centre on Transnational Corporations. The other reason as he intimated was that, being a chief was not part of his agenda at the time. His suggestion that another person from the Agyabeng/Nsuase royal family be presented for nomination with his full support was not taken.⁴⁰⁴

Dr. S.K.B. Asante paid a visit to Asokore after a World Bank mission to Tanzania and Uganda as an international legal consultant in 1994. On arrival at Asokore, the Asokore Youth Association paid him a visit and requested of him to allow them to

⁴⁰² Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014, Asokore, Asante.

⁴⁰³ Interview with Nana Susubribi Krobea Asante, on 22nd December 2014 at Adabraka, Accra

⁴⁰⁴ Ibid.

take him on a tour of the town to observe its deplorable conditions. This was as a result of the confidence the people of Asokore had in him due to his economic and educational contribution to the town. When he was the Deputy Attorney-General of Ghana, he had applied for the establishment of a rural bank, the Asokore Rural Bank, in 1976 which was formally incorporated in 1980 and was elected its first Chairman of the Board of Directors. Again, he had established a modest scholarship, Dr. S.K.B. Asante Trust Fund, for students who needed financial assistance to be educated in various institutions across the country.

On the tour of the town, the youth demonstrated to him how urgently a person of his standing in society was needed to address the development challenges of the town. The town lacked among others pipe-borne water, a community centre, public places of convenience, tarred roads, a proper market facility, police station and a community library. Also, certain amenities needed attention such as provision of electricity to some parts of the traditional area, rehabilitation of dilapidated school buildings and extension of the road network to all parts of the area.⁴⁰⁵ This action by the youth as Nana recalled dawned on him and set him on a consultation path to solicit for opinions of his friends and family on whether or not he should consider the call by his people to be their chief.

Nana S.K.B. Asante was given varied opinions from his friends and family. He recalls some of the advice he got. A friend asked, “do you think you and your elders will be on the same mental wavelength? Don’t do it.” Another also said, “some of your elders will betray you and let you down when you least expect it”. Another, a chief who spoke from experience said, “the people will not show appreciation for anything you do, you construct a road and someone will stand on the road and say, these gutters are terrible”. His immediate conjugal family was also not enthused about the idea. He

⁴⁰⁵ Interview with Kofi Osei on 28th October 2014 at Asokore, Asante

recalls facing one real question from his son Dominic who asked, “Daddy, why is it that after all you have done in both national and international service you want to become a village chief?”⁴⁰⁶ Even when he explained that he was not going to be a “village chief”, but a paramount chief, he still did not appear convinced.

However, not all the responses Dr. S.K.B. Asante received were negative. He recalled also a substantial number of eminent people who thought it was a great idea and therefore he should put himself up in the service of his people. One of such persons was Nana Otuo Siriboe II, Omanhene of Asante Juaben who said, “you have helped the nation, you have worked internationally with the World Bank and the United Nations, if there is anything you can do to help your community, it will be a blessing”.⁴⁰⁷ After considering all the responses, Nana Otuo Siriboe’s words kept sounding in his ears and eventually Dr. S.K.B. Asante decided to contest for nomination as the Asokorehene. For him, Nana Otuo Siriboe, an engineer by profession and a person who had imbibed considerable knowledge of indigenous African governance over the years and had made great impact on the fortunes of his people, was worthy of emulation and an advice from him was welcome.

Traditionally, one’s intention to contest for the occupancy of a vacant stool was done through lobbying by a person of high social standing. This was done through the presentation of drinks (*dwantoa*) to the lobbyist to inform the queen-mother of his intentions. The lobbyist then declared to the queen-mother that, “a particular family requests that a particular person within the family be nominated as a chief”. It then became the duty of the queen-mother to declare whether or not that person was an eligible royal. If it was ascertained that he was eligible, the request was accepted.

⁴⁰⁶ Interview with Nana Susubribi Krobea Asante, on 22nd December 2014 at Adabraka, Accra

⁴⁰⁷ Ibid.

However, if he was not an eligible royal, the request was not entertained and the person does not even become a candidate.⁴⁰⁸

As tradition demanded, Dr. S.K.B. Asante declared his intentions to contest through the Kumawuhene, Barima Asumadu Sakyi II. He approached the queen-mother of Asokore, Nana Yaa Braku II in 1994. His proposal was readily accepted.⁴⁰⁹ At that stage, it was clear that Dr. S.K.B. Asante was a true and eligible royal of Asokore having passed the first hurdle of authentication.

As Hagan (2003) elaborated, queen-mothers in positions of nominating persons for enstoolment, more often, find themselves in a state of dilemma especially when their immediate relations such as sons or brothers have also expressed interest. It was assumed that one's direct relation would better serve one's interest should he get the stool (Hagan 2003:35). This perception creates a situation where she nominates closer relations over other royals even though the others may have more potential.

Odotei (2002) is of the view that, the queen-mother usually did her underground checks through diverse means to find out the opinions of the people as to whether or not the candidate she intends to nominate would be accepted (Odotei 2002:19). Incidentally, Nana Yaa Braku II nominated one Mr. Otchere of the Akwamaso Family, a close relation of hers as Hagan (2003) has written. Unfortunately, her nominee was rejected by the kingmakers. Her second nominee, Paul Kwame Boateng also of the Akwamaso Family, was also rejected. At that juncture, she had only one last chance to do so. She re-nominated Paul Kwame Boateng as her third nominee but the kingmakers rejected him again.⁴¹⁰ Clearly, Nana Yaa Braku II performed her duty without recourse to the assertion by Odotei (2002). With all her three chances

⁴⁰⁸ Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

⁴⁰⁹ Interview with Nana Susubribi Krobea Asante, on 22nd December 2014 at Adabraka, Accra

⁴¹⁰ Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

exhausted, she lost her power to determine who the chief should be, and it then became the prerogative of the kingmakers to nominate a person of the people's choice.

As has been alluded to earlier, the Asante saying that, "*odehye nsi hene*" applied at that instance. The people spoke and the kingmakers nominated candidate Dr. S.K.B. Asante who was then in the United States of America. He received spontaneous acceptance by the people and subsequently, elected as the chief-designate of Asokore. The Asantehene, Otumfuo Opoku Ware II, endorsed the election when it was reported to him in Kumasi and thereby nullified the candidacy of all others who had failed to get the support of the kingmakers as tradition demanded.⁴¹¹

Unlike patrilineal societies like the Yoruba of Nigeria where the heir apparent is encultured and groomed in the ways of chiefs from infancy, matrilineal societies such as Asante of Ghana lack such opportunity. However, there is a special arrangement where elected chiefs were confined for a period of time. Addo-Fening (2011) is of the view that, the confinement period afforded the elected chief, the opportunity to learn the arts of the palace such as the "norms, values and skills essential for [his] successful tenure of office" (Addo-Fening 2011:58). This part of the enstoolment process refined and equipped the elected chief with all the skills needed for his traditional leadership.

Dr. S.K.B. Asante was therefore confined and received formal guidance from experienced hands in traditional knowledge. Among others, he learnt the history of Asokore and of its past chiefs, etiquettes of chiefs, traditional dance steps and gestures befitting a chief, drum language, the art of speaking and taboos that refined him and prepared him for his new role. Inadvertently, Dr. S.K.B. Asante did not have much

⁴¹¹ Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

problem with traditional court etiquettes and dance since Achimota School afforded its students the opportunity to learn traditional dance and other aspects of culture as part of the school curriculum.⁴¹² He took this aspect of his education at the school seriously and had become part of his psyche and perhaps that might have accounted for his brief duration in confinement.

After the confinement period, Dr. S.K.B. Asante was installed under the stool name, Nana Susubribi Krobea. He then swore an oath to the people of Asokore at a public gathering in the presence of the queen-mother and other divisional chiefs. The divisional chiefs in turn, also swore the oath of allegiance to the Omanhene affirming that, they would serve him the same way they had served his predecessor.

The swearing ceremony was very important in the enstoolment process. It afforded the people the opportunity to convey their expectations of the chief in terms of how his influence could be brought to bear in development projects for the community. Also a social contract was signed between the people and the chief with the people clearly stating their terms on issues included, “we do not wish the he should disclose the origin of any person, we do not wish that he should curse us, we do not wish greediness, we do not wish that he should call people fools, we do not wish that he should act on his own initiative, we do not wish that it should ever be that he should say “I have no time”, we do not wish personal abuse, we do not wish personal violence” (Arhin 2002:90). The swearing of the oath by each party becomes a social contract between the chief and his people which can be likened to the contemporary signing of contractual agreements between parties. Violation of the oath by the chief could result in his destoolment as a breach of contract.⁴¹³

⁴¹² Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

⁴¹³ Ibid.

As tradition demanded, the enstoolment took place in the stool house where the chief was placed on the stool tree times in the presence of some selected divisional chiefs and the queen-mother. According to Busia, “the *Kontihene*, *Gyasehene*, the *Ɔkyeame panyin* [chief spokesperson], the queen-mother, the *Nifahene*, *Adontenhene*, *Benkumhene*” may be present at the enstoolment ceremony (Busia 1951:13). Nana Susubribi Krobea Asante was placed on the Atweneboah Stool of Asokore as the Omanhene, and subsequently, swore the oath of allegiance to the Asantehene, Otumfuo Opoku Ware II on 25th August 1995 and finally gazetted in the National Register of Chiefs which ended the formal installation process.⁴¹⁴

5.9.8 Contributions to Asokore Traditional Area

The enthusiasm with which the people received Nana Susubribi Krobea Asante propelled him to set up the Asokore Development Council of which he chaired. The main idea for setting up the Council was to interrogate the developmental needs of the traditional area and to strategically draw up a development plan to address the challenges of the traditional area.

The roles of chiefs in modern times have understandably changed considerably since most of their roles; judicial, legislative and executive, have been taken over by central governments in Africa. However, chiefs have taken on a new role as agents of development helping their communities in the areas of provision of social amenities, educational institutions among others. They lobby governments and other development agencies to provide funding to bring development to their people (Abotchie 2006; Bofo-Arthur 2006; Gyapong 2006).

⁴¹⁴ Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

The Council on assumption of duty assessed the immediate needs of the traditional area. These included the fact that the main trunk road linking Asokore to other traditional areas such as Kumawu, Effiduase, Juaben, Oyoko and Ejisu was not fully constructed. Although attempts had been made in the past to construct the road, work had stalled due to unavailability of funds; parts that had been constructed were not without deficiencies. Again, the feeder roads within the Asokore Traditional Area were not motorable since erosion had seriously taken the better part of them. There was no pipe-borne water supply within the entire traditional area and the people resorted to unhygienic water use. Electricity supply was only limited to the capital, Asokore, to the exclusion of the rest of the traditional area. Public places of convenience were virtually nonexistent.

