UNIVERSITY OF GHANA LIBRARY
9 AUG 1966

The Legon Observer

Fortnightly Organ of the Legon Committee on National Reconstruction

Vol. 1 No. 3 Friday, 5th August, 1966 Price 12 Pesewas

IN THIS ISSUE

THE ECONOMY
The Budget and Economy—K. Agama 2
Agricultural Development—S. La Anyane 5

AFRICA
South West Africa—O. Y. Asamoah ... 7

POLITICS
Epitaph to Nkrumah's Rule—A. S. Y. Andoh 9
The Releases: The Lessons of History 11

LAW
Lawyers: Mercenaries or Charlatans—D. K. Afreh 11

ADMINISTRATION
Official Red-Tape — Part II—S. O. Gyandoh, Jnr. 13

EDUCATION
Investment in Education—K. A. Karikari 15

Letters to the Editor 16

Suggestion by Sir E. O. Asafu-Adjaye
Thomas Hodgkin's Writings

All correspondence and enquiries should be sent to the Editor, c/o The Department of Political Science, University of Ghana, Legon, Ghana.

Articles should be not more than 1000 words, i.e., not more than 3 pages quarto. If possible, contributions should be type-written, double-space, and submitted in duplicate.

The Editor of the **Legon Observer** reserves the right to shorten any contribution on account of space, or otherwise edit it for any other reason.

Read the **Legon Observer** regularly.
(Sold at Simpson's Bookshops (including Accra Airport, Government Transport, Ambassador Hotel, and Tema), The University Bookshop (Legon), Kingsway Stores, U.T.C., and Ghana House.)
Wholesale dealers, contact Liberty Press.

SUBSCRIPTION RATES

	Surface		Air	
	6mths.	1yr.	6mths.	1yr.
Ghana	¢2.16	¢4.32		
W. A.	18/-	36/-	24/-	48/-
U.K.	18/-	36/-	24/-	48/-
Europe	24/-	48/-	30/-	60/-
U.S., & Canada	($3.36)	($6.72)	($4.20)	($8.40)

Quotations for other places on request. Minimum subscription: 6 months.

EDITORIAL

AIMS RESTATED

There are lingering misconceptions about the aims of The *Legon Observer* despite the clear statement of our aims in Vol. I No. 1 of July 8, 1966. Our aims are still the same. However, we take this opportunity to restate these aims and our policy objectives.

First, The *Legon Observer* is an independent organ of The Legon Committee on National Reconstruction. This body is a free association of some senior members of the University of Ghana. It is not sponsored by the University; nor is it in any way connected with the University of Ghana in its corporate capacity—that is, officially.

Secondly, it is not tied to, or connected with, any political grouping—past or present. The Legon Committee on National Reconstruction emerged as a result of the *coup* which the Committee members, like all sincere Ghanaians, acclaimed as a great and historic event.

Thirdly, The *Legon Observer* just happens to be organizationally based at Legon. This is no more than a convenient arrangement. We **wish** to make it clear that its columns are open to all wishing to express some viewpoint, or otherwise wishing to make contributions in the form of articles and letters. The *Legon Observer* exists to provide a forum for informed and responsible discussion of contemporary events and issues.

The popular and favourable reaction of Ghanaians to the *coup* demonstrated our cherished desire to build a free society. The members of the Committee offer The *Legon Observer* as a practical demonstration of their dedication to the ideal of liberty. It can hardly be stressed enough that an unending dialogue between people of different opinions and beliefs is an essential ingredient of liberty. We believe the *coup* has clearly shown the love of Ghanaians for free political associations and social institutions. We realise painfully, however, that it is only in free societies that totalitarian ideologies emerge, later to subvert and destroy these very free institutions which make it possible for these ideologies to arise. Any society, then, which wishes to remain free and not forced into an intolerable ideological straight jacket must continuously defend itself against totalitarianism and its defenders. We hope Ghanaians will be prepared to mount an adequate guard against this ever-present danger. Otherwise those who risked their lives to rescue us on the 24th of February would have fought in vain.

