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Editorial

THE APALOO CASE - CONSTITUTIONALISM TRIUMPHS

ON 23rd September this year, the Court of Appeal ruled that by virtue of certain provisions of the Constitution of the Third Republic, Mr. Justice F. K. Apaloo who held the office of Chief Justice just before the coming into force of the Constitution remains Chief Justice under the Constitution; and, therefore, the automatic President of the Supreme Court (yet to be fully constituted). His nomination by the President and his subsequent screening and rejection by Parliament were consequently unconstitutional. This ruling provides a clear illustration of the role that the Judiciary can play under our current Republican Constitution.

There were various strands in this tangled affair: political atavism and vendetta on the part of the Majority Party in Parliament — the People's National Party (P.N.P.); the exploitation of the political blunders of the Government by the Minority Parties for party advantage; unprincipled attempts by top public and judicial officers to save either their jobs or reputation in the face of murky political intrigues and manoeuvres, and a display of inordinate personal ambition at a time when important issues of principle needed to be defended.

In the political build-up to this case, every single move suggested that we were heading for a constitutional crisis. The outcome of the case, at best, was unpredictable; only the courts saved the situation. The part the courts played in the Apaloo case cannot be fully appreciated if some background on the origin and the course of the affair is not fully sketched in.

Justice Apaloo was appointed Chief Justice in June, 1977, and was in office when the 1979 Constitution came into force on 24th September, 1979. On that day he first swore in the Speaker, and, later on in the day, he swore in the President and the Vice-President, all in his capacity as Chief Justice. On 3rd October, 1979, he swore the Judicial Oath of Allegiance before the President, simply as Chief Justice, and not as a justice of any particular court. Both oaths were subscribed to by the President.

By June, 1980, it would appear that the P.N.P. Government was coming round to the view that in setting up the Supreme Court, the members and the President (the Chief Justice) would have to appear before Parliament for 'screening'. On 30th June, the President informed the Chief Justice in a letter of his intention to nominate him for the Office of Chief Justice of Ghana; in the same letter the President notified Apaloo that his appointment as Chief Justice would, in his view, require Parliamentary approval. On 14th July, at a meeting of the Judicial Council (of which Justice Apaloo was both a member and the chairman) to consider the nominations to the Supreme Court, the Attorney General for the first time explained the Government's view: the need for the re-appointment of the Chief Justice. This view was publicly elaborated in the Daily Graphic of 7th August.

The Government's position, according to the Attorney General, was that under the Constitution the incumbent Chief Justice was a member of both the High Court and the Court of Appeal; and was also required by the Constitution to be both a member and the President of the Supreme Court. Before the Constitution came into force, he argued, there was no Supreme Court, and that the incumbent Chief Justice could, therefore, not have been and, in fact, was neither a Member of the Supreme Court nor its president. In conclusion, he noted that the incumbent Chief Justice should be re-appointed as a Chief Justice who has powers and the additional attribute of being a Member of the Supreme Court, and for that matter Parliament should approve of his appointment.

The Judicial Council sent to the President on 15th July, a letter endorsing the nomination of Justice Apaloo as Chief Justice. On the next day, Justice Apaloo accepted his nomination and expressed his appreciation and gratitude, but stated clearly that in his view his appointment as Chief Justice did not require the prior approval of Parliament. He, however, expressed his willingness and readiness to appear before Parliament. Attached to his letter were two unsigned annexures in which legal opinions had been expressed to the effect that as Chief Justice under the Constitution of 1979 Justice Apaloo's appointment did not require Parliamentary approval.

Justice Apaloo in this same letter asked the President to seek further advice from his lawyers in the hope that he (the President) would reconsider his opinion about the need for Parliamentary approval in the appointment of the Chief Justice. In the reply to Justice Apaloo on 17th July, the President stated that, after further advice on the matter, his opinion remained unchanged. In the same letter the President informed Justice Apaloo that he had already submitted his (Apaloo's) nomination to Parliament for its decision as to whether it approved of the said nomination or not. Upon invitation from Parliament, Justice Apaloo freely submitted himself for examination by Parliament, and attended before the Appointments Committee of Parliament on 8th August.

The Appointments Committee was unable to agree on a recommendation to be made to the full House of Parliament for the members were divided in their views: 8 members (P.N.P.) could not recommend Justice Apaloo's nomination, while 7 (Minority Parties) favoured his nomination. In the absence of agreement, it was decided that the whole question of nomination be referred to the House for decision. At this point, perhaps rather late in the day, the Minority Parties decided to take a stand by withdrawing from the proceedings. The House after a debate on the 15th and 16th August, decided by a secret ballot (the minority parties had walked out at this stage) of 70 to 0 to reject the nomination of Justice Apaloo for the office of Chief Justice; the latter was duly informed by the President of his rejection by Parliament.

At this point it was clear to all keen observers that the Chief Justice should have taken a clear stand at a fairly early stage in this case. For while the Chief Justice held the view that he did not need

to be nominated to remain Chief Justice, he was also fully aware that the President and the Attorney General held a contrary view. Two courses of action were open to him; to either reject the nomination by the President and insist on his constitutional rights by using all legal means to remain Chief Justice without Parliamentary approval, or to accept the nomination, submit himself to parliamentary scrutiny and accept the consequences of any such scrutiny.

Justice Apaloo chose the second course of action, and, as argued by the Attorney General, he also had to accept his rejection by Parliament. In the words of the Attorney General he was 'estopped from asserting any claim to remain Chief Justice of Ghana without Parliamentary approval, being deterred from such assertion by the outcome of Parliamentary proceedings to which he freely and voluntarily submitted as a party and active participant.'

The argument itself is a dangerous one, for it means that when a person commits an error of judgment he forfeits the right to avail himself of whatever protection the law provides. But it goes to show the dangers to which a person might be exposed in such a situation through prevarication and unnecessary hedging of bets. Fortunately a number of concerned Ghanaians who did not share the view advanced by the Attorney General did not wish to let matters rest at this point, and sought to seek a clarification of the issues involved in the courts of law. Recourse to the courts was first broached by three P.F.P. MPs: Messrs K. Addae Mensah, Thomas Broni and Kwadwo Mpiani. On 15th August they filed an originating Summons, but owing to procedural defect this process was not pursued and thus was superseded by the action initiated by Dr. Kwame Amoako Tuffour as plaintiff who sued for and on his own behalf. The defendants were the Attorney General and the Speaker. His writ was filed on 9th September, and sought a declaration by the Court of Appeal that

1. On the coming into force of the Constitution of the Third Republic on 24th September, 1979, Fred Kwasi Apaloo was deemed to have been appointed Chief Justice of the Republic and, as such became President and member of the Supreme Court,
- (ii) the purported nomination by the President of the Republic of Fred Kwasi Apaloo for approval by Parliament of his appointment as Chief Justice of the Republic and member of the Supreme Court and his purported vetting and rejection by Parliament as such on 16th August 1980 were each acts effected in contravention of the Constitution and laws of the Republic and were therefore all null, void and of no effect.

The Attorney General's objection that the Appeal Court had no jurisdiction to entertain the suit brought before it was over-ruled. The Court's ruling on the preliminary objection, raised again by the Attorney General on the absence of a community of interest, may be considered as even more

important than the decision in the substantive case itself. The Speaker was struck out as a party for reasons which we need not examine, being irrelevant to the central issues. On 23rd September, the Court of Appeal unanimously ruled that 'the nomination of the Chief Justice for consideration, and the consideration by the Judicial Council as well as the submission by the incumbent Chief Justice of himself for approval by Parliament were each unlawful under the Constitution.'

The Apaloo case is an important test case in our present attempt to fashion for ourselves a government of 'laws and not of men.' The significance of this case lies in three directions. First, the preliminary ruling establishes the right for any sane citizen to seek an interpretation and enforcement of the Constitution in the event of its alleged violation without the necessity of proving any 'special' interest beyond interest in the preservation of constitutional integrity and order. Second, it endorses the role and responsibility of the judiciary as the exclusive and final authority on the interpretation and enforcement of the Constitution. The Constitution is founded expressly on the doctrine of separation of powers with limitations on the powers of the various organs. It is clear that in such a constitutional structure there has to be one organ which has the onerous and exclusive responsibility of seeing to it that these limits are not transgressed. Considered in this light both the executive and parliament cannot but accept the ruling of a court of law.

Finally, the decision augurs well for the Third Republic in so far as our judges, faced with a matter in which a high degree of interest was shown by the executive and various political parties, did not shirk their responsibility to state what they conceived to be the right constitutional position, irrespective of the political consequences. This is particularly to be welcomed given our experience with judges in the past who sought to trim their judicial sails to suit prevailing political winds.

The Appeal Court's ruling is a triumph for the Constitution, a triumph which is neither the result of any political wisdom displayed by the major political parties, nor the outcome of any clear position taken by the central characters involved. Constitutionalism has triumphed in spite of them. It is hoped that this decision marks a new beginning by the judiciary to use any future opportunity such as was offered by the Apaloo case to entrench notions of constitutional rule in this country.

Economy

THE EXCHANGE RATE SYSTEM IN GHANA A COMMENT

By

James C. W. Ahiakpor

Allow me to take up the invitation of your correspondent who wrote on "The Exchange Rate System In Ghana: A New Proposal" (L.O. Vol. XII No. 9), to participate in the discussion regarding the issue of the appropriate exchange rate

system for Ghana. That "The exchange-rate is perhaps the most important single price in an open economy" is hardly a fact most people would dispute. What is however uncertain is whether it is recognized that when this single price gets out of "alignment", it throws a monkey wrench into the productive and distributive machines of the economy. The history of government policies in Ghana regarding exchange rate would not clearly point at this recognition. Perhaps the "new" proposal for the exchange rate system, put by your correspondent which has been discarded elsewhere after its inferiority got fully identified recognizes the problem, but does not seek to completely get rid of it. This reluctance to get at the ideal system if based on "political and administrative feasibility", is a claim that can be shown to be of spurious validity.