Agriculture, the main occupation of the people had declined and affected the cultivation of cash crops such as cocoa, oil palm and kola. Due to the poor road network to chart the produce from the hinterlands into the cities for export, the farmers suffered post harvest losses which had made the cultivation of such crops unattractive.

The Council also found out that though there were a few new schools being built, some of the old educational institutions, such as Nana's alma mater, Asokore Methodist School, had deteriorated and needed urgent rehabilitation. Moreover, the town lacked a community Centre for social gathering and other entertainment activities. The market was also in a deplorable state and needed a facelift. To crown it all was the issue of youth unemployment since most students hardly continued to Senior High Schools after completing Junior High School without any employable skills.⁴¹⁵

⁴¹⁵ Information obtained from the Asante Asokore Traditional Council on 27th October 2014

According to Nana Asare Ankomah Boamah III, Kontihene of Asokore Traditional Area, the Omanhene, Nana Susubribi Krobea Asante after the Council's fact-finding mission, devoted his time and efforts towards the completion of some basic infrastructural projects that needed immediate attention. These included the reconstruction of the Asokore main trunk road and some feeder roads within the Asokore Township. Roads to the hinterlands were also graveled and made motorable for easy access to farm produce. The provision of pipe-borne water in the major towns and boreholes, some of which he personally financed in the villages was another project that Nana Susubribi Krobea Asante is proud of.⁴¹⁶

Not only was electricity extended to other parts of the Asokore Township, but also, through the government of Ghana's rural electrification project, Nana lobbied the government for most villages of Asokore to benefit from the provision of electricity supply. To solve some of the sanitation problems, public places of convenience were put up and also a viable system of refuse disposal was set up for proper and hygienic disposal of waste.⁴¹⁷

Nana's contribution to education in Asokore and Asanteman cannot be overemphasized. Through his efforts, the only secondary school in the traditional area, the T.I. Ahmadiyya Girls' Senior High School, obtained funding for the provision of a number of facilities such as a science block, dormitories and others. He also got the Ghana Education Trust Fund (GETFund) which provided funds for a new classroom block whilst Nana and his associates also donated over \$5,000 to rehabilitate the old block.⁴¹⁸

⁴¹⁶ Interview with Nana Asare Ankomah Boamah III, Kontihene and Vice President of the Asokore Traditional Council on 12th November 2014 at Asokore, Asante

⁴¹⁷ Interview with Kofi Osei on 28th October 2014 at Asokore, Asante

⁴¹⁸ Interview with Madam Ayesha Nyantakyiwaa Boakye, Headmistress of T.I. Ahmadiyya Girls' Senior High School on 28th October 2014 at Asokore, Asante

Other educational institutions such as the Asokore Methodist School (*Mpensadan*) were rehabilitated and also equipment provided for technical training. Nana also made in collaboration with some prominent citizens of Asokore made a contribution of \$4,000 Canadian Dollars in February 2014 towards the provision of an ICT Centre for the Asokore Methodist School. Again he made a personal contribution of \$5,000 to the Otumfuo Educational Fund.⁴¹⁹

When Nana was enstooled in 1995, the issue of unemployment among the youth became a major issue on his mind. He therefore decided to establish an institute where both males and females could be trained and equipped with various technical and vocational skills so that upon leaving school, they would be in a position to use those skills to benefit themselves and their communities. Perhaps, Nana's major contribution to education at Asokore is his collaboration with the Methodist Church in the founding of a Technical and Vocational Training Institute in 1999 which was later absorbed by government. The idea for the establishment of the Krobea Asante Technical/Vocational Institute according Rev. Solomon Asiamah Okyere,⁴²⁰ was to help the youth to acquire employable skills so as to be self-sufficient and to be useful to society.

As a very influential personality Nana Susubribi Krobea Asante got the support of foreign governments including Korean, British, Canadian, and some Asokore citizens living in Ghana and abroad, to provide funding for various projects within the school. The Institute which offered three courses at its establishment, Electrical Installation Works, Block Laying and Carpentry, now offered six courses, Electrical Engineering Technology, Building Technology, Wood Technology, Fashion Technology, Hospitality and Catering Management, and Plumbing and Gas Fitting. As a

⁴¹⁹ Interview with Mr. Yaw Ntim, Headmaster of Asokore Methodist School on 28th October 2014 at Asokore, Asante

⁴²⁰ Acting vice Principal in charge of Administration of the Krobea Asante Technical/Vocational Institute

development agent, Nana Susubribi Krobea Asante, is always in touch with investors. As part of his vision for Krobea Asante Technical/Vocational Institute to be one of the best in the county, he advocated and got Edukans, a Dutch non-governmental organisation funded by The Netherlands Ministry of Foreign Affairs to establish its programme dubbed, Learn4work, which involved the training of artisans and students in the maintenance and repair of automatic transmission and electronic cars using modern gadgets, at the Institute. According to Rev. Solomon Asiamah Okyere, the aim of the programme was to ensure that their students will acquire demand-driven skills that will put them above their colleague mechanics in diagnosing, repairs and maintenance of automatic and electronic transmission vehicles.⁴²¹

It must be mentioned that most of the students at the Institute were put on Nana Susubribi Krobea's Scholarship Scheme which had been expanded to cover a lot more people. For him, education is the key to success and taking a cue from his own life, he felt he would not have gotten to where he was if he had not taken his education seriously. When examination results were poor within his traditional area, Nana went round the various schools encouraging students and inspiring teachers alike to put in more efforts. He also donated books to them. His mantra and conviction was that, anyone who wanted to pursue education should be supported in any way possible.⁴²²

It was Nana Susubribi Krobea's belief that the Institute would go a long way to reduce the unemployment situation in the community. In addition to that, he has established a cassava processing plant which at the time of writing was yet to be fully operational. In his view, it will first of all, receive cassava from growers within the community and then processed and distributed to schools to serve as another source of employment.

⁴²¹ Interview with Rev. Solomon Asiamah Okyere, Acting vice Principal in charge of Administration of the Krobea Asante Technical/Vocational Institute on 28th October 2014 at Asokore, Asante

⁴²² Ibid.

Because the health of the people was extremely important to Nana, the only hospital in the area before his enstoolment, the Ahmadiyya Mission Hospital, was rehabilitated and expanded to accommodate more patients and health workers. Also two clinics were established at vantage locations within the traditional area to make healthcare accessible. As a personal contribution to healthcare, Nana Susubribi Krobea Asante donated an ambulance to the hospital.⁴²³

The idea of the construction of a community Centre which had been mooted several years before Nana's enstoolment became a reality. The community Centre was constructed and serves as venue for entertainment and other social events of the community. A post office, community library, a district Circuit Court and a police station have also been built and commissioned through Nana's initiative.⁴²⁴ No wonder he was awarded by the chiefs and people of Asokore at a grand durbar in 2008.⁴²⁵

5.9.9 Regional and National Houses of Chiefs

The dual political system of Ghana makes it imperative that the traditional system of governance be given recognition in the Western form of governance practiced in Ghana. Hence, platforms have been created for chiefs to deliberate on issues concerning chieftaincy and governance. According to Brobbey (2008), chiefs belong to Divisional Councils and Traditional Councils, Regional and or National Houses of Chiefs depending on their status. The status of a chief determined by the stool or skin he occupies puts him in the category of either a paramount, divisional or sub-divisional chief. Divisional Councils operated by divisional chiefs who have been

⁴²³ Information obtained from the Asante Asokore Traditional Council obtained on 29th October 2014

⁴²⁴ Ibid.

⁴²⁵ Daily Graphic, December 30, 2008, see Appendix Five

“registered in the National Register of Chiefs”, performs “administrative and judicial functions” as determined by the “National and Regional Houses of Chiefs” (Brobbey 2008:23).

Paramountcies, as stipulated in section 12(1) of Act 759 of the Chieftaincy Act 2008, are mandated to operate Traditional Councils, which are headed by the Paramount Chiefs of the traditional areas. Members of the Traditional Council consist of divisional chiefs under the paramountcy who have been registered in the National Register of Chiefs (Brobbey 2008:22). The Traditional Councils as stipulated under Article 270(3) of the 1992 Constitution adjudicate a variety of cases such as succession disputes, destoolments, among others through their judicial committees.

The Regional House of Chiefs, a body of all paramount chiefs within an administrative region of Ghana, “also performs [similar] ... statutory duties of a traditional council” (Arhin 2006:38). The 1992 Constitution of the Republic of Ghana provides for the establishment of a Regional House of Chiefs in each region and therefore, in Ghana, there are ten Regional Houses of Chiefs. Brobbey (2008) is of the view that membership of the House is not limited to paramount chiefs alone; however, the government may appoint chiefs below the status of paramount chiefs to the House. This may be as a result of the need to tap the expertise of such chiefs. In addition to Regional House of Chiefs’ functions, through its judicial committee, it also served as a venue for appeals of cases from the traditional councils within the traditional area. Recommendations may also be made by the Regional to the National House of Chiefs regarding specific issues such as succession and land disputes.

The National House of Chiefs, the highest constitutional body of chiefs in Ghana, also performs similar roles, that is, administrative and judicial, of the Regional House of Chiefs at the national level. Its functions mandated by the Constitution includes,

advising the three arms of government on issues relating to chieftaincy; reviewing legislation affecting chieftaincy; and studying, interpreting, modifying and codifying of customary laws. In order to avoid succession disputes, it is also charged with the duty of compiling stool and skin histories to ascertain lines of succession of the various stools and skins in the country. The House's membership consists of a selection of five chiefs from each of the ten Regional Houses of Chiefs. This makes it a very competitive body to be part of. According to Brobbey (2008), the National House of Chiefs as per the 1992 Constitution of the Republic of Ghana, "has one representative each on the Council of State, the Judicial Council of Ghana, the Prisons Council, the Lands Commission and the Forestry Commission" (Brobbey 2008:13).

5.10 Member of the Ashanti Region House of Chiefs and Asanteman Council

By virtue of the fact that Nana Susubribi Krobea Asante occupies the Atweneboah Stool of Asante Asokore paramountcy, he automatically became the President of the Asokore Traditional Council. It also qualified him not only as member of the Asanteman Council but also as a member of the Ashanti Region House of Chiefs where his expertise in law is of immense importance to the Judicial Committee's sittings which adjudicates cases bordering on chieftaincy succession disputes, land disputes, among others.