How is this guard to be mounted? Ghanaians should not, for example, delude themselves into believing that the mere

rejection of doctrinaire socialism (as Kwame Nkrumah understood it), and its replacement with the concept of a welfare state is enough guarantee against the rise of some new ideological formalism, at some future date. This, however, is what may very well happen unless Ghanaians are able to discuss openly what sort of society they want to build, taking into account our own traditional background. What, for example, is the Welfare State? What does it mean to us—politically, economically and socially? Does it have an objective content for you? Or is it some new ideological "package"? Is it, as we believe, and as the Chairman of the N.L.C. stated in his Budget Speech, a pragramatic and sensible blend of state capitalism and unfettered free enterprise, that blend which strikes a nice balance between excessive central control and individual liberty in an economy that ensures a rising living standard for the individual as well as a rapid rate of growth? This is an issue we cannot expect the N.L.C. to determine for us before the return of civilian rule. It is not an issue, in fact, that is even likely to be settled soon, once and for all. It will need open and frank discussion. And unless we are prepared to air our ideas and subject them to discussion, the memorable event of the 24th of February might as well never have been.

Economy

THE BUDGET AND THE ECONOMY

by Kportufe Agama

There are two observations to make about the budget of July 20, 1966. First, it is immediately popular with Ghanaian workers and businessmen. Secondly, it is a budget which the International Monetary Fund has sought for a long time to make for Ghana. It is therefore full of a strong dose of orthodox classical economics: government expenditure must be financed only from revenue available to the govenment, and the private sector ought to be the mainspring of the economy's progress.

Leaving out of account the Railway and Harbours Administration, the government plans to spend an amount of ₵401.2 million during the fiscal year 1966/67. It expects revenue to be available in the amount of ₵356.5 million which is made up of ₵300.5 million of current revenue, and ₵56.0 million of capital receipts. There appears a deficit of ₵44.7 million. This deficit is apparent and not real.

For it is important to note that the amount of planned expenditure includes overseas debt payments largely in respect of supplier credits. Although the budget statement does not specify the exact amount due for payment during the coming year, it gives information which suggests that, subject to a successful negotiation at the forthcoming conference in London, a definite amount of the country's debt payments is likely to be postponed beyond the current financial year. One suspects that this amount is the C44.7 million which the budget statement labels as an "overall deficit."

If this interpretation is correct, and internal evidence suggests that it ought to be the correct interpretation, then the outstanding feature of the budget is that it is balanced. In this respect, it is an extraordinary budget compared with budgets in this country since 1959. And if expectations prove right, this budget has a good chance of turning out to be a surplus budget in which event it will be all the more extraordinary. What are the implications of this extraordinary budget for the future course of the economy, at least, during the next two years?

The answer to this question must take into account the present state of the economy and the publicly declared economic objectives of the government. For many years, the former regime has been carrying out domestic investment at a rate which could not be sustained by voluntary domestic saving. The immediate result of the excess of investment over saving was a balance-of-payments disequilibrium. The government continued to invest more than the voluntary savings available even after it set up import and exchange controls to check the imbalance in our foreign trade. As a result, the economy experienced a full-blown inflation. The inflation reflected the regime's attempt to force up the economy's rate of saving to equal the high rate of investment. But because of its remarkable ineptitude, the regime failed to benefit substantially from the inflation. The result has been to bring the economy into a state of fundamental disequilibrium.

The disequilibrium is characterised in the consumer goods sector by the excess of demand over supply; in the capital goods sector, partly by excess capacity in productive plant and equipment, and partly by distortion in the structure of investment in terms of both time profile and type of capital, a distortion which renders much of existing capital inaapropriate for current production of saleable output; and in the labour sector by an excess of supply over demand, a labour supply which is largely unsuitable in quality for productive employment. The policies of the former regime had the effect of increasing the demand for labour, but they failed to raise the

supply of saleable output. The overall result is the reinforcement of the elements of disequilibrium in the consumer goods sector, in the capital goods sector, and in the foreign trade sector.

The objective of the new government during the next two years is the "stabilization of the economy." In terms of our analysis of the state of the economy, this policy implies the achievement and maintenance of equilibrium between supply and demand in the relevant sectors. This raises the issue of the levels at which equilibrium is to be achieved and maintained in consumption, investment, labour, and foreign trade during, or at the end of, the period of stabilization. It is noteworthy that the budget statement does not raise this issue as it relates to the economy as a whole. Instead, it chooses only to restore balance into the government accounts at a level which government revenue can sustain.

Compared with the budget in 1965 the expenditure of the present budget represents a fall of about ₵60 million. If we take into account the expenditure on the conference of the Organization for African Unity last year, the present level of total planned expenditure of ₵401.2 million should not be much lower than any of the levels in recent years. But, as argued above, if we also take into account the overseas debt payments which are contingent in the present budget, then the effective planned expenditure is ₵356.5 million, an amount which is quite below the actual government disbursements of ₵387.6 million during the twelve-month fiscal year in 1963-64, a year in which recorded payments overseas were negligible.