Flawed Recommendations

Indeed, if one stayed close to the correspondent's own invitation to discuss not only "what is theoretically apt, but also what is politically and administratively feasible" one would find his recommendations badly flawed. It is clear that the inferiority of the dual rate to the single rate, on theoretical grounds, was not being contested by the correspondent. But the dual rate is politically more feasible only in the interim when changes in the rates are not being made. In the long term, however, since it does not help the politicians to identify clearly and easily way the exchange rate problem keeps recurring, it ceases to be any more helpful than a single fixed rate that has to be changed (usually upwards) once in a while. Again the dual or multiple rate system is administratively very cumbersome and fraught with corruption, misclassification, and and others, problems the correspondent very well admits but refuses to incorporate in his final determination of the choice of the appropriate exchange rate regime. Indeed the logic of the article is at its weakest when the attempt is made to play down the superiority of the single rate over the dual. Here the argument confuses misclassification for partial tax evasion with one for exchange rate evasion. The two incentives (for evasion) exist under the dual rate system while only one -- misclassification for tax purposes -- can occur under the single rate, hence both are not equally flawed. There are a few other logical inconsistencies in the article but to save on space and make this comment perhaps more interesting we would get down to making the alternative proposal to the one advanced by the correspondent.

Flexible Exchange Rate Needed

In this rejoinder the claim would be made that flexible or floating (single) exchange rate is needed, to avoid political upheaval, resource misallocation, and monetary mismanagement (or what is the observe, restrictions on the full effectiveness of monetary policy). The proposed dual rate, even though supposed to be a "crawling-peg" system would rather promote the above "evils" particularly because no adjustment mechanism for

the higher exchange rate is provided. Without such a mechanism specified, the system becomes effectively a fixed one. In that light, the "new" proposal does not also seek to address the cause of the currency over-valuation nor admit the validity of the citizen's anger (openly expressed or murmured) for past devaluations in Ghana.

We take the last point first. It may sound puzzling to some policy makers why citizens of countries with over-valued currencies object so strongly to devaluations. But a devaluation may be viewed as just the germinal point of what Ricardo called "a violent and an unjust transfer of property" process initiated by a government through its over-issue of domestic currency or over-spending on borrowed funds. Over-issue of currency, or inflationary budgetary financing, is a taxation device which transfers resources from holders of money or people whose assets are denominated in monetary terms into the hands of the government, with rent and profit earners picking up part of the "loot". The circle is complete where interest rates are held down. If the government finally engages in a reduction in monetary expansion, it is then making the effort to restore part of the public's property previously confiscated through inflation. But if instead of that restoration, the government chooses to reduce the external value of the currency in accordance with its degree of over-valuation (i.e. devaluation) it permanently seals the transfer. It is this wealth transfer that, it must be understood, is being objected to when cries are raised at devaluations. If people sometimes take even governments to court for other forms of property confiscation, why should we expect them not to object to this veiled one? (It is in this vein that one must consider quiet unfortunate the reported recommendation of a member of the finance committee of the current parliament that the government should forget about its internal indebtedness since it owes it to itself (Ghanaian Times/ March 1, 1980) when, in the interest of the public's welfare, he should have argued the government settles that indebtedness, especially with the Bank of Ghana!)

Root of Problem

Creating room for (easier) devaluations of the type proposed, simply ignores people's worries as to why cedi is most of the time being termed an over-valued currency? Some have gone to the point of suggesting we join the West African Franc Zone and use the same currency in the hope that things may get better. Others have gone so far in their desperation as to suggest we revert to the old name of "pound" believing perhaps that there must be some curse with the name cedi". (Otherwise, it must be a yearning for the return to the kind of monetary discipline that governed the operation of the pound, especially before independence.) The cedi conversion of 1979 gets pretty close to this attempt at solving a "bad-currency problem by printing new ones and taxing holders of the old notes, only to find now that little has changed for the better! Unless it is recognized that the root of the problem with the cedi lies with government over-expenditure (re-

lative to revenue), financed, as it is still being done, mainly by the printing of new money, we shall ever continue with the perpetual over-valuation or depreciation of the cedi. A devaluation will only solve the existing over-valuation, or part of it, for further harm to be inflicted through new money creation by the government. Then we would come round to impressing on the minds of the people how disastrous it would be for them if the currency is not devalued again. Getting at the issue of "resource misallocation", we find that multiple exchange rates give the incentive for certain items to be used up at rates much faster than the productive structure of the economy can support. And unless any serious economic justification can be found for such a prescription it had better be left with the politicians to toy with. After all is it they who would face up to political consequences when they come up. Meanwhile, such under-valuation of some resources would generate such phenomena as smuggling, import licensing to control their flow, possible corruption of officials with power over their distribution (or their being chased by night-soil removers, as recently reported from the Eastern Region), and the inhibition of their domestic production, since the policy accords domestic producers of such goods negative protection. Suggesting the introduction of ration coupons, as the correspondent does, is still a bad compromise of good economic principles for short-sighted and ill-considered political inclinations since the supply problem is not tackled thereby.

Potential for Unrest

What about political upheavals? Since the recommended system of the correspondent turns out to be a fixed rate, and since it does not afford the government the chance to ascertain movements out of equilibrium until the gap gets pretty wide, but advocates the misuse of some resources it does not take away the potential for political upheavals. As the correspondent rightly pointed out, "it is not devaluation per se, but its magnitude, that determines its degree of acceptability." Now, a floating rate permits small variations in the value of foreign exchange over time to which the economy as a whole can easily adjust. And because the rate is market determined, it does not conjure the same kind of "finger-pointing" as does a fixed rate. At the same time it enables the government to vary its monetary and fiscal policies as to get the exchange rate to the level it considers politically desirable, without creating economic distortions in the process. And yet the floating rate still provides check on government's misuse of its economic tools. Since a government is very likely to lose its bid for re-election if it continually depreciates the country's currency through its economic policies, they are more likely to do those things as would keep the exchange rate fairly stable. It has been well established that large rates of monetary expansion cause inflation and depreciation of currencies. A floating or flexible exchange rate provides a better insurance for the people against the two economic undesirables

than a fixed rate (single or dual), because it encourages good monetary management.

Other Advantages

There are other advantages to the floating exchange rate, besides, where the authorities do not recognize the inverse relation between rates of money creation and currency depreciation, they would have little trouble finding out. After this recognition, they may change their attitude towards variations in the value of the cedi on the "black" market from one of considering the whole transaction as a damnable criminal activity to that of appreciation of the economic laws of currency supply and demand, with transactions cost attached. And because quick corrections in economic policies regarding the exchange rate can be made under the floating system the government would not have much incentive to be going around borrowing money or getting involved with the World Bank or the I.M.F. The borrowing option raises the moral question of burdening future generations with debts, the economic benefits of which had long been whittled away. The World Bank appears unnecessarily to have generated some bad name for such organizations and a great deal of suspicion for governments dealing with them. Ronald Libby in an article in *World Politics* (October, 1976) claims, of course wrongly, that the failure of Ghana's Second Republic should strongly be attributed to our involvement with such organizations. Bhagat also paints a similarly unwarranted picture of the I.M.F. in his article published in the *New African* (February, 1980).

The floating exchange rate also avoids the temptation to use devaluation as a revenue creating tool, which the correspondent suggests as an "advantage if indeed we can trace the traumatic scale (relative to the extent of overvaluation at the time) of the 1971 devaluation to this unfortunate tendency. According to Ronald Libby, "greater budget revenues creation and a once-and-for-all adjustment (as if any one rate was sacrosanct?) were among the three reasons the Finance Minister gave for agreeing to, and choosing a rate that brought a lot of opposition from even the so-called devaluation mongers. Dr. Busia was consulting at the time, Libby's footnote 25 (page 82) puts it in this way: "Members of the DAS (the Harvard Advisory Group) team concluded, however, that it was unnecessary, and the results were too unpredictable to have a devaluation as high as 50 percent in terms of dollars. They decided to resist such an extreme devaluation and to push for ancillary measures along with a lower rate of devaluation. My own observation in January 1972 was that the rate of exchange chosen in that devaluation exceeded even the one operating on the Ghana-Togo border, which normally ought to be higher! It is reasonable to expect that the life of the Second Republic would have been extended had the revenue creation motive for the 1971 devaluation been absent.

Uses of Devaluation

We must also point out the fact that exchange rate adjustments in Ghana, and several other developing countries, should not be expected to yield all the benefits normally listed in text-books. Where marketing boards exist, and the major export items are denominated in foreign currencies the usual export boost that a devaluation (or depreciation) is supposed to yield does not automatically come. For one thing, the prices of the export goods do not change because Ghana devalues. Thus the direct export price elasticity demand considerations that go with devaluations become irrelevant. However, if the increased cedi revenues accruing to exports are passed on to the producers we can expect increases in total foreign exchange earnings for the country both in the short and long run.

Again where the currency is badly over-valued a devaluation, unless it is really a massive one relative to the extent of the over-valuation, cause a reduction of imports as alleged. Here is where economic theory (of price determination) helps, no matter whether policy-makers generally regard it "as bankrupt" because it fails to address the question of the transition from one economic state to another does not. A price adjustment that seeks to reduce or remove an excess demand, which a devaluation attempts to do, does not reduce the quantity traded (or total imports). Indeed a devaluation may actually increase the volume or quantity of imports as exports increase, making more foreign exchange available to finance more imports! In the mean time the devaluation is certain to change the relative distribution of the stock of imports among users.

Over-played Issues

It is dangerous to look on devaluation or currency adjustment of whatever form as a growth inducing tool. In our circumstances it is better for us to consider such adjustments as corrective devices, placing a strong emphasis also on stopping the tendency to make the error in the first place. Floating rate achieves these goals. Because it effects immediate corrections and enables everyone (who can "see") to tell why the rate is departing from an existing one, it also tends to prevent governments from doing the things that cause depreciations or at least doing too much of them, unless they really want to get kicked in the behind. The countries that have adopted the floating or flexible exchange rate have found minimal variations in the rates, and the citizens have been better protected from bad government monetary and fiscal policies. Why not us?

The so-called uncertainty regarding the denomination of foreign transactions, under a flexible, exchange rate system, is generally an over-played issue. The reality of it is less pronounced. Since there are costs to daily price adjustments on goods and services, it is normally the trend in the fluctuating price of foreign exchange that gets reflected in the prices of imports. Such fluctuations can also be taken care of through forward trading in

foreign exchange-- the kind of thing the Cocoa Marketing Company usually does with cocoa. What is more the daily fluctuations also keep final spot trading in foreign exchange to real necessities. Those who find time to be on their side would wait (keeping their demand off the market) if they suspect the rate may fall sometime in the future.