Even though in the Asante political system, Asokorehene is behind a number of other paramount chiefs, Nana Susubribi Krobea's expertise and intellect earned him the opportunity to play significant roles on behalf of Asanteman. He was deeply involved in the Asantehene Otumfuo Osei Tutu's efforts to attract investments and foreign projects to Asanteman. The trust reposed in Nana Susubribi Krobea by his traditional overlord, the Asantehene, earned him an enviable position as one of the counselors in

the negotiations for World Bank assistance for development projects in Asanteman. He had the opportunity to travel on a number of occasions with the Asantehene in pursuit of such projects. It is also worth noting that Nana Susubribi Krobea was elected by the Asantehene as the spokesperson for Asanteman on the occasion of the conferment of honouring title, “Busumuru” on Kofi Annan, former Secretary-General of the United Nations, in August 2002. Again, Nana S.K.B. Asante spoke on behalf of Asanteman during the visit of the former World Bank President, Mr. Paul Wolfowitz, in March 2007 in Kumasi, and also during Most Rev. Justin Welby, Archbishop of Canterbury’s visit to Kumasi in October 2014.⁴²⁶ On these occasions, Nana distinguished himself with his oratory skills much to the delight and pride of Asanteman.

5.10.1 Member of the National House of Chiefs

Nana S.K.B. Asante was elected by the Ashanti Region House of Chiefs as one of its five representatives to the National House of Chiefs in 2002. As an experienced legal luminary, he was elected Chairman of the House’s Constitutional and Legal Committee and also co-opted as a member of the standing committee of the National House of Chiefs. His role as the Chairman of the Committee includes reviewing or formulating proposed legislation affecting chieftaincy and also developing some of the constitutional functions of the House such as the testament of customary land law and family law. With his experience in constitutions, he also helps to formulate the National House’s position on constitutional reforms and other related matters.

⁴²⁶ Information obtained from the Asante Asokore Traditional Council on 29th October 2014. The author witnessed the October 2014 ceremony in Kumasi

5.10.2 Member of the Judicial Council of Ghana

Nana S.K.B. Asante was elected by the National House of Chiefs to represent the House on the Judicial Council of Ghana in 2006. He served the Council in various capacities including, member of the Appointments and Disciplinary Committee; Chairman of the Examination Committee; Chairman of the Committee on Conditions of Service for the staff of the Judicial Service of Ghana. In these capacities, he discharged his duties with much dedication that, the Council recommended him for a national honour, Officer of the Order of the Volta, which was conferred on him by President J.A. Kufour in 2008. Most Rev. Professor Emmanuel Asante, former member of the Council describes Nana S.K.B. Asante as one who is astute and adept in matters of the constitution and law and that though the Judicial Council included a lot of legal luminaries as judges of the Supreme Court and Appeals Court, Nana was depended on significantly for his views and contributions discussions bordering on the law.⁴²⁷

5.10.3 Member of the National Peace Council of Ghana

Nana S.K.B. Asante was also elected to represent the National House of Chiefs on the National Peace Council of Ghana in 2010. The National Peace Council, a 13-member body representing various groups such as, religious, political, educational and social, seeks to facilitate and develop mechanisms and strategies to prevent, manage and resolve conflicts through networking, coordinating and campaigning with the aim to sustain peaceful coexistence in Ghana.⁴²⁸ According to Most Rev. Professor Emmanuel Asante, Chairman of the National Peace Council, Nana Asante's expertise

⁴²⁷ Interview with Most Rev. Professor Emmanuel Asante, Presiding Bishop of the Methodist Church Ghana and Chairman of the National Peace Council on 8th April 2015, Accra

⁴²⁸ Information retrieved from the National Peace Council of Ghana website on 2nd April 2015 at 11:35am

in mediation and negotiations has been essential in the Council's efforts to prevent and resolve national and regional conflicts.

In Nana Susubribi Krobea Asante's opinion, the old perception of chiefs as "ignorant naïve leaders susceptible to manipulations by unscrupulous foreign traders or self-seeking politicians is no longer valid" taking into consideration the crop of highly educated and sophisticated individuals being enstooled or enskinned today. For him, the invaluable contribution of chiefs in Ghana's independence struggle in the past cannot be overemphasized. Chiefs such as Nana Sir Osei Agyeman Prempeh II (1931-1970), Asantehene; Nana Sir Ofori-Atta I (1912-1943), Okyenhene; Nana Sir Tsibu Darku IX (1930-1982), Omanhene of Assin Atandansu; Oklemekuku Azu Mate Kole II (1939-1990), Konor of Manya Krobo and Alhaji Yakubu Tali (1952-1986), Tolon Na, were very active in diverse ways including gunning support for and collaborated effectively with the politicians at the time.

According to Nana Susubribi Krobea Asante, the institution of chieftaincy forms one of the major stabilizing factors of the Ghanaian society. He adds that its sanctity must be protected and preserved because of its proximity to the local people. In his view, while he agrees and accepts the constitutional ban on chiefs' participation in active party politics, he however sees no justification for chiefs virtual exclusion from local government, especially where their expertise could be tapped. Stripped of their political executive powers and without any financial support, chiefs are now at the mercy of government, agencies, Western donors, NGOs and other civil society organizations to bring development to their people.

Chiefs must be involved in local governance irrespective of the political party in power, and work in partnership with the District Assemblies in the management of local resources subject to strict accountability. In that case, projects executed with

public funds will be properly looked after since the people will feel that they own them.

It is evident from the above that Nana Susubribi Krobea Asante indeed had a calling to be involved in the institution of chieftaincy to bring his rich experience acquired throughout the world to bear on the lives of the people of Asokore in particular, Asanteman and Ghana in general. His interests in the provision of social amenities particularly educational facilities in the Asokore traditional area and the advancement of Asanteman cannot be overstated. This, was observed by Dr. Karl Sauvant who stated that “[Dr. S.K.B. Asante’s] concern was not only for the international community which he demonstrated during his tenure at the UNCTC and for developing countries in general, but also that he remained very much committed to Ghana and helping in the development of Ghana”. Dr. Sauvant had made this observation in 2009 where Nana S.K.B. Asante talked about the prospects of investing in Kumasi during the Millennium Cities Initiative (MCI) workshop in New York aimed at attracting strategic investors to Kumasi.⁴²⁹

It is observable that, Nana S.K.B. Asante has managed to negotiate effectively between two diametrical worlds of tradition and modernity to the benefit of societal good and thereby bridged the gap between the two worlds. His academic scholarship coupled with his international legal exposure and experience did not limit his respect for culture and tradition. For him, education is acquired for economic development and the promotion of good quality human life and existence. Nana’s working life has been a contribution to the public good, not only in Ghana and Africa, but the world at large.

⁴²⁹ Interview with Dr. Karl P. Sauvant of the Columbia University Law School and former Director of the United Nations Conference on Trade and Development’s (UNCTAD’s) Investment Division (DITE) on 27th April 2015 through Skype communication.

CHAPTER SIX

6.1 S.K.B. Asante's Challenges, Views and the Methodist Church

One is tempted to assume that Nana Susubribi Krobea Asante's life has been smooth sailing considering the fact that he came from a remote village in the heartland of Ashanti and found himself in Achimota School, and later, proceeded to prestigious universities abroad. One would also presume that having the opportunity to be involved in public service in Ghana, and also serving the international community through the World Bank and the United Nations, he did not encounter difficulties, setbacks and challenges. The reality however is that, Nana Susubribi Krobea Asante's life has not been without challenges. This chapter seeks to discuss some of the challenges Nana S.K.B. Asante faced from his childhood days right through his professional career both in Ghana and abroad as well as his challenges as a family man.

In African societies, it is believed that a boy child always needs to have the presence and audience of his father to groom him in the ways of men. Even in matrilineal societies where much responsibility was not placed on the father, most boys desired to live in a home where there was the father figure who served as a mentor to them. Nukunya (2003) contends that "though it is true that father and child do not belong to the same *abusua*, paternity nonetheless remains an essential feature of social life and status" (Nukunya 2003:35). The importance of the father in the home therefore cannot be overemphasized as he serves as security for his children.

S.K.B. Asante's first challenge was the absence of his father, Opanin Yaw Asante whose work as a cocoa purchasing clerk did not permit him to stay in Asokore where S.K.B. lived. Eventually when his parents separated, the burden of bringing him up fell on his mother, Yaa Awisi, who had to go the extra mile to provide the needs of

S.K.B. and his three sisters. Though S.K.B. tried not to make the absence of his father have an adverse effect on him in view of the fact that his mother had a lot of interest in his education and welfare, there is no doubt that his father was needed in the home. Indisputably, he always looked up to visiting him sometimes on holidays when he was not visiting his mother.

As Nana Dr. S.K.B. Asante again recalled, another major challenge he faced was the stipulation in his Government of the Gold Coast scholarship awarded him to study at Nottingham University. It may be recalled that the scholarship required that, upon completion, he was to be posted to the Legal Department of the then Lands' Department. S.K.B. as already noted, did not fancy the idea of going to that department. He wanted a more challenging endeavour such as teaching, researching, drafting and occasional courtroom experience. Though the Lands' Department did not offer these opportunities, he had to honour the terms and conditions. He therefore spent the entire period of his LLB at Nottingham University, LLM at King's College and solicitor's internship, agonizing about his return to Ghana to serve in the Lands' Department. Though this challenge did not negatively influence his studies, it accounted for the extension of his stay in London.

Another challenge Nana S.K.B. Asante faced was the agonizing decision to resign from the University of Ghana. It may again be recalled that S.K.B. Asante was offered a Yale Fellowship to pursue a Doctor of Juridical Science (J.S.D.) Degree at the Yale University in 1963. However, by the close of 1964 when he was just about completing his studies, the plan to return to Ghana was unfortunately complicated by perceived political turbulence and instability that prevailed at the University of Ghana. This, was the result of acute tensions between the University of Ghana and President Kwame Nkrumah's government which emanated from fundamental philosophical and conceptual differences over the direction and future of the university. Nkrumah's

attempts to Africanize the university by dismissing expatriate lecturers clashed with the university's concept of academic freedom. The Law Faculty was most affected by these and destabilized it. When the Dean of the Law Faculty, Professor W.B. Harvey, together with other senior members of the Law Faculty were dismissed and deported from the country, Dr. S.K.B. Asante monitored the happenings at the university with keen interest and contemplated resigning from the University of Ghana. To him, it was a very difficult decision to make. He was aware that right from Achimota School and beyond, he had been educated solely with public funds and therefore, he had the obligation to return to the country to contribute to its educational development. He also had a moral duty to return to the Law Faculty whatever the political tension and difficulties were since that was the precondition for the grant of his two-year study leave by the university. He also thought of the negative consequence of his failure to return and its impact on his colleagues at the university who were yet to go for further studies. He knew that resignation from the university could also mean a self imposed exile from Ghana, a reflection which was reiterated by S.K.B.'s wife, Mrs. Philomena Asante, when she asked him "where do we go next?". However, after a careful observation of the situation, he made perhaps one of the most agonizing choices he ever made, and resigned from the University of Ghana in May 1965 when he had no alternative job offer anywhere.