Employment

We now proceed to examine the effect of this reduction, and indeed, of government's state of mind, on the economy. We do this examination in terms of employment, prices, and output. Let us consider employment first. In the absence of large-scale unrequited transfers by the government to consumers the achievement and maintenance of a welfare state implies full or maximum employment of labour. There is little doubt that the government accepts this implication as a matter of principle to be enforced in practice in the long run. Nevertheless, the immediate effect of its present budget is a substantial reduction in its own demand for labour. The government hopes that the labour it lays off will be subsequently absorbed productively in the private sector, by either legitimate self-employment, or employment in somebody else's private concern.

In expecting the private sector to solve the problem of unemployment during the period of stabilization, the government assumes, and quite wrongly, that the labour it is laying off as well as existing unemployed labour is suitable for productive employment, either on its own account, given the preferences of labour, or on some other person's account, given existing requirements of production. The demand for labour in the economy is not for general or unskilled labour; it is demand for skilled or specific types of labour. Hence as long as labour that is supplied is general or unskilled so long will it be inappropriate for employers' demand.

It is important that we understand the basic character of Ghana's unemployed labour. This labour is peculiarly neither urban nor rural; it has urban tastes in consumption which are supported by little or no productive skills, and a marked preference for leisure which is a residue of its fresh rural origin. The implication of this characteristic for economic policy is that this labour seeks that employment which will enable it to maintain a level of consumption which almost invariably tends to exceed its potential contribution to output. Or, if already employed, it seeks a wage level which is in excess of its productivity. For political reasons, the former regime condoned and even sanctioned the excess of wage rates over labour productivity by a national minimum wage law. But this is now an inherent feature of the labour force in the economy, the product of decisions taken fifteen years ago, and it must be recognised as such, and approached rationally.

Given present and future needs for increased output and welfare, it is necessary to transform this currently inappropriate labour into productive labour. Labour must acquire skills for which there is a growing demand. For while capital replaces one type of labour, it requires the complement of another type, that is, a higher grade of labour. Private businesses cannot be expected to provide training for all types of labour required by them unless they have definite incentive to do so. The present budget specifies no concrete incentives in this regard. One obvious alternative is to have the government use the Workers' Brigade as an institution which will transform inappropriate labour into appropriate labour for employment in the private sector. With discipline introduced into the working of this institution, it should not be difficult to reduce or even eliminate the excess of wages over the value of output, primarily by raising output, and secondarily, by lowering wages. This coupling of practical training with production should in due course transform the institution of the Brigade from a deficit into a surplus sector. The government appears to adopt this alternative half-heartedly. This half-heartedness is based on the

presumption, and it is only a presumption, that the private sector is ready and keen to absorb the labour it releases.

Prices

We now consider the effect of the budget on prices. The budget specifically aims at reduction in prices, especially of essential goods and services, but it does not specify the extent of the reduction which the government consider desirable or compatible with other policy objectives. Expectation of price changes, if held uniformly and with certainty, affect buyers and sellers differently. Buyers will tend to postpone their demand to the extent that it can be postponed, while sellers, especially holders of stock, will tend to dispose of their stocks in order to beat the price decline. The budget contains two sources of once-for-all price decline, the reduction in government demand for goods and services, and the reduction of duty on certain imported goods.

As consumer demand should not increase greatly from the side of income, the reduction in social security payments being matched by new taxes on birds and books, the pressure on the prices of some commodities will tend to diminish. This pressure will fall also as holders of stock and buyers behave as postulated. The crucial factors are the size of stocks, and whether and how far the expectation of price decline will induce consumers to postpone a substantial part, and it must be a substantial part, of their accumulated demand. The budget puts implicit faith in the readiness of Ghanaian consumers to be so induced. This faith would have had a concrete basis if consumers were given a substantial choice between keeping their cash for future spending on commodities and exchanging their cash now for less liquid assets, such as bonds.