Perhaps the greater difficulty in the way of making the change from the existing system to the floating system is the unwillingness of government to let go their unwarranted and wasteful monopoly over transactions in foreign exchange. What is more, the two budgets Ghana has had during this Third Republic contain strong elements that would assure further depreciation of the currency. But a switch, which would entail a change in economic policy for the better, would relieve them of a lot more headaches than current policies (including the "new exchange rate proposal") would.

GUIDED LIBERALISM IS CONTRADICTORY

By
Raymond Bush

Aboagye's concluding proposals (L.O. XII No.10) had several obvious omissions that follow from his policy formulations on an alternative strategy to the present governments economic policy. These include a drastic rise in unemployment and the more rapid decline in the already dwindling health and educational services. Aboagye's article is obviously **not** informed by any recognition of the effect his proposals are having in Britain and elsewhere.

The thrust of 'Some Observations on the 1980/81 Budget' is that the Ghanaian public sector is too large and inefficient and that government expenditure must be cut so as to promote, as if by magic, the ever willing private investor who is said to be more efficient. Now the basis of this strategy must be 'guided (sic) liberalism' and not the present orthodox interventionist policy. The full implications of Aboagye's comments are only seen more clearly when he invokes his Milton Friedman and the spurious notion that inflation and related social ills can only be solved by monetary policy and more precisely by what one of Friedman's disciples had called, rolling back the frontiers of the state.

It is now that we must question the notion of 'guided' liberalism for the very term is contradictory. Liberalism represents freedom from interference and yet 'guided' presupposes a degree of government direction. Indeed, there has been no time in the history of different social formations where liberalism has been the dominant way an economy has functioned — not if by this we mean the free working of the market which is said miraculously to direct a country's resources to the most efficient ends **without** the assistance (intervention) of people. This being the case we can only assume that Aboagye's form of liberalism will once more be one where the

most dominant entrepreneurs will be able to facilitate their own most profitable transactions to the increasing detriment of the Ghanaian peasantry and working class. This can already be seen elsewhere in the world where this type of economic holocaust had been implemented in a very **interventionist** manner. Chile and Britain, for example, have and are following a monetarist policy with the most destructive social costs. Gathering hoards of unemployed in Britain, two million, (when in 1970 one million was seen as disgraceful and unimaginable), the erosion of health, education and transport services and the increasing subjugation and disruption of the organised labour movements.

It is these results that will almost inevitably follow from Aboagye's proposals for reducing government interest in the Ghanaian economy. This does not mean that I accept as at all satisfactory present government 'strategy' for Ghana's ailing economy. We hear continually of government calls for the mobilisation of the people and national unity in a common struggle to reduce the present difficulties but nowhere is there the attempt at the level of practice to realise what is said in rhetoric. Indeed, Aboagye is correct in the implication that intervention *per se* can be, and often is, effective only in developing bureaucracy which becomes solely concerned with its own internal functioning and not the implementation of the policies it was created to perform.

This is the heart of the matter. Too long, in in both 'developed and underdeveloped' countries there had been the notion that **nationalization** equals socialism, for although the present regime is equivocal on this issue I am assuming that the P.N.P. would commit themselves, at least to each other, to a 'socialist' ideology. The result that too much emphasis is placed upon the development of state institutions and insufficient attention is placed upon **effective** mass participation and control of these bodies.

Ghanaians should not therefore be concentrating on the withdrawal of government from essential areas of economic and social policy and planning and a reduction in government expenditure in the pious hope that private entrepreneurs will come forward to fill the gaps. Rather, government must maintain a degree of control on the social and economic affairs of the country **but** only with the mass consent of the people. Two year agricultural policies therefore should be developed **along with** the peasantry and cadres and **not** implemented on top of workers who know their own immediate requirements better than an increasingly aloof and centralised government. Let not the French neo-colonies of Ivory Coast and Togo be used as examples in criticising the development of Ghana's economy therefore, (of Aboagye p 218 & 221) for it is well known that Ivory Coasts later development is bound to reflect a present state of agriculture with more profitable returns at a time when Ghana's earlier cocoa industry is ailing moreover of course, such a comparison does not recognise the present plight of Ivorians and Togolese who cannot possibly purchase essential commodities in their own capital

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Let Ghanaians therefore call for greater mass participation in government and party affairs for the development of greater social awareness of the plight of his/her fellows in an attempt to develop new ways to obviate present difficulties, ways which if necessary can only be successful with the development of alternative party and communal organisation.

In conclusion it is of course unfair to use Aboagye solely as a "straw person" in the criticism of monetarism. This inept 'policy' is one which has an increased popularity in Ghana and elsewhere. If this popularity however becomes translated into policy measures the social costs will be disastrous. My comments on the precondition for an alternative are piecemeal and schematic but hopefully show a tentative way forward for all Ghanaians.

Politics

THE CONSTITUTION AND QUESTION OF VALUES — PART II

By

Kwamena Ahwoi

Further, it is ridiculous for Prof. Folsom to argue that it was Rawlings' abortive uprising of 15th May, 1979, that caused 1st June 1979 to pass without the C.A. doing anything about their Constitution which "came into force" on that date. If the Assembly seriously believed that it had the authority to make the Constitution operative on that date, then it lost the best opportunity invoking Article 1(3) of the Constitution against the SMC II which was "illegally" continuing in office. Article 1(3) states:

"All citizens of Ghana shall have the right to resist any person or persons seeking to abolish the constitutional order as hereby established by this Constitution should no other remedy be possible."

One cannot run away from the fact that the Assembly was a creature of a positive enactment and that it took all of its powers from that enactment, i.e. SMCD 203 as amended. The C.A. could therefore only be considered to be acting as the C.A. so long as it acted *intra vires* SMCD 203. Therefore, if it is established that under SMCD 203, the C.A. did acts which were *ultra vires* that Decree, then these acts would be null and void, irrespective of what the Assembly itself thought.

Paragraph 2 of SMCD 203 set out the functions of the Constituent Assembly. These were that the C.A.

- (a) "shall have full power to deliberate upon the Constitution for the Establishment of a Transitional (Interim) National Government for Ghana drawn up by the Constitutional Commission.

(b) may make such amendments in the said draft constitution as may appear to it necessary in the national interest.

(c) shall submit to the SMC not later than the 16th day of April, 1979, a Constitution for the administration of Ghana under a Transitional (Interim) National Government.

(d) shall submit by the date specified in paragraph (c) of this section or such later date as the SMC may allow, a report of all changes made by the C.A. in the draft Constitution drawn up by the Constitutional Commission giving where possible reasons for the changes."

Nowhere is the power to promulgate the Constitution given to the Assembly by the Decree setting it up. To the extent therefore that the C.A. arrogated to itself the power to promulgate a Constitution for the country, its action was a nullity. The so-called contest between the C.A. and the S.M.C. therefore never even arose.

And then there is the all important paragraph 12 of SMCD 203 which Prof Folsom never mentions in his article. Paragraph 12 states "On the coming into force of the Constitution approved by the Supreme Military Council (emphasis mine), the Assembly shall cease to exist." It is obvious therefore that contrary to Prof. Folsom's argument, the question of the final authority to promulgate the Constitution was itself answered by the Decree that set up the C.A., and it was not the C.A.

A more interesting and slightly convincing argument is the Professor's contention that as between the SMC/AFRC and the C.A., "there can be little doubt that the latter had the rights to draw up a constitution for the country, for it was much the more representative of the country." But this argument only sounds convincing so long as one is thinking in terms only of those two bodies. Thus if an argument could be made that neither of these bodies in fact had the political or moral authority to make a constitution for the country, then the Professor's problem does not even begin to arise.

The Professor states that of the effective membership of 136, a total of 103 representing 76% were elected, partly by District Councillors and partly by specified bodies "ranging from the Judiciary and the Universities to bodies representing farmers and fishermen." 24% were nominated by the SMC.

But this so-called broad representation is seen to be farcical when the nature of the representation is considered. Only 10% of the registered voters bothered to vote in the farcical District Council elections. Furthermore, the Assembly was saturated with persons representing one class and interest group. For example, each University in Ghana had one representative (I doubt whether together, the 3 universities represent even 0.001% of the population), and the Ghana Bar Association (with a membership of not more than 1,500) had also one representative, whilst all farmers of Ghana who make up about 50% of the popu-

lation had one representative and all fishermen also had one representative. It beats one to understand the presence of representatives from Building Contractors Association, Timber Producers Association and the Ghana Association of Writers when charcoal burners, kenkey sellers, drivers, unemployed etc., were not represented. Did the representatives of the Universities represent the workers? If so, did the workers participate in their election? Or is it the case that they also do not understand Constitutions, and therefore a representative had to be foisted on them? How were the farmers/fishermen's representatives chosen?

In the end, what emerged in the Assembly was a class of elitist, urbanised, privileged group with no true link with the masses whose interests could not have been represented in the Assembly. And the Constitution that emerged clearly reflected the interests of the bodies represented. It is my submission that the gathering at the C.A. was not representative of the 'sovereign will' of the people.

It is difficult to defend Prof. Folsom's position that "only the electorate had the absolute right to draw up a constitution for the country," because it is historically false that the electorate draws up constitutions.

When Moses climbed Mount Sinai and came down with the Ten Commandments, no member of the Jewish electorate was with him. None of them participated in the fashioning of the Ten Commandments. And yet, stripped of its mystical wrappings, the Ten Commandments simply represent a Basic Law.

I do not know in what sense the British Constitution, for example, could be said to be a product of the British electorate. A modern Constitution is almost invariably the product of an interest or groups of interest. It is always a positive law which in the final analysis has its validity rooted in its efficacy.

The Kelsenite Paradox

The argument that since "the Constitution is the supreme law from which the validity of all other laws is derived, its validity cannot be based on the latter which is subordinate and dependent on it," is strange for a number of reasons. For purposes of purity of language, I would replace "the latter" in the above quotation with "SMCD 203", because I do not think Prof. Folsom means that the validity of the Constitution is based on "all other laws."

But once we make this modification, the strange consequence which follows is that it is the Constitution which validates SMCD 203. Therefore, if SMCD 203 is inconsistent with the Constitution, then SMCD 203 is invalid! For example, if, as Prof. Folsom argues it was the Constituent Assembly that had the power to make a Constitution because of supposed political/moral rights, and yet paragraph 12 of SMC 203 states, as it does, that it is the SMCD that approves the final Constitution, then there is the beautiful paradox of an uncon-

stitutional enactment giving birth to a Constitution!