Again, another challenge Nana S.K.B. Asante recalled had to do with the 1972 military coup d'état. Though he was asked by Colonel Acheampong to continue in his office as the Solicitor General of Ghana, the fact that Dr. S.K.B. Asante, an international legal luminary with considerable experience in constitutional matters, appointed by the constitutional democratic regime of Dr. K.A. Busia, and later found himself working for a military junta that ousted the constitutional regime, the phenomenon was repugnant to him. To Dr. S.K.B. Asante, the Acheampong regime

ushered in an uncertain future with no assurance of due process or stability. Again, the fact that most of his colleagues in the Busia government such as Jones Ofori-Atta, J.A. Kuffour, and others were placed in detention while he could not secure their release was also a daunting challenge to him. This propelled him to take the decision to leave the government in 1977.

As a Senior Legal Adviser at the United Nations Centre on Transnational Corporations (UNCTC), Dr. S.K.B. Asante was required to give technical advice in the analysis of issues relating to transnational corporations and writing of articles to that effect. The challenge came to him when in 1983 he was appointed Director of the Centre with executive responsibility to appraise other employees and recommend their promotions or otherwise. This, according to Nana S.K.B. Asante, was the most difficult part of his time at the Centre. Due to his meticulous nature, he paid attention to every detail at the displeasure of some of his colleagues. They complained and sometimes even appealed against some of his decisions through higher authorities. For him, they created the impression that he did not approve of their promotions because he did not identify with them racially and not necessarily because of their incompetence. This situation therefore created a strained working relationship between him some officers at the Centre. Another challenge Dr. S.K.B. encountered at the UN Centre was the infusion of politics into its work. Some officers of the Centre cajoled ambassadors and diplomats of their respective countries to front for their promotions in order to be promoted to positions they sometimes did not merit. These situations were very challenging for Dr. S.K.B. Asante who against all odds, stood his grounds and promoted on merit.

Back home in Ghana, Nana Susubribi Krobea Asante grappled with his supposed political affiliation. Leading members of the Convention People's Party (CPP) perceived him as belonging to the United Gold Coast Convention (UGCC)/ United

Party (UP)/ Progress Party (PP) political tradition and the vice versa. Although his first public service was an Assistant State Attorney in the government of the CPP, his position as the Solicitor General of Ghana during the PP regime was more highlighted which sought to fuel the perception that he belonged to that political tradition. Matters were worsened when the PP government was overthrown by Colonel Acheampong, generally perceived to be a sympathizer of Nkrumah. Dr. S.K.B. Asante who continued to serve in the new military government, was seen by members of the UP/PP political tradition as having joined their political rivals, and hence, a traitor. On the other hand, though in the early days of the Acheampong regime, there seemed to be a cordial relationship between Dr. S.K.B. Asante and Colonel Acheampong which even led to his promotion to Deputy Attorney-General, he was still seen by Colonel Acheampong as a political suspect with high connections to the ousted Prime Minister, Dr. Busia. The suspicion may have accounted for the strained relationship between them in later years which eventually led to his resignation from the government in 1977.

The perception of Nana S.K.B. Asante's political affinity even seemed to influence his dealings with the Government of Ghana during the period when he was serving as Chief Legal Adviser at the UNCTC. Nana S.K.B. Asante recalled an incident in 1981 when Dr. Joseph de Graft-Johnson, Vice President of the Republic of Ghana, went to the UNCTC to invite him on behalf of the Government of Ghana to be part of a team to start the renegotiation of Volta Aluminum Company (VALCO). Dr. S.K.B. Asante who was all set to go to Geneva, Switzerland, for the annual meeting of the UNCTC, had to cancel the trip to Geneva with permission from his supervisor who was very reluctant in releasing him for the national assignment. Dr. Asante was however surprised when a few hours to his flight to Ghana, he received a telephone call from Ghana's Ambassador to the United States of America, Ambassador Victor Gbeho,

that he just received a message from the Ghana government that Dr. Asante's engagement would not be needed anymore. As it turned out, though it was not articulated, when it was pointed out to the President, Dr. Hilla Limann, that Dr. Asante had worked with the Busia government between 1969 and 1972 as the Solicitor General, an apparent political decision to exclude Dr. Asante from the renegotiations was taken. Here again, he was perceived to belong to the UGCC/UP/PP political tradition of Danquah and Busia, a political rival of the CPP and the Nkrumahist political tradition to which President Limann's People's National Party belonged.

Nana Susubribi Krobea Asante's Chairmanship of the Committee of Experts that formulated proposals for the drafting of the 1992 Constitution and also the first Chairman of the Public Utilities Regulatory Commission, both appointments made by J.J. Rawlings during the Provisional National Defense Council (PNDC) and National Democratic Congress (NDC) regimes respectively, he is perceived to some extent to have links to the NDC. Alternatively, the fact that he is an Ashanti chief, the stronghold of the New Patriotic Party (NPP), he is also perceived by others to be sympathetic to the NPP, the main political rival of the NDC.

Political affinity and some other conclusions drawn by politicians and others have been sources of daunting challenges on the professional lives of many individuals in Ghana including Nana Susubribi Krobea Asante. Much as the expertise of these individuals could be sought to the benefit of the whole nation, often, such persons are neglected for political expediency. Nana S.K.B. Asante is of the view that, the lack of expert technical advice to government in the areas of negotiations and international business transactions has been a contributory factor to the proliferation of judgment debts cases in Ghana and elsewhere in Africa. He adds that individuals in the country need not be judged by their political affiliations, but rather, by their competence or

otherwise. For him, extreme “majoritarianism”- the situation where winners of general elections recruit only members of their political parties into government to the exclusion of all others- is most unfortunate and a dangerous phenomenon in Africa, particularly Ghana. The phenomenon of changing membership of various Boards of Corporations and Institutions as a result of change in government and appointing others on political grounds, in Nana S.K.B. Asante’s opinion, is an unfortunate development for a developing country like Ghana.⁴³⁰

Though some of these political perceptions led to Nana S.K.B. Asante’s exclusion from some vital decisions and projects, he stood his ground and offered his quota to all shades of governments in Ghana irrespective of the political coloration he was tagged with. Indeed, Nana Susubribi Krobea Asante transcended politics and saw himself as a pure technocrat whose duty was to offer technical advice irrespective of the colour of the government in power.

On chieftaincy, Nana S.K.B. Asante is of the opinion that the institution is a full time occupation with traditional responsibilities that demanded the dedication of almost all of one’s time and resources. With the modern chief’s assumption of the role of development agent, development priorities of the traditional area rest with the chief. The chief is expected to lobby government agents, NGOs, civil society and other development partners to provide the socioeconomic needs of the traditional area. In Nana S.K.B. Asante’s case, he observed that it was not easy to combine modern professional work whilst based in Accra with traditional responsibilities in Asokore traditional area, about 200 miles away from Accra where he operates his offices.⁴³¹

Apart from the provision of logistics, he observed that there were conceptual issues about development priorities which he not only had to settle with his elders, but also,

⁴³⁰ Interview with Nana Susubribi Krobea Asante, on 4th February 2015 at Adabraka, Accra

⁴³¹ Ibid.

the District Assembly. Unlike the District Assembly which is a beneficiary of the District Assembly Common Fund, the Asokore Traditional Council did not have a regular source of development budget from the central government for the execution of projects. The burden therefore for financing development projects falls on the chief. In Nana Asante's view, the modern political system has sidelined the chief in the control of government funds for development projects. The modest resources such as royalties from mining and timber concessions and market tolls accrued to the stool are distributed among the District Assembly, Traditional Council, Administrator of Stool Lands, Forestry Commission and others, leaving very little resources for the prosecution of development projects.⁴³²

Nana S.K.B. Asante's family challenges were not much since he was lucky to have had an understanding wife and children who were aware of the demands of his chosen career. Because of his usual brief absence from home on working missions particularly during his time with the Government of Ghana and the United Nations, his wife, though a trained nursing officer, resigned from her nursing profession in order to make time to care for their children.

6.2 **S.K.B. Asante and the Methodist Church**

The objective of the Wesleyan Methodist Missionary Society that introduced Methodism into the then Gold Coast in 1835 was not only to build a vibrant spirit-filled and spirit-led church for the holistic transformation of society, but was also to provide other social services. Formal education, healthcare and other services were of much priority to the Church as much as the spiritual nourishment to its members.

According to Most Rev. Professor Emmanuel Asante, the Methodist Church had a vision of a nation in which every child receives quality education to the highest level

⁴³² Interview with Nana Susubribi Krobea Asante, on 4th February 2015 at Adabraka, Accra

possible. The education received was to be based on academic excellence and the development of productive skills, leading to the development of the individuals involved with virtue of honesty, integrity, Christian values, professional and work ethics. The Church therefore collaborated with many traditional authorities and government in the provision of physical infrastructure such as schools, hospitals, cathedrals, mission houses, roads and others across the country. To this end, according to Most Rev. Prof. Emmanuel Asante, by the end of 2009, the Methodist Church had established 719 kindergartens, 1,017 primary schools and 483 Junior High Schools. It had also founded 20 Senior High Schools, 22 secondary/technical/vocational institutions, three Teacher Training Colleges of Education, and a university college, the Methodist University College. In the area of healthcare, the Church had established two hospitals, one at Ankaase in the Ashanti Region, and the other at Wenchi in the Brong Ahafo Region.⁴³³

It was one of such schools established by the Methodist Church at Asante Asokore in 1926 that S.K.B. Asante attended. It may be recalled that S.K.B. Asante was baptized in 1938 at Asokore on his admission to the Asokore Methodist School. His confirmation in 1946 during his first year at Achimota School performed by Rev. M.B. Taylor⁴³⁴, reinforced the spirit of Methodism in him and he remained committed to the Church for its spiritual nutrition. His pedigree as a veteran Methodist and contributor in any measure cannot be in doubt. The opportunity given him by the Church especially his basic education at the Asokore Methodist School was to a great extent appreciated by Dr. S.K.B. Asante since it served as a solid foundation of his scholarly enterprise.