Unless prices and costs are proportional, a policy of price changes, in this case of reductions, must have something to say about costs. This must be said explicity. For it has implications for profitability of investment, especially of private investment. In this connection we must distinguish between prices of final goods which investors expect will fetch them reasonable profit, and prices of intermediate goods which constitute costs to investors. A definite inducement to private enterprises is the expectation, firmly held, that the spread between prices of goods and costs will increase. Such inducement can be built into a policy of price decline so long as costs fall in a greater proportion than prices. But all costs do not vary easily, especially in the short run. Apart from transport costs which the budget firmly, and rightly, recognizes as being in need of reduction, and the doubtful case of expected decline in labour costs, the budget does not address itself sufficiently to this aspect of incentives for the private sector. Indeed, the budget is conspicuously shy of taking a firm line on wages. It hopes for a " reasonable wage " in the private sector without relating it to what the government will pay in the public sector. The tone of the budget is however clear: wages are expected to fall in certain sectors of the economy. It would certainly have been more appropriate to integrate this expectation into a framework of national wage policy, especially in view of the existence of a minimum wage law. Time probably counted against this approach.

Output

We come to output. The contribution to output of the government sector during the stabilization period lies in completing capital projects in the pipeline of construction and in utilizing existing excess capacity to produce tradeable output. It is left to the private sector to increase the productive capacity of the economy now and in the foreseeable future. The rate of investment, and hence the rate of growth of output, will now depend on decisions taken in the private sector. The cut in government expenditure provides private enterpreneurs with the labour, the finances of the banking system, and the foreign resources with which to carry out their newly acquired responsibility. How successful will they be ?

Success must be measured by increases in the supply of output during the stabilization period. The private sector may increase output during this period by using existing excess capacity and planned extensions in capacity. With labour, finance, and foreign resources more readily available to this sector now than before, (if the lack of these was a bottleneck in the past) the budget expects a substantial increase in production, especially in agricultural production. With respect to existing capacity, the volume of employment that can be sustained by a desired increase in production depends on the factor bias of plant and equipment, if labour is appropriate and available to enterpreneurs on reasonable terms. The government believes that excess capacity, especially in the agricultural sector, is labour intensive and therefore that a substantial increase in output will require a large-scale absorption of labour.

In the absence of substantial excess capacity, increase in output in the private sector will be possible only from prior investment, that is, the build-up of new productive capacity. This investment will raise the sector's demand for labour, but

it will be demand for labour to install capital, and not to undertake production immediately, When capital is being built up, and there exists little excess capacity, output cannot be expected to increase significantly, but there will be a substantial increase in the employment of labour which will generate money incomes. Thus, if the private sector has excess capacity we can expect output to increase during the stabilization period, but employment to be uncertain. However, if the private sector is now favourably disposed to launching a substantial investment programme, then we can expect employment to increase in this sector, and output to stall, depending on the gestation period of investment. In the former case, the incentive to bring excess capacity under production may be dampened by the downward effect of government retrenchment on money incomes of consumers. Moreover, to the extent that costs are stickier downwards than prices, the spread between prices and costs will be reduced and the incentive to expand production diminished accordingly. In the latter case, the expansion of investment in the private sector will tend to raise prices, especially those of wage goods, unless the supply of output from, let us say, the government sector is sufficient to reduce the pressure on these prices.

Admittedly, the budget is popular with the majority of Ghanaians who, for the first time in many years, now have a break from comprehensive increases in taxes, and who, in fact, are enjoying some tax relief. But this popularity derives more from hindsight than from foresight. Looking forward one cannot help feeling that the budget leaves much, far too much, to the private sector. In doing so, it overlooks the connection, characteristic of the Ghana economy, between government expenditure and private business activity. Up to a point, the former stimulates the latter. With little increase in cocoa farmers' incomes, the impact of the cut in government expenditure will be deflationary, and, one fears, excessively deflationary. This will follow as private entrepreneurs, especially foreigners, uncertain about the country's subsequent political development, become less sure of the favourable prospects which the budget may establish in their minds. Thus we have the prospect of the economy's growth, and the welfare of Ghanaians, that is, their consumption level, placed largely in the care of those who appear unlikely to act with the enthusiasm which the needs of the economy require. Unless, in the apt phrase of a great classical economist, " friends of humanity " are ready and willing to assist us substantially during the next two years, this is a budget which probably leaves too much to chance.

THE SECRETS OF DEVELOPMENT MAGIC IN GHANA AGRICULTURE

by

S. La Anyane

EIGHT RABBITS can be pulled out of the Ghana agricultural development hat. More precisely, there are about eight secret ways in which to conjure the magical transformation of Ghana agriculture from its present backward state to a modern and prosperous industry. These "secrets" are not really secrets at all, but self-evident realities. There are at least eight self-evident ways in which Ghana agriculture could be developed, as part of the broader process of modernizing the overall economy.