The Kelsenite problem of the Basic Norm has been so often misunderstood that one is not surprised to find the mistake repeated here. The presupposition of the validity of the Basic Norm must always be differentiated from the Basic Norm as the historically first Constitution. Unless one presupposes the validity of SMCD 203, one cannot even begin to talk about the validity of the Constitution. But of course, Prof Folsom dismisses this as a merely legal point, as if that makes the point unimportant.

I agree with Prof. Folsom that the question as to which body had the right to draw up a final constitution for the country cannot be answered by looking up Decrees, so long as he talks about rights in the non-normative sense. But neither can it be answered by looking up to see what is a Constitution, or by the even more surprising argument that no military regime can have a Constitution! Presumably, even a military regime voted into political office by the electorate cannot have a Constitution. It is a question that is answered by political history, which unambiguously answers that effective control of power is ultimately decisive. International law uses the same criterion in deciding to recognise Governments.

Unless one has a pathological hatred of the AFRC (and Professor Folsom cannot argue that his is a hatred of military regimes in general, since he endorses the action of the military putschists of 1966), then the fact that the SMC/AFRC won in the power, albeit verbal, struggle that took place in the second-half of 1979 cannot be denied. This attempt to black out the period of the AFRC from Ghanaian history simply reminds one of the attempt by a Government of which Prof. Folsom was an ardent supporter, to legislate Kwame Nkrumah out of Ghana's history. But history is only true history if it gives a full and complete account of a country's past, including those parts that are subjectively unacceptable to us.

The 1969 "good sense"

In 1969, the "good sense" which caused the NLC to permit the Constituent Assembly to promulgate the Constitution consisted of the following:

- (1) the institutionalisation of three-member military-cum-police Presidential Commission for a maximum of 3 years Section 1(1) of the Transitional Provisions of the 1969 Constitution. During this period the Commission was to draw all salaries and other advantages envisaged for the President and was to have the final authority to sign bills into law. Soldiers and Policemen therefore exercised final authority over the people's elected representatives; and yet in 1979, we would not even allow AFRC members to go back to serve in their units!
- (2) the NLC and the Executive Council were to continue to exercise the legislative and executive powers of the Stat-

until the meeting of the National Assembly following the formation of the Cabinet and until the formation of the Cabinet: respectively-S.14(1)(2) of the Transitional Provisions of the 1969 Constitution.

- (3) an unconditional immunity was granted to all persons who participated in the treasonable act of 24th February 1966. —S.13(3) of the Transitional Provisions of the 1969 Constitution.. Under S.13(3) (d), the members of the Constituent Assembly provided for their own immunity! Included in this number was Prof. Kweku Folson (then B. D. G. Folson).

- (4) every person who served as a member of the NLC was to be paid, as a token of the Nations' Gratitude gratuity by way of terminal award to be determined by the successor-Government to the NLC —S.14(1)(3) of the Transitional Provisions of the 1969 Constitution. (The public would be interested to know how much the P.P. Government paid to the NLC

members under this provision, since everybody seems to want to know how much, if any, the PNP paid to AFRC members)

- (5) On retirement from public office, every NLC member was to be paid a pension equivalent to the gross emolument to which he was entitled at time of such retirement, in lieu of any other pension to which he would otherwise have been entitled on such retirement. But if the otherwise entitled pension is higher, then this would be payable. —S. 14(1) (4) of the Transi-

tional Provisions of the 1969 Constitution. Of course, after the 1969 Constituent Assembly had, like a robot, lame-duck body, granted these incredible concessions to military adventurists, the NLC members would have demonstrated a remarkable lack of "good sense" if they had insisted on any abstract right to promulgate the 1969 Constitution.

Ignorance of Junior Officers and Other Ranks

This is the saddest and most unacceptable part of the Professor's submissions. Firstly, since the degree of constitutional comprehension of the far greater percentage of the population is akin to that of the corporals and sergeants and junior officers, Prof. Folson suggests thereby that Constitutions can never be understood by the greater percentage of the country's population. If so, then why any Constitution at all, especially one whose operation is as costly as the C.A's Constitution? Or is it the case that the Constitution is meant for only a certain class?

Secondly, it was this same contempt of the other ranks by their Senior Officers which made 4th June so easy, when the officers (except a gallant few) were immobilised by the spectacle of people they previously considered unthinking, obey-before-complain beings, moving on their own, and taking over the nation.

Thirdly, it was this same misconception about the quality of men in our forces and their ability to reason which led to the suicidal strategy of the anti-UNIGOV campaigners when they lumped all soldiers together as senseless and bootlickers, forgetting that within the ranks of the military, they had allies.

No Sir, Professor, you have goofed. Boakye-Djan, Mensah-Gbedemah, W.O. II Obeng and many other junior officers and other ranks understand Constitutions. May be some of them take a little time to comprehend but so would Professor Folson if he were taught today to dismantle a sub-machine gun.

The 'bad faith' of the faceless advisers

The writer sympathises with Prof. Folson that he should sink to this level of argument, imputing motives and casting insinuations which it was thought was the domain of the people whose intelligence Prof. Folson doubts. The essence of debate is to argue objectively and logically. Nobody, not even a Professor, is licensed to impute bad faith to anybody simply because he disagrees with what has been done.

Abrogating the 'AFRC' Constitution

I find Prof. Folson's call to abrogate the present Constitution strange, puzzling, bordering on incitement and treasonable. The first group of people who 'announced' to military adventurists that they could impose themselves on us by force of arms and further legitimise their rule by imposing a constitution on us was the 1969 Constituent Assembly, of which Prof. Folson was a

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member. That Assembly had the opportunity to seal the doom of military adventurism in this country, but not only did they legitimise the 1966 coup, they made coups most attractive by awarding, as a token of a Nation's gratitude, gratuity by way of terminal award, of unspecified sums of money. Prof. Folson's volte-face should force all members of that Assembly to bow down their heads in shame. Whatever was it that people who lived in glass houses were not supposed to do.?

On the logic of Prof. Folson's argument, the answer to the problem of military adventurists is for Constituent Assemblies constituted under their auspices to refuse to meet at all. The further answer would be for whatever new Constitution is envisaged to have an extra-legal root of validity, and that seems to suggest the organisation of a counter force to oppose the adventurists. The Ugandan National Liberation Front did it in Uganda; there is no reason why Prof. Folson cannot organise it to be done in Ghana.

The argument that because the SMC disposed of overwhelming force, no Assembly could have been brought together to consider the constitution without their express consent is self-defeating, because it simply concedes that Professor Folson's

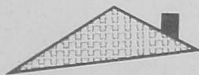
position that it is whoever has the political and moral right to make a Constitution who succeeds is false. Ultimately, it has been said, that power comes out of the barrel of the gun, and Prof. Folson's argument concedes this. And the drivers that every morning made it possible for the Assembly to meet could not have endowed the Assembly with its constituent power, in much the same way that the SMC did not bring the members of the Assembly to meet at gunpoint. What Prof. Folson forgets is that even the drivers' physical ability to convey Assembly men to meet was made possible by rules and regulations whose validity would ultimately be traced to the power behind the rules—the SMC. In any case the Assemblymen could have walked. That activity is not governed by any positive rule; only the natural forces of gravitation.

The truth is that one cannot make an argument against coups or military adventurism in general if one is at the same time seeking to justify one type of military intervention as against another. That argument simply reveals one's preference for one type of intervention, and therefore concedes to another person the right to prefer the rejected intervention. It is not an argument of logic or academic purity; it is simply an argument of values.

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Notebook

EMOLUMENTS OF MEMBERS OF PARLIAMENT

According to a Government release in September, Members of Parliament are to receive, as from September 1979, emoluments totalling £4050 per month comprising £1000 for stipend, £1500 for housing, £200 for research, £750 for transport and £600 for entertainment.

There are a few things not quite right with the release in question. First of all, it came only after the *Ashanti Pioneer* had featured the emoluments as a "rumour," and even then not immediately, the other papers having had to press for confirmation of the "rumour" before the Government release was eventually forthcoming. In the event, it looked very much that this was one release the Government would rather not have made. Secondly, as against a tradition of quoting emoluments of public servants in gross-terms per annum, the Government release referred to the emoluments of our MP's in net-terms per month. Certainly the salaries of most public officers pale before the over £23000 gross stipend plus £36,000 non-taxable allowances that MP's emoluments amount to, and embarrassment at the disparity is understandable; but public accountability requires the truth to be bared in all its nakedness. We are naturally disappointed at the official secrecy that has attended the issue of emolument of our MP's and the apparent attempt to be less than candid with the public with respect to precise details.

Some of the allowances are even questionable. As far as housing is concerned the practice in the public service is to house an individual and charge him up to 10% of stipend; the alternative is to pay individual 20% of stipend to look for his own accommodation. Why should our MP's be treated differently by being paid £150% of net stipend for rent? And if an MP should choose to live in a fifty-cedi rental at Nima does not keep the balance from £1500? We wish that some of our MP's would indeed choose to live at Nima so they would know at first hand the living conditions of some of the people they represent, but in that case what justification would there be for a housing allowance which for Nima is nothing short of extravagant? Research is indeed important for effective representation of the people and the provision of research help for our MP's is only right. But the best way to guarantee such help, we are persuaded, is for the Parliamentary Service itself to employ research hands for attachment to individual MP's or groups of them. MP's after all share some of the weaknesses of the people they represent; they should be saved from the temptation of regarding research allowance as "chop money." We appreciate also that MP's must be enabled to visit their constituencies as often as possible, but some have their constituencies within a stone-throw from Parliament House while others have to travel miles to reach their constituencies. A basic mini-

mum allowance plus extra for mileage up to a pre-determined maximum would seem to be a better argued proposition than a uniform allowance.

In all this we do not wish to be understood to be quarrelling over the levels of allowances released by the Government.

We would like to be assured that each item in the package is indeed meant for the purpose declared. To the extent that we may be said to have reservations, these spring from the fact that some of the items like the allowance for housing give the impression of having been determined for reasons other than those declared.

We wish to say further that MP's are not the only servants of state who require a decent stipend and respectable levels of allowances for the effective discharge of their duties. We urge that every public servant should also be given his due. As a matter of urgency, the minimum daily wage should be determined at a level that is consistent with the purpose for which people seek employment, namely, acquisition of the wherewithal for sustaining life. At the going rate of £4.00 the minimum daily wage is a joke considering that chicken (pigeon-size!) sells at £45.00 and a kilo of beef sells at £20.00. We understand that the tripartite wage negotiating committee has reconvened or is about to reconvene. We trust that realism will guide the committee's deliberations.