⁴³³ Lecture delivered by Most Rev. Professor Emmanuel Asante, Presiding Bishop of the Methodist Church Ghana on Thursday, November 11, 2010 at the South Wing, Faculty Block of the Methodist University College, at Dansoman, as part of the 10th Anniversary of the founding of the College.

⁴³⁴ Then the Chairman of the Gold Coast Methodist Church

In London, when he was studying for his Bachelor of Laws and Master of Laws Degrees, he was an active member of the Hinde Street Methodist Church. He also served as a lay preacher at the Christ United Methodist Church in New Rochelle, New York, when he was pursuing his Doctor of Juridical Science Degree at the Yale Law School.⁴³⁵ Eventually, when he returned to Ghana after his retirement from international service in the 1990s, he was appointed Chairman of the Endowment fund that played a critical role and raised funds for the establishment of the Methodist University College in 1998. His dedication to the task assigned him and others, eventually resulted in the founding of the Methodist University College Ghana in October 2000. He was also appointed member of the panel of advisers of the first Presiding Bishop of the Methodist Church, Most Rev. Dr. Samuel Asante Antwi, in 1998. To crown it all, he collaborated with the Church to establish the Krobea Asante Technical/Vocational Institute at Asokore which has attracted international support in the training of artisans and students in the maintenance and repair of automatic transmission and electronic cars using modern gadgets, dubbed, Learn4work. Nana Susubribi Krobea Asante's involvement and contribution to the Methodist Church therefore cannot be left in oblivion.⁴³⁶

From the above, it is evident that Nana S.K.B. Asante has had his share of challenges both on a personal level and those encountered as part of his professional life including chieftaincy. What is also evident is the fact that he was able to maneuver his way right through the challenges and achieved his aim because he believed in his abilities to prevail at the end of the day. The spiritual nurture of the Methodist Church which he received from his childhood and throughout his career, guided his steps in his quest for knowledge to serve humanity which won him enviable credentials.

⁴³⁵ Interview with Nana Susubribi Krobea Asante, on 7th August 2014 at Adabraka, Accra

⁴³⁶ Interview with Most Rev. Professor Emmanuel Asante, Presiding Bishop of the Methodist Church Ghana and Chairman of the National Peace Council on 8th April 2015, Accra.

CHAPTER SEVEN

7.1 Conclusion

The balance sheet of the life and career of Nana Susubribi Krobea Asante could be said to be surplus. From a humble beginning at Asokore Methodist School, Nana's life has been action-packed right from his childhood to his professional life and even after his statutory retirement in 1993.

As a child growing up at Asante Asokore, his curiosity and quest to acquire knowledge earned him friendship with older and renowned persons such as Professor Meyer Fortes of Oxford University and Mr. J.B. Odunton, an information officer of the Gold Coast Government. The two persons exposed him to knowledge beyond the narrow confines of Asokore Methodist School and set him up on a scholarly path that widened his intellectual horizons. This earned him admission to the prestigious Achimota School and great institutions of learning abroad such as Nottingham University, King's College and Yale Law School where he demonstrated tenacity and a great sense of determination to reach higher heights, which he did.

Nana Susubribi Krobea Asante's contribution to history and development is observed from varied angles.

First, his contribution to legal scholarship both in Ghana and beyond cannot be overstated. In Ghana, as a pioneer lecturer at the Law Faculty of the University of Ghana, he was part of a team that set the ground for the training of the first generation of Ghanaian lawyers on Ghana soil. Generations of Ghanaian lawyers were impacted by the role he played at the beginning especially when he was entrusted with the headship of the Law Department at the age of 29 years.

Apart from his provision of leadership at the Law Department, he also supplemented his efforts with his solid Ghanaian legal writings which were very important because unlike other areas of study, there was very little written about Ghanaian law at the time. Much of the learning materials came from British law. His book on *Property Law and Social Goals in Ghana*, calved out of his doctoral thesis, virtually became a textbook for the Department of Land Economy of the Kwame Nkrumah University of Science and Technology in the late 1970s and 1980s. Generations of quantity surveyors and lawyers were trained on the basis of that book since it went beyond the normal confines of stating the law and dealt with the relationship between land law and development.

As a prolific writer, he also published articles in many international legal journals worldwide which not only impacted legal scholarship and practitioners in African studies and policy making, but also, some of which became mandatory readings in many universities in Europe and America. In an interview with Professor Henry J. Richardson of the Temple University Beasley Law School, he said:

“I consider Dr. Asante to be one of the truly great 20th-21st century African legal scholars, lawyer, and public policy intellectuals. His excellence, width of learning, perceptive analysis, clarity of writing in and around international, regional and national areas of law do place him, in my opinion, in that small and now diminishing category of pioneering trans-African globally prominent legal scholars, which includes, for example, Judge T.O. Elias. By their writings and achievements in formative constitutional situations, they created new legal doctrines and interpretations regarding the necessity of African peoples to chart a progressive post-colonial future under and using a variety of sources of law, including international law”.

Nana S.K.B. Asante’s contribution to legal scholarship was not only as a teacher, a lecturer and a writer, but also as a promoter who was very supportive of many Ghanaian students who wanted to study abroad. His advice to such aspiring students

on their chosen career paths and assistance in every way possible portrayed him to the international community as a representative of sophisticated legal scholarship abroad which earned him election to the executive council of the American Society of International Law.

As a pioneer lecturer in law at the University of Ghana Law Faculty, and law lecturer of other Law Faculties worldwide, Nana Asante can boast of former a President of Ghana; former Speaker of Ghana Parliament; Supreme Court, Appeals Court and High Court judges, distinguished lawyers, and other important international legal personalities worldwide as some of his former students.

Second, though Nana Asante was not a trained economist, he was interested in the relationship between law and development. For him, the Law should be applied to bring positive social change in the life of the people. His work with the Legal Department of the World Bank that introduced him to international legal transactions as well as the international aspects of development was part of the reasons for his appointment as Solicitor General of Ghana in 1969. His contribution to the economic development of Ghana as the Solicitor General and Deputy Attorney-General of Ghana and even beyond those positions cannot be overstated.

Dr. S.K.B. Asante's advice to the National Redemption Council government to establish the Public Agreements Review Committee (PARC) in 1972 served as a check on all business transaction agreements entered into by the government of Ghana with other multinational corporations. The Committee, of which he chaired, had the objective of reducing the incidence of defective agreements which often resulted in government's payment of judgment debts. It rationalized the operations of

government officials and agencies in their dealings with multinational and transnational corporations.

The critical role Dr. S.K.B. Asante played in the rescheduling Ghana's external debt which eventually resulted in the signing of the Treaty of Rome in 1974 where Ghana got a long term debt settlement of 28 years with 10 years grace period and a moratorium interest of 2%, saved Ghana a lot on its external debt obligations. Resources which otherwise would have been used to service Ghana debts were therefore used for essential social and economic developments. Dr. Asante also led in the negotiation and eventual acquisition of 55% majority equity interest in Ashanti Goldfields Corporation and Consolidated African Selection Trust (CAST), 55% majority equity share interest in forestry or timber companies, and 100% acquisition of AGIP Ghana Company Limited, now Ghana Oil Company (Goil), all in 1974.

Again, as a co-leader of the Government of Ghana/Volta River Authority team that negotiated for funds from seven international financial institutions for the financing of the Kpong Project, Dr. S.K.B. Asante worked tirelessly to ensure that the project succeeded in its mandate to construct a hydroelectric dam, an irrigation system and provided urban and rural water supply to the some parts of Accra in 1976.

Even as an official of the UNCTC, Dr. S.K.B. Asante was very much involved in Ghana's economic development. In 1984, he contributed effectively in the renegotiation of the VALCO Agreement by putting together, a viable team of field experts from the UNCTC that joined the Commonwealth Secretariat led by Prof. Akilagpa Sawyerr to reach a mutual agreement that benefited Ghana.

Third, on the international front, Nana Dr. S.K.B. Asante distinguished himself as an international legal expert extraordinaire. He made history as the first African south of

the Sahara to be appointed Attorney at the Legal Department of the World Bank in July 1966. His assignments involving drafting and negotiating relevant international loans agreements between the World Bank and Countries in respects of financing projects, earned him much experience in international business transactions and negotiations from which Ghana benefited immensely. As an Attorney at the World Bank, his revision of the statutes for establishing the constituent corporations of the East African Community which obtained loans from the World Bank for its projects in 1967, streamlined the operations of the various corporations (East African Airways Corporations, East African Railways Corporations, and East African Harbours Corporations) of the Community. Also, Dr. S.K.B. Asante's involvement in the establishment of the Korean Development Finance Corporation (KDFC) in 1968 cannot be overlooked. His drafting and negotiation of some of the legal documents that brought on board international financial institutions such as the World Bank, International Finance Corporation and others from Europe, America and Japan, to provide initial financing for the corporation, contributed in no small measure to the success of the KDFC. His tact for detail and astuteness to duty earned him the admiration of his employers, colleagues and eventually, the Government of Ghana, which warranted his call-up to public service in 1969.

As the Director of the United Nations Center on Transnational Corporations, Dr. S.K.B. Asante fought relentlessly regarding protecting international human rights, under international law by persistently addressing the highly controversial question of whether multinational corporations could be held directly liable for their global activities. As Professor Richardson observes, “[Dr. S.K.B. Asante's] efforts came very close to success before the Centre was blunted by combinations of corporate and governmental opposition”. In spite of the resistance, Dr. S.K.B. Asante's leadership in

clarifying best legal policy to addressing the issues, and averting counter-efforts and claims, laid much of the foundation for the subsequent global prominence of the corporate international legal liability issues to this day. Also, his advisory role in the mission to China in the early 1980s on the structuring of China's investment laws, mining and petroleum laws in that country's bid to liberalize its economic policies, significantly facilitated foreign investment and business transactions in China.

Dr. Asante's recognition internationally as an experienced arbitrator having served as arbitrator and panelist under the auspices of various international arbitration institutions worldwide has been of immense importance to Ghana. His dispute settlement experience in bilateral investment law, international financing transactions, petroleum and mining agreements, international joint ventures, state contracts, construction and management agreements, among others, have been evident in the tribunals of the International Court of Arbitration of the International Chamber of Commerce, International Center for the Settlement of Investment Disputes, London Court of International Arbitration, Permanent Court of Arbitration, among others. One of the benefits Ghana gained from his expertise in this area besides placing Ghana's name and also blazing the trail in being listed in the prestigious catalogue of the *International Who is Who Legal Arbitration*, he co-founded the Ghana Arbitration Center in Accra in 1996. The Center has resolved a lot of cases bothering on international business transactions with transnational and multinational corporations which hitherto, would have pended in the courts. Arbitration has therefore helped to decongest the courts in Ghana through the efforts of Nana Dr. S.K.B. Asante. By these connections, Dr. Asante made an essential contribution to the progressive development of international law from which Ghana benefitted immensely.