Letters

VRA Electricity Tariff To Valco

SIR - I have read the letter by Mr. Ward Saunders, Jr., Managing Director of Valco, on your correspondent's article on the above subject. Please permit me to make two observations:

1. Bonneville Power Rates

Mr. Saunders writes that the Bonneville Power Rates have been increased from 3.2 mills per kilowatt hour to 8.7 mills. The "truth", he says is that there have been increases but the "average effective rate... is estimated at about 5.6 mills which compares to the approximate 5.2 mills which Valco is expected to pay to VRA in 1980".

Mineral Industry Surveys, a publication by the U.S. Department of the Interior Bureau of Mines, reports this in its October 27, 1978 edition: "The Bonneville Power Administration announced that the power rates to its customers will increase on December 20, 1979. The average cost per kilowatt hour for power for primary aluminium production in the Pacific Northwest will increase from about 3.2 mills currently to 8.7 mills at that time".

Commercial, Industrial and Trade Notes (CITN)

a publication by British Aluminium Company, also has this to say in its September 27, 1978 edition, item No. 439/78: "Bonneville Power Administration is to raise its power prices to aluminium producers by 106% on firm supplies and 195% on interruptible with effect from December 20, 1979. This will raise the aluminium producers' power costs from 3.2 mills at present to 8.7 mills and add about 4.4 c/lb to production costs in the Pacific Northwest." See also Metal week, September 4, 1978.

Your correspondent could not have been wrong. Thank, God, he did his homework. Unless of course Americans say one thing and mean quite another.

Mr. Saunders also makes the interesting albeit mean and selfish argument that because VRA does not operate any thermal fired plant, but only hydro-electricity VRA has very low costs of production and therefore your correspondent should not compare rates charged by thermal plants with those of VRA. What he is saying is that Ghana (owners of the Volta River which would otherwise have "flowed into the sea" had Valco not established their smelter, now owners of Akosombo), should continue to let Valco pay peanuts for the power used because we love them so much. If we need any power for any industry (like Iron and Steel) we should depend on thermal-fired plants and pay about five times what our loved one is paying for our own. Dear Lord come down! So how about merging the VRA and Electricity Corporation so that the cost of producing power hydro and thermal will dictate what Valco pays. (That is the argument used by Bonneville for the increases in their rates).

Significantly though, Mr. Saunders did not deny or confirm whether the New Zealand Manipouri hydro-electric plant built by the New Zealand government and which supplies only hydro power to aluminium companies including Kaiser, increased its tariff from 3 mills/kwhr (fixed 1963) to 15 mills/kwhr in 1978 even though a contract was still operative. He certainly could not!

2. Taxes and Income to Ghana

Mr. Saunders again tries to refute the idea that increasing power rates will not benefit Ghana by saying that any increase in the power rate paid to VRA does not come from the shareholders. He goes on to say that any increase is a cost to Valco of doing business and if and to the extent that Valco's cost of power increases, Valco's taxable income decreases, and this will of course reduce what Valco pays as taxes. Perfect argument that. However, he forgets that any increase in power rates is a net benefit to Ghana and reduces the

hitherto excessive profits of the shareholders. In the end Ghana gains. Let me prove it in a simple case:

Suppose in case I (the present situation), Valco's

Production costs (C1)	—	S30 million
Revenues (R1)	—	S50 million
Income before tax (V1)	—	S20 million
Taxes (40%) (t1)	—	S 8 million
		(Government Revenue)

Valco Shareholders' profits (P1)	—	S 8 million
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Suppose the power rate is increased up and above what was paid in case I, and that the additional cost to Valco as a result of this is \$10 million, which is a net income to Government. Case 2 will appear like this:

Production costs (C2)	—	40 million
Revenues (R2)	—	S50 million
Income before tax (V2)	—	S10 million
Taxes - 40% (t2)	—	S4 million
		(Government Revenue)

Valco Shareholders' profits (P2)	—	S 6 million
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Even though the Government's revenue from taxes is only \$4 million in the second case compared to \$8 million in the first, its total share is now \$14 million compared to \$8 million in the first case. Valco's shareholders' profits decrease from \$12 million to \$6 million. So, who is paying?

The above, notwithstanding, that argument used by Mr. Saunders is only mischievous because such a cost increase will be passed on to the final consumer of metal. In the last one year Kaiser and others have raised ingot price from 58 cents per pound in April 1979 to 79 cents per pound in June 1980, all in the name of holy profits which have been increasing at a rate between 20 - 30% annually.

The U.S. Council on Wage and Price stability in its September 1976 report on "Aluminium Prices 1974/75" indicated that Kaiser topped in the price leadership pattern for ingot between January 1970 - August 1975. They led the field in 6 out of 10 cases of ingot price increases. (There are over ten aluminium companies in the U.S.).

I appreciate the opportunity of taking part in this one-sided debate between your correspondent and Valco and I am glad that for once in my life I am on the winning side.

The Constitution

SIR—Having failed to convince his colleagues at the Constituent Assembly to adopt the parliamentary system of government, and in an attempt to supplement his efforts in that line, Professor Folsom is back with a series of long articles in the **Legon Observer**. This time he is urging Ghanaians to throw away the present Constitution on the simple grounds that the AFRC, which, to him, had no mandate to promulgate the constitution, has made changes in it.

The Prof. must know that as far as the people are concerned, changes made in the constitution by the AFRC have not affected, and are not going to affect, them in any way. Neither have we heard Limann complain (assuming he has reason to) that those changes have posed hindrances to his administrative efforts. Nor have the Professor's equally learned colleagues in Parliament complained.

Except in a case where the Prof. has ulterior motives for wanting the constitution abrogated, I advise that he stops wasting his time on unessential constitutional essays.

Perhaps, long essays on how best to check official corruption, "kalabule", or, at least, a theoretical contribution to the government's agricultural programme will be most appreciated by the majority of Ghanaians.

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Tema.

Food Production Corporation

SIR—After reading the Food Distribution Corporation's Statement of defence (L.O. Vol. XII No.), I wish to comment on the often misconceived idea that once a person had obtained university education, no matter the discipline, he can easily adjust into any new role.

That this faulty conception has permeated the thinking of many Ghanaians and caused some societal losses cannot be overemphasized, as reflected, for instance, in the placing of some square pegs in round holes in the public sector.

In countries where things must be done and done efficiently, a lawyer or an engineer takes a second degree in economics or administration to make him an efficient manager.

Just as a historian cannot be expected to perform surgeries without formal medical training a lawyer cannot be an efficient agricultural economist or manager without the rigours of formal training and vice versa.

Learning is not easy, and only very few lawyers may self-educate themselves to acquire all the tools of economic analysis to make them efficient and well-informed economists. And few economists may do the reverse.

Unless we emphasize disciplinary bias in the allocation of trained personnel to high executive positions, we shall continue to live with gross inefficiencies in the public sector whilst the private sector and other countries benefit from our mis-roled trained personnel.

301 Maple Ave. A-2 S. Kofi Kyereme
Ithaca, New York 14850

Black Star Line and Separation of Powers

SIR—So the Vice-President has been able to settle the dispute over the dismissal of the Black Star Line afloat officers out of Court; that is nice. I wonder what Mr. C. C. Fitihi thinks of this. I guess this is not an apparent interference by the Executive in the functions of the Judiciary. Which is more serious, Executive or Legislative interference with judicial independence?

As I see it, the separation of powers requires the Legislature to enact laws, and both the judiciary and the executive to interpret and enforce those laws respectively. Thus it looks as if the weakest of these is the Legislature. It can fill all the volumes with laws but such laws are meaningless and ineffective unless interpreted and enforced by the other two organs of Government. Let us not even forget about the power of Judicial Review, by which the laws enacted by Parliament can be rendered unconstitutional and unenforceable by the Judiciary.

If I may then ask, what interference or harm, if any, can two parliamentarians, out of their closet, do to the independence of the Judiciary by merely trying to settle a dispute out of Court. Interference with the independence of the Judiciary should not be confused with an attempt to assist the Courts in arriving at a peaceful solution of disputes.

Let us not cry wolf when in fact it is chicken that we perceive.

Faculty of Law Kwame Frimpong
Legon.

Currency Reform

SIR - Permit me a few words on Mr. Ahiakpor's points regarding my stand on the March 1979 currency reform (see 'Letters' L.O., Vol. XII, N. 6, 11th April 1980). In the article which Mr Ahiakpor was commenting on ('The Economic Consequences of Rawlings,' L. O., Vol. XI, No. 12)

I wrote: "In not pursuing the currency reform to its logical conclusion, Flt. Lt. Rawlings has missed a golden opportunity. (See "The Logic of the Currency Change," L.O., Vol. XI, No. 9, 8-21, June 1979)." In other words, I referred the reader to an earlier article for full substantiation of my stand. I wish Mr. Ahiakpor had read or re-read that article before venturing to comment on its contents.

In the latter article, I reviewed the historical, theoretical and operational arguments for not taxing deposits (and only taxing currency) and found them overwhelmingly deficient.

Mr. Ahiakpor's point that deposits are assets is, in the context, a **non sequitur**. Of course deposits have a role to play in the growth process. But surely that does not mean that they cannot ever be touched by the fiscal arm of the government!

And what arguments does Mr. Ahiakpor offer to substantiate his point that taxing deposits "fosters more inequity among asset holders"? They certainly were not to be found in the published version of his letter.

Finally, with respect to his reference to "anyone with any serious exposure to Monetary Theory". I wonder who it applies more to. He is the one after all, who writes, "bank deposits are hardly the cause of inflation, but mainly currency issued from the Central Bank...". It is true that bank deposits and currency are not one and the same thing. But has he forgotten that deposit-creation is based on high-powered money? that there is such a thing as the money multiplier? that the simplest definition of money supply is currency plus deposits? In a theoretical sense (and that is the argument Mr. Ahiakpor is making), what does it mean to tax currency holdings and not the deposits that are leveraged on it?

Special Correspondent

Opinion

IN THE MATTER OF SPEECH

By
Ebow Daniel

Since L.O. Vol. XII No. 5 it has occurred to this writer that we have made far more significant contribution to English than is publicly acknowledged. For instance, this: if an Englishman decides to recognise a presence, he would probably say "Good Morning", if it is that time of day. If more than one presence is involved, it is still "Good Morning". They do better in Fante-

land. Single presence: **Morning** (pronounced rather more like *morney*); plural presence: **amorning**; reduplication sets in if the party offering greetings to the plural presence is in a hearty mood: **amorning amorning**..... dear readers.

Most countries would be content with the distinction between nationals and non-nationals. We insist on still finer distinctions within the category of non-nationals, namely, aliens, foreigners, Europeans and expatriates: **Aliens** are non-Ghanaians of black African descent; **foreigners** are Asiatics and Orientals; Europeans are **aborofo**, otherwise known as Caucasians; and **expatriates** are Europeans in the employment of the Government of Ghana. One often hears the complaint that the Aliens Compliance Act of the Busia Government drove non-Ghanaian Africans from the country leaving Lebanese and other nationals untouched. Naturally! The Passages Office of one establishment would not give an employee medic passages for overseas leave because the facility was for expatriates only. And the Officer was quite certain the medic was not an expatriate. Why, he is only a Camerounian, the officer said in earnest. And then there was the outdoor ceremony of a Ghanaian child in London at which had been present two English girls employed as secretaries in the Ghana High Commission. The elderly Ghanaian gentleman conducting the ceremony said in English that he would have liked to perform in the local language as custom required; for the benefit of the expatriates present, however, he would continue in English. According to the gentleman therefore, Fante is a local language even in England; and the Englishman is an expatriate, even in his own country. Honestly!.

A Scoop

At one of the annual Hearts of Oak-Asante Kotoko encounters at football, Radio Ghana's commentator said a player was being carried off the field **unconsciously**. The player was dazed apparently but, if the commentator should be believed, the person carrying him did not really intend to, only he could not help it, not even being aware of it; carrying dazed player, was a reflex action which came to him as naturally as yawning or blinking, perhaps. We imagine that after he had rested sufficiently, the player consciously returned to the game, conscious.

This writer has a difficulty with the prefix "co" which means "joint" and properly refers to a collectivity. One might, therefore, speak of "co-authors" or "joint-authors" to refer to two or more people having collaborated in a publication which bears their joint-names. At a church harvest, a prominent member of society may be appointed chairman, which means he is the one that is allowed to buy the first item of sale, usually a glass of water; the price is invariably well above the control level. One chairman used to be enough, but nearly all churches have taken lately to multiple chairmanship. The collectivity of chairmen could be referred to as co-chairmen or joint-chairmen. One does not expect anyone of them to go round calling himself a joint-chairman or

a co-chairman any more than one expects a husband or a wife to refer to himself/herself as a couple. All of this should lead to the conclusion that Mr. Robert Mugabe and Mr. Joshua Nkomo together were co-leaders of the Patriotic Front; and that neither was a co-leader of the Front, Radio Ghana's opinion to the contrary notwithstanding.

New Forms of Expression

A young lady said in Cape Coast the other day that the recent elections had been rather *costative* which immediately prompted correction from a friend of hers; *costive* was what the speaker really meant. The hard consonants in both words reflect so adequately the concept of the expensive that some of us would not mind formal adoption of both words, one to express the comparative of costly, the other the superlative such that we have *costly*, *costive!* *costative*. The superlative is sometimes achieved by the addition of any number of *o's* to the qualifier: The food is *sweet-oo*; one might also say the food is *sweet-paa*. Although this form of the superlative is allowed only to pupils of the University Primary School at Legon, there are adults who believe that what belongs to children is as much theirs. In expressing the singular, the general rule in some quarters seems to require the dropping of *s's* from wherever; which rule seems to work well enough: the singular of oranges is orange and that of goats is goat. A well-spoken lady, rather grammar-conscious, was grateful to the gentleman who had given her a ride. Her speech to that effect, duly recognised the fact that her benefactor was single: **Thank** (sic) was what she said adding that she had been about to **collap** (sic) from exhaustion when providence sent the benefactor along.

Other forms of expression are not so new as being refreshingly quaint. For some people being pregnant is not expressive enough; they prefer to say **my wife had taken seed**. Some of those whose wives prefer **taking seed** (rather like birds!) to being pregnant have their language so firmly rooted in the Bible that the wives do not have babies; they **bring forth!** On June 28 of this year, a friend of the writer had the privilege to answer yes to the question: Are you the husband of the lady on the Sixth Floor who has **brought forth** a baby girl? And the writer did not even know the wife had **taken seed**. Some friends!

The opposite of income is **outgone** which is an American rather than a Ghanaian contribution. One finds it in Gore Vidal, for instance. **Outcome** is rather exciting. The launching at Oyarefa recently of the Government's two-year agricultural programme apparently involved an **outgone** of two million cedis! **Gone with the Wind** ranks very high in the list of this writer's favourite titles.

Humpty Dumpty

Humpty Dumpty had a great fall means that the poor thing toppled down from the wall on which it happened to perch. It must have lost its balance, probably from trying to get a better view of the parade of the King's men in the street

below. Being only an egg, Humpty Dumpty, of course, could not be put together again. The fall was the death of Humpty Dumpty. A man too could die from a fall and that should normally be the end of him unless, as in the case of Lazarus of the New Testament, soul and body could be put together again through the intervention of the **Divine Presence**, the more recent manifestation thereof being that delightful musical piece by Atta Annan Mensah. A man who is only asleep, however, will normally be expected to wake up. And if the grammar-conscious lady of our earlier acquaintance is to be believed, she would probably have collapsed indeed but for the timely ride offered her by the kind gentleman. Besides humans, a house, could collapse; and figuratively, a country's economy could also collapse. If any of those actions, namely, falling, dying, sleeping or collapsing results partly or wholly from external assistance, there are conventional ways of expressing the idea. **I will die you** or **I slept him** would, no doubt, be regarded unconventional.

The coup-makers of 1972 did say that somebody not in the country had collapsed the national economy before leaving. Since then it has become fashionable to use intransitive verbs, of which falling, dying, sleeping are examples, in a variety of interesting, albeit unconventional, ways: a recent editorial spoke of the Special Marketing Unit which formally operated from the Castle having been **reverted** by SMC II to the Ministry of Agriculture; essential goods meant for one Region were said the other day to have been **disappeared** by somebody before they could reach their destination; and like the Busia Government, Humpty Dumpty seems to have been **toppled** after all, a shove from behind, perhaps. Our grammar-conscious lady was lucky that the person who offered her a ride was a gentleman.

An unsuspecting lady who in similar circumstances accepted a ride from a man who described himself as an accountant ended up in in accountant's house where she was **collapsed** or **collapped**, if you like, by a combination of hard liquor and sexual assault. But that was only a scene in the film **Love Brewed in the African Pot**.

Hercules and Sisyphus

Rebuilding a collapsed economy, such as ours, is often spoken of as a herculean task. Hercules was, of course, that strong man of classical mythology who had to undertake various seemingly impossible tasks. There were twelve tasks in all, the best remembered being the fetching of the dog Cerberus, (three-headed!) from the underworld, where it was employed as a guard. There is another gentleman in classical mythology who, for sins committed on earth, was in hell required to roll a mighty boulder up a rather steep incline. The boulder rolled down again as soon as he appeared to attain the summit. Sisyphus was the gentleman's name. His assignment compared in futility only with that of the Danaides, daughters of Danaos, who for acts of impiety were required to fetch water in baskets. Years ago, one of our prefects at school said to tremendous applause that efforts made by him in organising something

or the other had proved sisyphian! Reviving the state farms of the First Republic frequently urged in the editorials of one of the dailies should not be particularly difficult; making state farms a viable economic concern is, however, a herculean task; and we should pray hard that our efforts do not prove sisyphian; we should pray harder still lest we achieve sisyphian results in the matter of prostitution which the National Council on Women and Development had adopted as a programme-eradication thereof.

The editor of the **Palaver** is to be congratulated for his recent show of public spiritedness. He appeared the other day at the head of a parade of school children with noise-making implements to do exercise, as it were, the spirit of coups from the fatherland. One learnt that through exercises of that kind he hoped to educate the public not to lend support to future coups. It is another exercise in sisyphianism, of course (the word is dynamic after all!) We are all too aware of the possible harmful effects of divorce, for example; the family is often displaced, children's education is disrupted and there is inconvenience all round, not to mention the embarrassment caused by the rather sordid details of the personal life-styles of the parties that are often revealed. Yet who other than a theological ideologue wants to take an *a priori* position on divorce? We pray of course that divorce does not become anyone's lot, but we are not particularly anxious to condemn until all the facts of the particular case are available to us.

A matter of concern

The way other people speak is always a source of fun, otherwise Mrs. Malleprop would not be so popular a fictional character. BBC always had difficulty with Nkrumah, even linguistically. It was always President Nakrumah. The Indian Professor who confessed to disliking women taking on men's traditional jobs, such as Mrs. Indira Gandhi does, was always threatening to report his women colleagues to the **Vice-Chancellor** of his University for lateness to lectures. On one occasion the Professor blamed the **Vice-Chancellor** himself to be very very careful where those women were concerned. There is also the West African who told Ghanaian friends in England that he was going to work in a farm. His friends were surprised to learn he was working with a firm of soap manufacturers in Nigeria. They need not have been surprised; with a Ph.D. in Industrial Economics and thirteen papers published in the subject, the Ph.D. in question did not intend working anywhere else than in a firm even if his pronunciation suggested otherwise. He was the youngest executive in the farm having been born only only in thirtynine.

It is a matter of concern, however, that inappropriate language should lead to bad national decision. The state owes citizens basic education whether parents can afford it or not. That is a proposition that is endorsed by both East and West. We choose to talk of educational subsidies which we say the Government can afford no longer. The Minister of Finance now promises re-

cover taxes. How does one come by the money to send the child to school in the first place? The President of the Republic does not buy many things which other citizens have to buy, fuel, for instance. We are convinced, of course, that the nation's business can wait till the President can personally afford the cost of fuel; so we make fuel available, but we do not talk of subsidising the President's fuel bill; we do not even require the President to pay for fuel, or food drinks to be reimbursed later. The President is entitled to those things the better to enable him to discharge his onerous office without undue distraction.

Other citizens have entitlements too, basic education being one; health care is another. Indeed, the state owes it to its own survival to ensure continuing availability of basic skills and healthy people in society; and an Administration which claims lineage, indeed inspiration, from Kwame Nkrumah has no business quibbling over who pays. If it was left to individual choice some might not send children to school at all since the pay off from schooling to the individual is not obvious any more. Terminologies like subsidy suggest favours and do not permit a proper appreciation of the nation's responsibility. The Cameroonian medic was, of course, entitled to overseas leave and he was not going to wait till the Passages Officer, learnt to speak better. Those English girls at the Ghana High Commission in London were certainly not entitled to overseas leave even if the elderly gentleman at the outdooing ceremony considered them expatriate.