Fourth, Nana Dr. S.K.B. Asante's contribution to the constitutional development of Ghana is also significant. As a public servant who served under both democratic and military governments, he realized that, military regimes lacked stability, did not follow due process and were often arbitrary in their decisions. In view of this, when he was called upon in 1991 to Chair the 9-member Constitutional Drafting Committee, at a time when it was almost a taboo to be seen to associate with the PNDC, he readily accepted against the advice of some top legal persons in the Ghana Bar Association. He argued that, if Ghana had to return to constitutional democracy, some sacrifice of time had to be offered by individuals who had established themselves as credible and respectable, to the course. The Committee's work which produced a draft proposal of the 1992 Constitution within just two months, though was heavily criticized by the public, still managed to fuel the debate of the Consultative Assembly which produced the final Constitution of Ghana.

Fifth, though well educated, Nana did not turn his back on traditional institutions, especially chieftaincy. Rather, he embraced it and contributed tremendously in transforming it from an archaic institution into a more attractive and progressive one. His interest in law, governance and development substantially informed his decision to put himself up in the service of the chiefs and people of Asante Asokore and Asanteman in General. As a development lawyer and the Paramount Chief of Asante Asokore, Nana used his skills in law and chieftaincy as an instrument of social change and negotiated between the modern world and the traditional world. By that accomplishment, Nana served as a bridge between the modern world and the traditional world.

Nana Susubribi Krobea Asante has indeed cached a niche for himself as one of the greatest prosecutors of education in Ghana particularly in Ashanti Region. His

financial supports to the Otumfuo Educational Fund; establishment of the Dr. S.K.B. Asante Trust Fund which provides scholarship to students from Asokore and its environs; establishment of the Krobea Asante Technical/Vocational Institute; personal financial contributions towards the rehabilitation of the Asokore Methodist School and dormitory blocks of the Ahmadiyya Girls' Senior High School at Asokore among others, is in no small measure, worthy of acknowledgement.

Again, since his enstoolment as the *Omanhene*, his efforts has brought governmental and other development agencies such as NGOs, corporate bodies, diplomatic missions in Ghana, among others, to financially support the execution of development projects such as the provision of pipe-borne water, extension of electricity to rural areas, constructions of town roads, a community center, post office, police station, community library, market, healthcare center, *inter alia*.

As a member of the National House of Chiefs, Nana also used chieftaincy as a springboard to also put his expertise in law and arbitration at the disposal of both the Judicial Council of Ghana and the National Peace Council. His views and interpretation of the law and skills in mediation proved invaluable to both councils.

Finally, though Nana Susubribi Krobea Asante was born into a rural community, he rose through international circles and won enviable credentials for himself, his community and his nation. For him, the ultimate was his goal. His goal was service to humanity. No wonder the welfare of his family, both nuclear and extended; his community; the needy and all and sundry became part and parcel of whatever he wished for himself. Such a feat is achieved by great men. Nana Susubribi Krobea Asante is a great man indeed!!!

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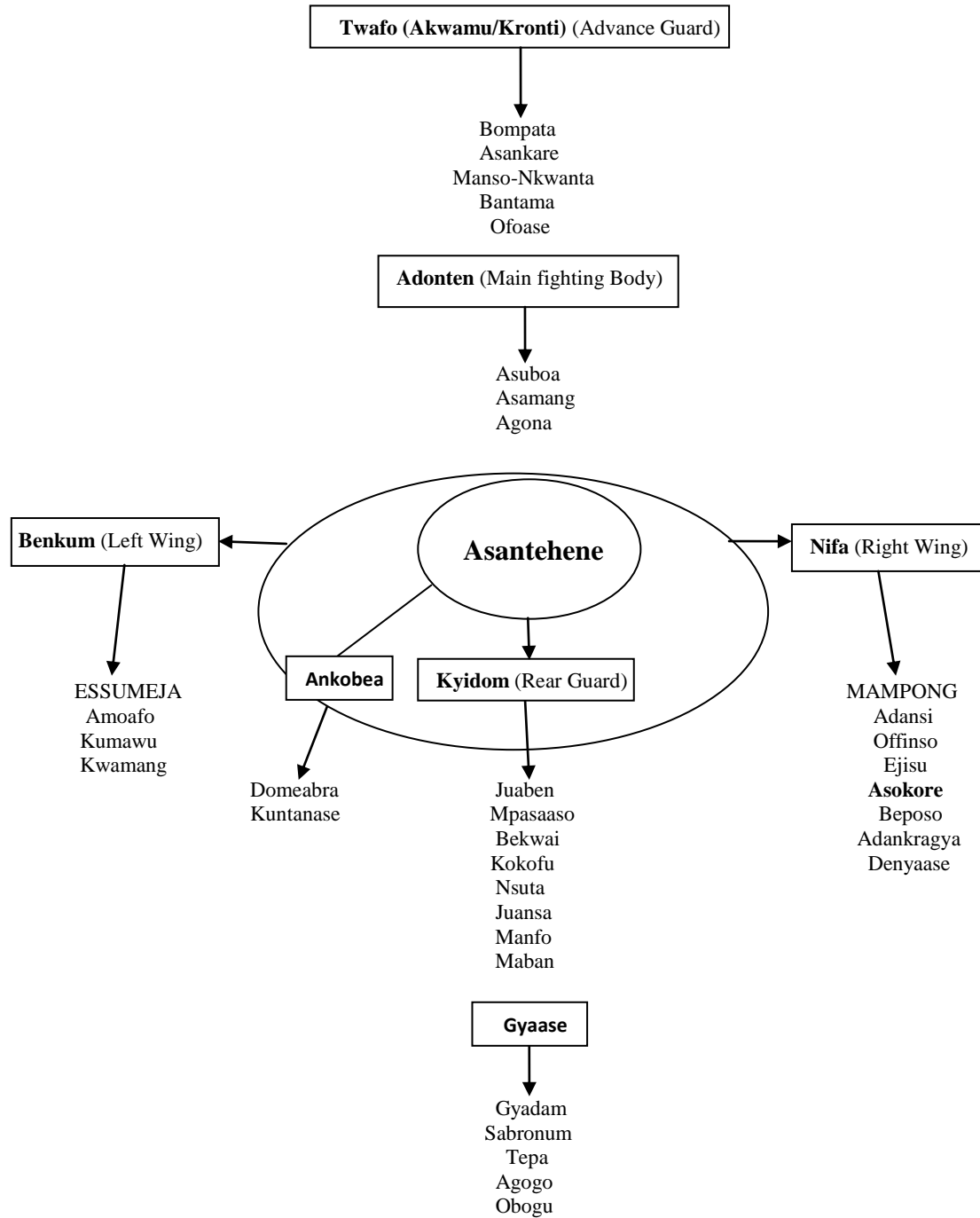
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7. Professor Reginald Fraser Amonoo, Former President of the Ghana Academy of Arts and Sciences Interviewed on 3rd December 2014, Accra
8. Professor Kwame Frimpong, former Dean of the Ghana Institute of Management and Public Administration (GIMPA) Law School Interviewed on 8th April 2015, Accra
9. Professor Henrietta Mensah-Bonsu, professor of law at the Faculty of Law and Director of the Legon Centre for International Affairs and Diplomacy (LECIAD), University of Ghana, Legon Interviewed on 21st April 2015, Accra
10. Most Rev. Professor Emmanuel Asante, Presiding Bishop of the Methodist Church Ghana and Chairman of the National Peace Council Interviewed on 8th April 2015, Accra
11. Justice Stephen Alan Brobbey, retired Justice of the Supreme Court of Ghana Interviewed on 9th April 2015, Accra
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13. Mr. Stephen Adu, former Executive Secretary of Public Utilities Regulatory Commission of Ghana (PURC) Interviewed on 15th April 2015, Accra
14. Professor Henry J. Richardson III, professor of Law at Temple University Beasley Law School Philadelphia, Pennsylvania Interviewed on 18th April 2015 via Skype communication.
15. Dr. Karl P. Sauvart of the Columbia University Law School and former Director of the United Nations Conference on Trade and Development's (UNCTAD's) Investment Division (DITE) Interviewed on 27th April 2015, Skype communication.

16. Honourable Judge Charles Brower, Judge ad hoc, International Court of Justice Interviewed on 27th April 2015, via Skype communication.
17. Dominic Kofi Asante, 49, Son of Nana Dr. Susubribi Krobea Asante. An Attorney in Cherry Hill, NJ. Interviewed on 28th April 2015, via telephone.
18. Professor Victor Lawrence Kwesi Essien, Adjunct Professor of law at Fordham University Law School Interviewed on 28th April 2015, via email.
19. Philomena Ama Boatemaa Asante, 44, Daughter of Nana Dr. Susubribi Krobea Asante. A Pediatrician and Director of the Boston Public Health Department, Boston Medical Centre Interviewed on 29th April 2015, via telephone.

APPENDICES

Appendix One

Traditional Military Set-up of Paramount Chiefs of Asante



Source: Author's own construct from information obtained from the Asokore Traditional Council

Appendix Two

Appendix Two

2(d)

COURT OF APPEAL
P. O. BOX 119,
ACCRA, GHANA

14th October, 1957

TO WHOM IT MAY CONCERN

Dr. Kwadwo Bowen Asante, who is currently at the United Nations as the Director of the United Nations Centre on Transnational Corporations, New York, is a Senior member of the Ghana Bar, and has been a member of the said Bar for the past twenty-seven (27) years and he is in good standing.

He has been (and still is) Solicitor and Advocate of the Supreme Court of Ghana. From 1969 to 1977 he held, respectively, the posts of the Solicitor-General and the Deputy Attorney-General of Ghana. During the said period, he appeared before the Supreme Court in several cases on behalf of the Government of Ghana; and some of these cases have become authorities which are often cited in the courts of Ghana.

I readily call to mind in 1971 when I was then a High Court Judge, Dr. Asante appeared before me and successfully defended the Government of Ghana in two important and difficult cases. Each of the two cases concerned an alleged breach of international contracts which the Government of Ghana had entered into with a foreign national and a foreign company. The cases were very contentious and the performance of Dr. Asante in those cases was outstanding. Incidentally, the cases have been fully reported in the Ghana Law Reports.

Dr. Asante, in his capacity as an international legal adviser, has been actively engaged in the practice of law in Ghana....2/

- 2 -

COURT OF APPEAL
P. O. BOX 119,
ACCRA, GHANA

19.....

Shane by continuous legal advice to the Ghana Government on matters involving International Law which is part of the law of Ghana. He has also been advising on various aspects of the domestic legislations with a view to reforming them to bring them to internationally accepted standards.

Dr. Asante is eligible for appointment to the highest judicial office in Ghana, and it is fervently hoped that one day he will be in a position to accept an offer of that kind so that the Bench and the Legal Profession in Ghana would benefit from his enormous experience and his outstanding knowledge in International Law.

The United Nations Centre on Transnational Corporations could not have got a better Director.

I. K. Sereh
I. K. SEREH
JUDGE OF COURT OF APPEAL
GHANA.

Source: Information obtained from the Private Papers of Nana Susubribi Krobea Asante, 24/10/2014

Appendix Three

Appendix Three

Justice F. K. Apaloo,
Supreme Court,
P. O. Box 119,
Accra.

October, 1969.

Dear Dr. Asante,

I am sorry that I have lost touch with you for some time. I was told you came to look me up when I was in hospital last year. I should have written to thank you for this before now but correspondence is not one of my strong points.

I however have very compelling reason to write now. And it is to congratulate you sincerely for your well merited appointment as Solicitor-General. To me, it is a matter of very great personal satisfaction that we have now succeeded in attracting you home. I was terribly disappointed when you turned down the last offer we made to you to become editor of the law reports. But merit never remains hidden for long. You see we chased you up and got you eventually.

I read your profile in the newspaper the other day and I gather from it that you have published many other articles which I have not had the benefit of seeing. I do hope you will let us have a sight of it when you are here.

Mr. Adade tells me you will be coming home soon and we are all expecting to see you.

Till then have my best wishes.

Yours Sincerely,

F. K. Apaloo

Source: Information obtained from the Private Papers of Nana Susubribi Krobea Asante, 10/10/2014

Appendix Four

Appendix Four

CANDIDACY OF DR. S.K.B ASANTE FOR ELECTION TO THE ICJ

OPINIONS OF EMINENT INTERNATIONAL JURISTS

1. Judge Stephen M. Schwebel (U.S.), Member of the International Court of Justice, The Hague, The Netherlands:

"Your qualifications for election to the Court are outstanding. That is a judgment which I know to be shared in The Hague as elsewhere."
2. Judge Andrés Aguilar Mawdsley (Venezuela), Member of the International Court of Justice, The Hague, The Netherlands:

"I was happy to learn that you have been nominated again by the National Group of Ghana as a candidate for election as a judge of the Court. You are in a better position this time since you will be contesting a seat which has traditionally been filled by an African jurist from a common-law jurisdiction.
I know that you have all the qualifications to be a member of this Court and you certainly deserve to be elected."
3. Judge José Sette Camara (Brazil), former Judge of the International Court of Justice:

"My dear late friend Taslim O. Elias could not have a better successor. I am happy that you have put forward your candidacy.
In the Brazilian Group of the Permanent Court of Arbitration, I shall defend your candidacy most enthusiastically."
4. Professor M.A. Ajomo, Director-General, Nigerian Institute of Advanced Legal Studies, Lagos, Nigeria:

"Dr. Asante is a distinguished scholar having served as Dean of Law in Legon, Accra, Ghana. He was also at one time the Attorney-General of Ghana. He also served the World Bank in a legal capacity before he joined the United Nations organization. He is a scholar of no mean dimension and one who commands respect in Academic circles not only in Africa, but also in Europe and the USA. There is no doubt about the fact that he will make an excellent Judge and become the pride to Africa as Elias had been during his tenure."
5. Judge Punch Coomaraswamy, Supreme Court, Singapore:

"The necessary steps have been taken for the National Group of Singapore in the Permanent Court of Arbitration formally to nominate you as a candidate for the ICJ.
Warmest good wishes and my sincere hopes that you will be successful in getting elected this year."
6. Mr. Rafi Raza, former Cabinet Minister, Pakistan, and prominent Legal Adviser to the President of Pakistan:

"I was very happy to learn that you are again a candidate for the ICJ elections. I hope this time your efforts will be properly rewarded."
7. Professor Luigi Ferrari Bravo, Legal Adviser to the Italian Foreign Ministry:

"In due time, I will do my best to ensure that your qualified candidature be given appropriate consideration by Italy's National Group."
8. Professor Günther Jaenicke, President of the International Law Association, Germany:

"May I assure you that I shall again urge the Foreign Office of my country as well as the members of the German National Group in the Permanent Court of Arbitration to support your candidature as in the previous years. I hope very much that you will be successful in getting elected this time."
9. Professor Ian Brownlie, QC, FBA, All Souls College, Oxford, England.

"I was very interested to see what you had to say, and for a whole range of reasons, both of public interest and of personal interest, I would be very pleased to see a Ghanaian Judge on the Court."
10. Dr. Parvez Hassan, prominent lawyer, Pakistan. In a letter to the Secretary-General of the Pakistan Foreign Ministry, he said, *inter alia*:

"I am approaching you in respect of the candidacy of an outstanding applicant, Mr. Samuel K.B. Asante, for the International Court of Justice."

Source: Information obtained from the Private Papers of Nana Susubribi Krobea Asante, 24/10/2014

Appendix Five

26 REGIONAL NEWS

Appendix Five

Asokore honours Susubiribi Asante

Story: George Ernest Asare, Asokore

THE chiefs and the people of Asokore traditional area have organised a grand durbar in honour of their Paramount Chief, Nana Susubiribi Krober Asante, for distinguishing himself as a traditional ruler and initiating development projects that are enhancing socio-economic development in the area.

The durbar was also in recognition of the national honour bestowed on Nana Krober Asante by President John Agyekum Kufour and the impact it had made at the Asokore Traditional area.

Nana Susubiribi Krober was conferred with the Order of the Volta together with other individuals on July 3, 2008 in recognition of his immense contribution to sustainable socio-economic development in the country.

The citation which accompanied the national award stated: "That you rightly deserve this high national award cannot be disputed. In deed you have made the people of Asokore Traditional Area of which you ably serve as a traditional ruler very proud."

Honouring Nana Krober Asante at the ceremonial and international contributions to promote Ghana as well as commended him for being very much active at the Ashanti Regional House of Chiefs where you represented the Otuomfo on many international and national fora."

The people also commended him for the numerous projects he had initiated in the Asokore traditional area since his enthronement. They mentioned some of the projects as the establishment of a vocational and technical

school, support to the Almediyin Secondary School at Asokore to the tune of \$50,000 and the provision of bursaries and scholarships for 350 needy but brilliant students to enable them develop their potentials.

He is said to have also single-handedly provided teaching aids to a number of schools, re-established the Asokore Methodist Basic School as well as helped in the construction of a post office, a police station, a community centre, a health centre, a library and a market.

"The Asokore Traditional Council and the people of Asokore are proud of you and are pleased to honour you as an eminent jurist and scholar, a dedicated national and international public servant and a devoted and compassionate Omumpane of Asokore Traditional Area," stated the citation.

The traditional council also recognised the

various appointments Nana Krober Asante has held, especially his appointment to positions at being a member of the United Nations as well as Arbitration and also serving as Chairman of a Committee of Experts that formulated proposals for the 1992 constitution of the Fourth Republic.

In response, Nana Krober Asante expressed his appreciation to the Asokore Traditional Council and the people in the community for recognising his contributions to the socio-economic development of the community.

He also thanked President Kufour and the people of Ghana for the honour bestowed on him and gave the assurance to collaborate with the sub-chiefs and the people to continue to initiate projects that would impact positively on the development of the country.



A group picture of the Board of Directors, management and staff of the bank after the annual general meeting.

Tovya Community Bank declares profit

Gov't places premium on ICT

Story: Nana Yaw Barimah, Mkwantakese

THE District Chief Executive (DCE) for Ashanti Region, Mr. Akwasi Karikari, has placed much premium on Information Communication Technology (ICT) programmes to enable Ghanaian labour to have modern technological know-how to enhance effective and efficient administration of the country.

Mr. Karikari Achiannor said this at the weekend's when he on behalf of President John Agyekum Kufour presented a 33 centime for GH¢20,000 to the John Agyekum Kufour Catholic Technology Institute (JAKCTI) at a short but impressive durbar of chiefs and people at

The DCE was also optimistic that the facilities provided would be put to good use.

He announced that President Kufour's promise of providing the institute with a pick-up and a health centre for the town was on course and urged the people to always keep faith with the government in its bid to fairly and judiciously distribute the national cake.

Mr. Abraham Kofi Asante, the Chief Executive Officer (CEO) of Ghana Investment Fund for Telecommunications (GIFTEL), said his outfit had provided fifty computers to the institute.

Mr. Asante said a hostel to accommodate fifty participants would be built early next year.

Rev. John Opeda-Agyemang, Enom, Kwantakese

Appendix Six

Appendix Six



What's Inside

- Reagan Names Running Mate — P 2
- Letters To The Editor — P 3
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• Justice P. D. Anin



• Dr S. K. B. Asante



• Justice E. N. P. Sowah

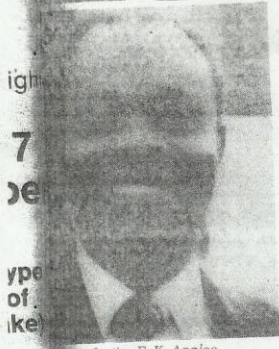
SUPREME COURT JUDGES NAMED



• Justice V. C. R. A. C. Crabbe



• Justice P. N. K. Archer



• Justice F. K. Apaloo

By Nana Fredua Agyeman

NAMES of members of the Supreme Court have been released by the President.

They are: Justice E. N. P. Sowah, P. N. K. Archer, I. K. Abban, P. D. Anin, V. C. R. A. C. Crabbe and Dr S. K. B. Asante.

Mr Justice J. H. Griffiths-Randorf, Speaker of the National Assembly, who announced the nominations to Parliament yesterday said a letter he had received from the

President explained that the appointments had been made in accordance with Article 127 of the Constitution.

He further announced the nomination by the President of Mr Justice F. K. Apaloo as Chief Justice.

The Speaker ruled that the appointments Committee of Parliament should screen the Judges-elect of the Supreme Court on Tuesday and report to the House next Friday.

Dr T. K. Aboagye (PPP Subin) got up to say that he found it difficult to understand the nomination of Mr Justice F. K. Apaloo as Chief Justice since he was already serving in that capacity.