The irony of it all is that while we deny basic rights through **terminological inexactitude** (Churchill), privileges ride high even in education. Anyone who receives an offer of admission to study what ever Subject in any of our Universities is automatically on a scholarship which includes tuition, board and lodge, and allowances for Long Essay, Dissertation, vacation residence etc.; even examination fees must be paid by Government. The University student can fail his course any number of times; as long as his name remains on the books, the scholarship holds. But of course University students are rather vocal; they are also quite capable of inviting themselves to Parliament, Gihoc-style. One should be very very careful indeed in tampering with their privileges.

Book-Long

Another friend of the writer does not understand the writer's sudden interest in the use of language. The writer has always been **booklong**, he says, but now he is becoming **too-know**. Considering that the writer has no training of any kind in the use of language, the friend could not be more accurate in his assessment, but **too know** is so original it deserves comment. It means **sabe**, the latter being a corruption of the English savvy (to be knowledgeable). Neither **too know nor sabe** is a compliment; **book long** is not either, it being a term of derision originally applied to University people by the military in Ghana. The Chairman of SMC I extended application to all professionals in that

famous speech in which he reminded the nation that quoting from fat books and putting questions to people in the witness box as lawyers are wont to do and sitting in air-conditioned offices as Managing Directors do did not guarantee food on the market. What he omitted to say, rather conveniently, was that marching up and down the streets, waving batons in the air and shouting orders at military parades did not bring food either, and it was the more obvious fact in 1977.

But the fellow is too **sabe sabe** is the ultimate in disapproval. And **sabe** is sadly this witness's image. If the writer's **sabe** constitutes an affront to anyone, he can only apologise; which brings to mind the school boy who came up with **I apology** as an expression of contriteness. He had been rude to his teacher and his peers quite rightly insisted he did the necessary. His grammar seemed to have collapsed under the barrage of protests from his peers. The teacher did not think much of the boy's linguistic effort and he expressed himself to that effect in a speech which featured brevity, sarcasm and what obviously must have been a slip of tongue: **after all your proud** (sic) was what the teacher said. Our grammar conscious lady of earlier acquaintance would be critical of the boy's linguistic effort too, at least as exemplified by his statement of contriteness, but only with regard to spelling; all of which goes to show that right or wrong in linguistic matters, indeed in many other matters, depends very much on where one is coming from, as the black American would say.

And where is this writer coming from? No—where in particular, unless a suggestion that whatever fun we have with language we do not employ it to our detriment is considered a pointer to some direction. And **after all his proud** and **sabe** this writer has written a piece which is not free from grammatical and other errors, as would become evident, even from a casual reading. Suggestions for curing the defects are welcome, of course.

Miscellaneous Report

PARLIAMENT ENDS ANOTHER MEETING

By

A. Badu-Nkansah

A—Mr. Speaker—When the members at the other side of the house rubber-stamp bills—

B—Mr. Speaker On a point of order

Mr. Speaker—Yes, what is the point of order?

B—Mr. Speaker—It is not correct that we on this side of the house rubber-stamp bills brought by the executive.

Mr. Speaker—I am afraid, this is not a point of order The member may please go on.

A—Thank you Mr. Speaker. If you speak vehemently against a motion and nevertheless vote for it, what the hell do you think you are doing? said the member for Asutifi.

Parliament ended its third meeting on the first session with the impression that some members do in fact rubber-stamp proposals from the executive. Business at the latter part of the meeting further revealed the fragile nature of the PNP/UNC alliance and the willingness of the minority parties to come together to propose alternative policies that can avoid the disaster ~~tha~~ the half-hearted economic measures of the Limann administration might cause.

It is regrettable that Hansard, the official record of proceedings, is not published regularly for the public to see the alternative suggestions being made by the minority parties for the benefit of the government. It is hoped that if more paper is made available for Hansard to be published regularly it will disabuse the minds of those who have the impression that the minority parties are not criticising the government constructively.

Business Begins—Question Time

This third meeting was a long one. It began on 29th April and ended on the 15th August. Business of the House started with questioning of some of the Ministers of State who appeared before the House to account for their stewardship by briefing members on the work of their Ministries and answering questions from members. This interesting exercise drew a lot of people to the public gallery. On one or two occasions a few irate and enthusiastic people in the public gallery were warned by the Speaker for taking part in the debate by shouting and laughing loudly. One or two Ministers were nearly charged with contempt for not being too candid with the House.

The Ministers of Defence and Interior were heard in camera while the rest were heard in public. The appearance of the Ministers of Defence and Interior was significant in terms of the extent to which it united both sides of the House. The PNP joined the other parties and frankly exposed the weakness of the Ministers. Many members were scarred of rumours of attempted coups and urged

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the government to take measures to prevent the new disgruntled soldiers from destroying the new experiment. After them followed the Minister of Finance and Economic Planning, the Minister of Trade and Tourism, the Minister of Transport and so on. The Minister of Foreign Affairs was grilled for allowing the Director of Passports to dictate conditions for the issue of passports. The only Regional Minister who appeared to answer questions left the House with 'bruises'. He left the House amidst shouts of 'Shame, Shame. Go and sin no more'.

Comments On Major Issue.

The exercise mounted by the combined squad of the police and the army came up for comment after several members, while welcoming the government's initiative, deplored the unconstitutional acts and excesses of the squad in the operations. The Speaker asked the Majority Leader to convey the concern of members to the government. The House also discussed briefly the work of the Commission of Inquiry probing the affairs of certain financial institutions; concern was also expressed whether it should hold its meetings in camera to ensure confidentiality. Many felt that the Commission should continue as it is in the interest of open government and public accountability. Others felt the Commission should determine which proceedings should be held in camera and which in public. The House nevertheless referred all this to the Committee on Subsidiary legislation for further consideration.

A member issued a statement on the dismissal of the afloat officers of the Black Star Line and this gave an opportunity to the House to comment on the merits and demerits of government action. Some members expressed the view that government intervention in industrial relations in recent months has not been creditable so it should allow managements to exhaust all available means of negotiations with workers before coming in as a last resort. A good number of members felt that the officers should be re-instated to avoid complications of the matter.

The reported dramatic performance of Mr. Justice Mensah before the Public Accounts Committee was mentioned in a statement by the member for Osu Clotey; members felt that the matter should be left in abeyance until such time as the Public Accounts Committee would submit its report to the House.

The Budget Debate

Moving the motion for the approval of the government's financial policy for 1980/81, the Majority Leader noted that the measures that the government had taken are the best under our present circumstances. His deputy supported him on that and added that the proposals constituted a bold attempt at grappling with some of the thorny problems that have plagued the country's economy for many years. No significant criticism came from the majority party. It was all praise for the 'admirable performance' by the Minister of Finance.

The amendment by the member for Nkawkaw was later withdrawn in support of that by the UNC member for South Tongu. The Minority Leader amidst uproar dramatically produced from a paper bag one ball of kenkey, one fried fish and and gari and beans, all costing ₵8.00. This was to dramatise the present food problem in the country. The first Deputy Speaker who attempted to create a different impression of the food situation will no doubt admit that the public has not taken kindly to his contribution to the debate.

The contribution which united all the minority parties was made by the member for South Tongu. His amendment motion which was seconded by the PFP member for Kumawu was to the effect that the government's financial policy is misplaced and its vision misconceived and could have harmful effects on the worsening economic situation and that it might lead to disaster and perpetual failure! It was indeed a marathon contribution which offered alternative practical measures for solving the teething problems facing the country. He asserted that if the executive had consulted the UNC they would not have brought before the House such a misconceived fiscal policy. This statement revealed for the first time the one-sided nature of the alliance. This amendment was a big blow to the PNP which had expected the usual co-operation from the UNC. They cleverly postponed the time for taking the vote on the motion for several days to ensure that all their members would be present to vote. When the vote was finally taken the House rejected the amendment and accepted the original motion by 66 to 57 votes.

International

THE RUSSIANS IN AFGHANISTAN

By

C. N. Wadia

To those who know the geopolitics of Russia—whether Tsarist or Communist—Russian moves in Afghanistan would have come as no surprise. The answer to the question as to how it will end lies largely in the character of the Afghans.

Unfortunately Afghanistan's position on the globe made it a possible battleground between two expanding empires: starting at two ends of an axis - one (Russian) from St. Petersburg and the other (British) from Calcutta. That the foreign policy of a country is shaped by its predominant national aspirations and interests, and not by political tenets is an accepted axiom. Once Peter The Great decided to make Russia 'European,' the direction of Russian foreign policy was towards the Baltic and the West Mediterranean (I prefer

this term to the generally prevalent but illogical term 'Middle East'), and her Eastward expansion in Central Asia naturally followed. These Russian moves in the 18th and 19th centuries almost coincided with the establishment and expansion of the British Indian Empire. When by the first half of the last century the latter had reached the boundaries of Pakistan of today, the area of conflict or contact with the Russian empire was getting narrower and narrower. That the interests of the two expanding giants should collide in the region of Iran and Afghanistan was a fact of geopolitics. This was beautifully depicted in a cartoon in the Punch, which depicted a mountainous terrain, and from behind a rock at the far end a BEAR, and a LION covered by another rock at the near end, each eyeing the other with suspicion and fury.