He cited Section 8 of Article 127 of the Constitution to support his argument.

The Section says that a person holding a Superior post in the Judiciary immediately before the coming into force of the Constitution should be deemed to have been so appointed under the Constitution.

To this, the Speaker replied that he was only conveying the contents of the President's letter to the House.

Article 127 under which the President made the judicial nominations says, among other things, that the

Contd. on Ps 4/5

Prisons Boss To Explain

High Court ordered the Director of Prisons to show cause why he should not be removed from office on July 31, to which he has been attached since he was appointed to the post in 1974.

Lloyd Shackelford, a businessman, who was sentenced to three years' imprisonment with hard labour by the AFRC People's Court on June 6, last year.

The court, presided over by Mrs Cecilia Koranteng-Adow, reiterated its order asking the Director to produce the applicant in court.

Contd. on Ps 4/5



• Justice I. K. Abban

Daily Graphic, 18th July 1980

Appendix Seven

Nana Susubribi Krobea Asante's Research Areas and Publications

I. Property Law and Trusts

Publications:

1. "Interests in Land in the Customary Law of Ghana: A new Appraisal" Yale Law Journal April 1965
2. Fiduciary Principles in Anglo-American Law and Ghana Customary Law: International and Comparative Law Quarterly 1965
3. Property Law and Social Goals in Ghana, 1975 Universities of Ghana Press
4. Paper on Land Law Reform 1976 A study of the evolution of distinct interests in land within a changing political, economic and social environment, the restructuring of Ghana Land Law to achieve desirable economic and social goods. A comparative analysis of property and fiduciary principles in Anglo-American Law and Ghana Customary Law. The Yale Law Journal article made a significant impact on scholars and practitioners in African studies and policy making.

II. Jurisprudence: Law and Development

Publications:

1. Law and Society in Ghana: Wisconsin Law Review 1967
2. Stare Decisis in the Supreme Court of Ghana University of Ghana Law Journal 1964
3. Our Legal Heritage Annual Lecture, University of Lagos Law 1975
4. The Legal and Constitutional Frame Work for National Integration. Proceedings Ghana Academy of Arts and Sciences, 2004
5. The Legal Framework for SMEs in Ghana, Kenya and South Africa 1996 Danquah
6. Memorial Lectures GAAS 2002: Reflections on Constitution, Law and Development

III. Constitutional Law and Governance

Publications

1. Annual Lecture at Lagos University Law Faculty 1975: The Challenge of our Legal Heritage.
2. Co-author: Report of the Committee of Experts (Constitution) on proposals for a draft constitution of Ghana, Ghana Publishing Corporation, 1991.
3. "Stare Decisis in the Supreme Court of Ghana", University of Ghana Law Journal (1964).
4. "Nation-building & Human Rights in emergent African Nations", Cornell Journal of International Law, August 1969.

5. Legislative Alert on the Review of Ghana's Constitution, 1992. Institute of Economic Affairs, 1996.
6. Human Rights: Basis For The Social Economic And Political Growth In Ghana. Open Fora on Human Rights Issues in Ghana; organized by Konrad Adenauer Foundation of Germany and the Human Rights Study Centre, Faculty of Law, University of Ghana, Legon – January – December, 1997.
7. The Impact of Company Laws/Commercial Laws on The Investment Climate in Ghana - Paper delivered on the Fortieth Anniversary of the Association of Ghana Industries (November, 1998)
8. J.B. Danquah Memorial Lectures: Reflections on the Constitution, Law and Development – 2002, - Delivered under the auspices of the Ghana Academy of Arts and Sciences.
9. The role of the Judiciary in Nation-Building, Lecture Delivered at the 1st Conference of ECOWAS Chief Justices in 2005 in Accra.
10. Good Governance and Sustainable National Development: The Imperatives: New Year School
11. Legal Constraints on Entrepreneurship in Ghana
12. Beyond State Collapse in Africa: Lessons for the Future; GAAS Proceedings 2004
13. The role of the Early Generation of Lawyers in establishing good Governance
14. Water Development: Recollections and Reflections. Paper presented to the Ghana Academy of Arts and Sciences, 1st December 2006, Accra
15. Recollection of the History of the Law Faculty at Legon: The Turbulent Years. Paper presented on the 50th Anniversary of the Law Faculty of the University of Ghana in 2008
16. Remarks on the true meaning of Multi-party democracy
17. Media Accountability and Broadcasting
18. The Empowerment of Parliament as an institution of democracy
19. The Constitution: some Social and economic development aspects
20. Introductory Remarks: symposium on Democratization
21. The Constitution and Administration of Stool Lands
22. The Legal Regulatory and Tax Framework of Securities bonds debt instrument

International Law, International Investment Law, International Business Transactions

1. "International Law-Achievements and Prospects" (UNESCO Manual on Public International Law) Marinus Nijhoff, 1991.
2. Some key issues in negotiating joint ventures, In: Economic reform of the Soviet Union: some guidelines for business,- Milano, Euromobiliare, 1991.
3. Dissenting Opinion in Asian Agricultural Products Ltd. (AAPL) v. Democratic Socialist Republic of Sri Lanka (ICSID/ARB/87/3) 1987 reported in International Legal Materials Vol. XXX No. 3 May 1991.
4. "The Investment Experience of a Developing Country", published as part of the proceedings of the Conference on Multinational Corporations sponsored by Columbia University Law School and the Columbia Journal of Transnational Law, New York, on 26 February, 1976.
5. Contribution of Section on "Changing Contractual Arrangement Between Host Governments and Transnational Corporation"; "Transnational Corporation in

- World Development – A Re-examination”, United Nations, E/C.10/38, March 1978.
6. “International Transactions & Development Goals” – Ghana Law Review, April 1978.
 7. Transnational Investment Law & National Development, 1978 Taylor Memorial Lectures delivered at Lagos University Law School, December 1978. Published by Lagos University as a book in 1982.
 8. “United Nations: International Regulation of Transnational Corporation”, 1979 Journal of World Trade Law, Vol. 13, No. 1, January/February 1979.
 9. “Restructuring Transnational Mineral Agreements”, American Journal of International Law, July 1979.
 10. “Stability of Contractual Relations in the Transnational Investment Process.” The International & Comparative Law Quarterly, July 1979.
 11. The New International Economic Order & Nationalization and the Restructuring of Transnational Agreements. Proceedings of the Friedman Conference on International Law 1979. Published by the Columbia Journal of Transnational Law 1979.
 12. Contributor of Legal Aspects of the New International Economic Order. Ed. Kamal Hossain. Published by Frances Printers (Publishers) Ltd. 1980.
 13. “Traditional International Law versus Development Imperatives” in Dupuy Editor: “The Right to Development at the International Level”, 1980, Sijthoff and Noordhoff.
 14. Book Review of “Legal Problems of Codes of Conduct for Multinational Enterprises”, Ed. Norbert Horn, Volume 22, No. 1, Winter 1981 issue of the Harvard International Law Journal.
 15. Contribution to “Negotiating Foreign Investments in Developing Countries” published by the Investment Negotiation Centre, International Law Institute of Georgetown University, 1981.
 16. “The Regulation of Transnational Corporations in Developing Countries”. Proceedings of the seminar on Development Problems published by UNITAR and the Soviet Academy of Arts & Sciences, 1982.
 17. “The Regulation of Transnational Corporations in Developing Countries”. Proceedings of the seminar on Development Problems published by UNITAR and the Soviet Academy of Arts & Sciences, 1982.
 18. “Evolution of Development Contracts: The Issue of Effective Control”, (with Stockmayer) Mining Journal Books, London, 1982.
 19. “From Concession to Joint Venture Agreement: Restructuring Mineral Agreements – A Case study from Ghana” (with S. K. Date-Bah), Third World Legal Studies, 1983.
 20. Contributor to Rubin and Nelson (Editors) – International Investment Disputes: Avoidance & Settlement – published by the American Society of International Law, 1984.
 21. Contribution to “The Protection of Foreign Investment in International Law”, Proceedings of American Society of International Law, 1985.
 22. Book Review of “New Horizons of International Law and Developing Countries”, Ed. S. K. Agrawala, T.S. Rama Rao and J.N. Saxena, and “New Perspectives and Conceptions of International Law: An Afro-European Dialogue”, Ed. K. Ginther and W. Benedek, Volume 80, No. 3, July 1986 issue of the American Journal of International Law.

23. "International Law & Foreign Investment: A Reappraisal". The International & Comparative Law Quarterly, Vol. 37, Part III, pp. 588, July 1988.
24. Status of the Negotiations relating to the U.N. Code of Conduct on Transnational Corporations: January 1986 Reconvened Special Session – CTC Reporter No. 21/1986, pp. 40.
25. Contributor to "Joint Ventures as a form of International Economic Co-operation", 1988. (Proceedings of a Seminar on Joint Ventures in Moscow, March 1988).
26. Contributor to Snyder and Surakiart (Editors) "Third World Attitudes Towards International Law", published by Kluwer-Nijhoff (Netherlands), June 1987.
27. "Negotiating with Transnational Corporations: The Technical Assistance Programme of the U.N. Centre on Transnational Corporations (UNCTC)" (with Roland Brown), International Business Lawyer, October 1988.
28. Book review of "Principles of International Development Law", By Milan Bulajic, The American Journal of International Law, Vol. 83, No. 1, 1989.
29. "Negotiating for foreign resources" in Creating a Favourable Environment for Foreign Investment. Proceedings of a Workshop organized by the Federal Ministry of Justice, Nigeria, and the United Nations Centre on Transnational Corporations, pp. 35-59, 1992.
30. "Negotiating and drafting of international agreements", keynote address, Proceedings of Workshops organized by the Federal Ministry of Justice, Nigeria, and the United Nations Centre on Transnational Corporations, pp. 138-145, 1992.
31. "The perspective of African countries on international commercial arbitration", Leiden Journal of International Law: Special Issue on International Arbitration (dedicated to the memory of the late Judge Manfred Lachs of the International Court of Justice) vol. 6, No. 2, August 1993, pp. 331-357.
32. "United Nations Legal Technical Assistance (to Eastern and Central European Countries)" with Antoine Basile, in Law in Transition, pp. 3-5, European Bank for Reconstruction and Development, spring 1993.
33. The Legal, Regulatory And Tax Framework - Part of Long Term Debt Market Development Study; October 1995
34. The Concept of the Good Corporate Citizen in International Business - ICSID Review; Foreign Investment Law Journal Vol. 4, No. 1, 1989.
35. The Ghana Arbitration Centre: Objectives, Modalities and Procedures – 2000