Brave and Turbulent People

Historically Afghanistan is known to be a hostile country for an invader, and the Afghans are a turbulent people. In that part of the world weapons come as natural to men as toys to children. One who wishes to rule over them or exercise control must prove his ability to do so, by successfully wielding his sword. For one aspiring to do so with the help of an outsider is tantamount to signing one's death warrant. Shah Shuja learnt it at the cost of his life 140 years ago. Bravery and independence are virtues highly esteemed by the Afghans. Twice within forty years in the last century the Afghans taught these lessons to the British. The disgrace, disaster and the privations inflicted on the British in two wars (1839-42 and 1878-80) are unequalled in the history of the British Empire. Since 1880 the British wisely utilized the lesson they had learnt at such a cost and maintained friendly relations with the rulers of Afghanistan. Fortunately for some of the countries of West Asia the twenties of this century marked a period of change. Faud's Egypt, Attaturk's Turkey, and Reza Shah's Iran plunged into modernization. Reactionary fanatics like Ghadafi and Khomeiny were to plunge the Islamic world later. When King Ammanullah tried to modernize Afghanistan in 1927-9 he aroused the opposition of the Mullahs. For about two years the country was ruled by Bachai Sakku, a 'bhisti' or water-carrier by profession. He was the 1920 edition of Ghadafi and Khomeiny. When one of the Afghan military leaders Nadir Khan successfully annihilated him, the bodies of Bachai Sakku and his aides were on show on the scaffolds. Nadir Khan became Nadir Shah and established a new dynasty which ended

with the overthrow of his son and successor, Zahir Shah, on July 17, 1973, by his brother-in-law Sarda Daud Khan. Daud Khan had been dismissed by Zahir Shah in 1963 after a Premiership lasting ten years, following a declaration by the latter that the country needed 'reforms in the social structure and parliamentary democracy.'

Coups and Changes of Regime

We, who are familiar with the high-sounding professed aims of coup-makers, need not be surprised to be told as to why Daud Khan had to assume power: 'to put an end to the corrupt government' under the monarchy (as in other instances the King was on a state visit to Italy), which with its 'pseudo-democracy' based on 'personal and class interests' had taken Afghanistan to 'the edge of an abyss.' Daud Khan professed that he and his friends hoped to set up a republican system of government which would 'institute real democracy,' 'safeguard the rights of the people,' and 'be in accord with the genuine spirit of Islam.' Within months of the coup, disensions arose among the ruling junta, and General Khan Mahomed, a former M.P., a businessman and two Colonels were executed on Christmas Day 1975; seven others got life imprisonment and eight others got 4-22 years. Within a fortnight another lot went in for 5-12 years.

After just under 5 years in power, Daud Khan was overthrown by AFRC (Armed Forces Revolutionary Council) headed by the Deputy Air Force C-in-C, Col. Abdul Kader. That the AFRC was largely composed of members of the Peoples' Democratic Party which was strongly pro-communist was an indication of things to come. It had been founded in 1965 as the KHALQ (or Masses Party) with Nur Md. Taraki as Secretary-General. From the day in 1973 that the party refused to abide by the Moscow directive to cooperate with the Daud Regime, it antagonized the Kremlin. A faction, calling itself PARHAM (or the flag) seceded and cooperated with Daud Khan. Months before they rejoined the Khalq, and consequently the PDP again became illegal.

Soviet - Inspired Coup

The events which precipitated the overthrow of Daud Khan were the assassination of a number of ministers (including the Planning Minister Ali Ahmed Kheram and Akbar Khairbar, a former leader of the Pacham) and the arrest of a number of PDP charged with 'behaviour prejudicial to the national security.' Taking these as Signals, the

Soviet trained officers staged a coup and overthrew Daud Khan. It was bloody; in addition to Daud Khan and 10 members of his government, 30 members of Daud Khan's family were killed. Over 2000 died in the fighting around the Presidential Palace.

The AFRC by its own declaration, was to lay the foundation of enduring democracy based on the sacred Islamic religion. Within months difference of opinion and dissensions within the Junta became evident. A number of ministers including the present President Babrak Karmal were either dismissed or 'redeployed.' Hafizullah Amin, who was executed last November, became the Deputy Prime Minister. About the same time the Hezbi Islamic Party a right-wing Muslim group embarked on a guerrilla war against the Taraki regime. Qadir Khan who master-minded the plot against Daud Khan strongly resented the appointment of Soviet officers to command posts. Soon there were 2000 Soviet officers and technicians in Afghanistan.

Soviet Imperialism

Babrak Karmal, who had been sent as Ambassador to Prague in July 1978, and had subsequently gone into sanctuary in Moscow, attempted a comeback, and was arrested on August 10 when he returned from Moscow. It was evident that the Soviet Union was once again showing its expansionist and imperialist designs. It is surprising and regrettable that the Soviet Union has been able to hoodwink a large number of African and developing countries into regarding her as anti-imperialist. The rate and manner of the spread of its tentacles to subjugate other states, wins for her the Gold Medal for Imperialism and colonialism in the post-1945 era. To those who care to observe, her actions belie her professions. Her invasion of Afghanistan last November was more blatant than even her invasion of Czechoslovakia in 1968. They claim that they were in Afghanistan at the invitation of the Afghan government. How is it then that the first victim of their exercise was Hafizullah Amin who headed the government? And who should be installed in the seat of power but Babrak Karmal, who had sought exile in Moscow just a year ago. As ideologies, Islam and Marxism are like oil and water. They do not mix. In any Islamic country, it will certainly be Marxism which will have to go under. If the Russians were to decide that political expediency required that they underlay their ideology, it is very likely that they would readily jettison Babrak Karmal in favour of some one like Lt. Gen. Abdul Kader who is Moscow-illie communist.

Afghan Opposition Forces

The regime in Afghanistan is facing strong opposition. In addition to the Hezbi Islamic Party, Sigbattullah Mujaddadi leads the Afghan National Liberal Front, and Syed Ahmed Galani the strongly pro-western United Islamic Revolutionary Council. Each of these by itself poses a strong threat to the Karmal regime and the Russians. Once these opposition factions can bury their hatchet and make up their differences, and come to wage a united guerrilla war, the Russians will realize that they have bitten more than they can chew. Afghanistan may prove more than Viet Nam for the Kremlin.

Pakistani Role

The Guerrillas taking a heavy tool of the Russians and shaking the not-too-strong hold of Karmal over Afghanistan, compels a consideration of the role of Pakistan. For nearly three-quarters of a century the British were able to maintain a sort of peace on the northwest frontier of India, by a system of paying 'peace money' to a number of tribal chiefs in the no-man's land, and keep the routes open. On its creation the Pakistani government considered this system non-brotherly and un-Islamic. As the Pakhtoons, the Pushtu speaking people straddled the frontier, Afghanistan became the natural proponent of the cause of an independent Pakhtoonistan. Pak-Afghan relations as a consequence see-sawed between semi-hostility and lukewarmness; seldom have they been cordial and friendly. India's friendly relations with Afghanistan have not helped Indo-Pakistan relations either. Just as for a year it was not Lufthansa which maintained the airlink between West Germany and West Berlin, but the BEA, similarly it was KLM which flew the Karachi-Kabul route. The Indian Airline's Delhi-Kabul flight route was not in a straight line over the Punjabs, but had to make the detour over Baluchistan. With the growing tempo of the internal struggle in Afghanistan, Pakistan has to play a dual role: as supporters of the guerrillas and as a camp for refugees. The Russians and the Karmal regime have been openly charging Pakistan with offering training facilities and equipment to the insurgents. The number seeking refuge in Pakistan has been variously estimated.

It may take time, but the ultimate outcome is clear. Either the Kremlin finds a face-saving formula for withdrawing its forces or gets completely bogged down in a seemingly never-ending war with all its international implications. With the Karmal government riddled with dissensions, faced with a determined guerrilla opposition, the chances of it being able to hold on to power are minimal. Afghan hatred for being subjugated will have the last say.

For The Record

6 October 1980

Salary Delays Are Frustrating

The General Secretary of the Ghana National Association of Teachers, Mr. T. A. Bediako, has called on the Ghana Education Service and the Accountant-General's Department to co-operate in removing bottlenecks which cause delays in the payment of teachers' salaries.

Speaking in Kumasi, Mr. Bediako noted that although the Ministry of Finance and Economic Planning had released C40,450,000 since 21 July 1980 for the payment of salary arrears for teachers these have not yet been paid in most regions. Mr. Bediako disclosed that GNAT had started the necessary negotiations for a review of conditions of service of teachers, including regulations on promotions, appointments and other fringe benefits.

Parent Canes Kumasi Teacher

6 October 1980

Pandemonium broke out at the State Experimental Primary School in Kumasi on Wednesday

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when a parent, Mr. Killer VII, entered one of the classrooms and allegedly caned a female teacher brutally leaving her unconscious.

About 1,000 pupils had to run in all directions, some taking refuge in the bush.

Appeal Court

7 October 1980

The President, on the advice of the Judicial Council, has appointed the following to the Appeal and High Courts. Mr. Justice Samuel Mensah Boison, Mr. Justice E. K. Wiredu, Mr. Justice A. Quashie-Sam and Mr. Justice Charles Coussey (Appeal Court). The following are appointed to the High Court Mr. J. A. Wutoh, Mr. A. Gogo, Mr. A. E. Kwapong, Mrs. Striggner-Scott and Mr. Paul K. Twumasi.

Teachers Desert Posts

25 out of 40 members of the teaching staff of Pope John's Secondary School at Koforidua in the Eastern Region have deserted their posts and left for neighbouring countries. Rev. Father Thomas Potts, headmaster of the school has stated that most of the tutors left without paying the loans given them by the various commercial banks. In Ashanti, members of the Regional Branch of the Conference of Headmasters of Assisted Secondary Schools (CHASS) are concerned about the situation. Rev. P. D. Aggrey, the regional chairman of CHASS and headmaster of Kumasi Anglican Secondary School disclosed that in Ashanti as many as 6 to 10 teachers in a school leave periodically for Nigeria. In his school, he noted, 6 tutors left at the same time for Nigeria. The Schools affected include Premph College, Opoku Ware, and Yaa Asantewaa Secondary Schools.

Essuah Dies

8 October, 1980

Rt Rev. Joseph Amihere Essuah, Catholic Bishop of Sekondi-Takoradi, died on the night of 6 October, while giving a lecture on 'The Development of the Catholic Church in the Sekondi-Takoradi Diocese in connection with the Church's centenary celebration. He was born in 1908 at Benyin in Western Nzima. He was ordained priest in 1942, and elected Bishop of Kumasi in 1962. In 1970 he

was elected Bishop of Sekondi-Takoradi. Earlier this year a group of concerned Catholics in his Diocese accused him of tribalism, favouritism and maladministration.

Transport Fares Go Up

9 October 1980

Transport Fares have been raised by drivers in defiance of the official rates. In addition the drivers

have because discriminatory in their selection of passengers. Anyone who tries to insist on his rights is likely not to get a place on lorries. A journey from Accra to Kumasi attracts a fare of C25.00 instead of C12.30 approved by the government. Accra to Takoradi is C15.00 instead of C10.40, Accra-Cape Coast C15.00 instead of C6.70, and Accra-Obuasi has doubled to C30.00.

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