One of the most important conditions for the modernization process is the structural transformation whereby an increasing proportion of the economically active population becomes employed in the production and supply of a wide variety of consumer goods and services (other than foodstuffs) whose importance increases with relatively high per capita incomes. The smaller proportion of the working population left in agriculture must be able to produce considerably more than before to feed themselves and those in industry. To achieve this, agricultural productivity must be greatly improved. The main problem of agricultural development is, therefore, that of increasing productivity i.e. increasing output per unit of capital, land and labour inputs employed in agricultural production.

(1) It is well-known that the increase in agricultural production in Ghana has been barely faster than the growth of population, and that the sluggish growth of the agricultural sector has acted as a brake on economic development. To step up the increase in agricultural production to a rate well ahead of population growth, one of the secrets lies in the gradual replacement or displacement (over the years) of our gallant old traditional cultivators with relatively youthful educated farmers with the requisite business acumen, drive and energy which are essential qualifications for success in modern farming.

The gallant cultivators of old who made such an oustanding success of cocoa farming in the past cannot, with their outmoded tools and methods, feed the country adequately today. They have undoubtedly reached the end of their tether as our main suppliers of food. Foodstuffs are in short supply; and the so-called peasant farmer is always in financial difficulties. There are no prosperous farmers in Ghana agriculture, for those rich persons whom we euphemisti-

cally refer to as farmers are not farmers at all, but usually civil servants, shopkeepers, middlemen and women traders who, as absentee landlords, run the affairs of the farm from the towns. They are the more successful because of their educated approach to farming, backed by the availability of capital. Even so, their production is often inefficient and cannot make a lasting contribution to our development.

A new class of settled educated farmer must emerge in Ghana agriculture, especially from the colleges and universities. This type of farmer is needed today to raise the level of our agriculture to assure the country an abundance of agricultural commodities for direct consumption and for manufacture.

(2) The second secret of development requires that we make better use of existing capital in our farming. Despite very limited capital resources for new investment, a secret of success for achieving economic miracles is to exploit as intensively as possible the stock of existing physical capital and land, such as those left behind by the former State farming enterprises and organisations. None of these enterprises into which capital has been sunk should be allowed to fall into desuetude for the sole reason that they were unsuccessful under the former inefficient arrangement. In some other areas, existing capital can be better utilized with the assistance of extension services, research, and better husbandry practices, including the use of fertilizers and improved seeds.

(3) The third secret is to make only limited additions to existing investment. For example, the addition of relatively inexpensive investment to existing land and equipment may greatly augment the output from our traditional farms; and experience has shown that limited additions to investment in the form of replanting, new planting and rehabilitation schemes and in the use of fertilizer on peasant farms have resulted in higher productivity than under the traditional system. It has been proved that yields (per unit of input) increase many times on peasant farms on which such limited investments have been adopted.

Limited additions to the stock of human capital can also be accomplished by improving health, nutrition, housing, skills and experience of the peasantry.

(4) The pattern of new investment may determine the course of development. In this connection, the secret, the fourth secret, lies in emphasizing economically, technically and financially well-conceived labor-intensive investment,a sparing use of capital, and self-help. We need not copy the "western" pattern of investment in our agriculture, although it is important that we maintain capital-intensive types of investment such as hydro-electric works, transportation and communications.

Austerity standards may have to be applied in using capital sparingly; for example, it is not always economical to buy the latest and most expensive farm equipment, when simpler models will do better; and it is not necessary to supply tractors to farmers where labor is in abundant supply and farmers can do the work without tractors just as well, although with more effort.

The cautious use of capital also implies that too many projects should not be undertaken at the same time. The characteristic feature of the development plans of the old regime and, in fact, of many developing African countries has been the multiplicity of projects which have to be completed in a hurry.

New investment in marketing is the most important secret of agricultural development in Ghana. The construction of feeder roads and bridges, storage facilities, supply of trucks and other forms of transportation will increase output of foodstuffs considerably without any extra investment in actual production.

Finally, new investment in human resources in the form of education and technical training of young people helps to create the skills and experience needed for expansion of existing fields of production as well as for new fields of activity.

(5) One reason for underdevelopment is the lack of confidence in the local capital market. The wealthiest people of this country in the past transferred their monies from their own native Ghana to the advanced industrial countries where better and less risky investment opportunities existed. In this process, capital that could be invested at home to facilitate local development was drained out of the country. Perhaps this situation no longer obtains, and there is no physical capital movement. However, an equally disastrous exodus has been in progress, namely, the transfer of high-powered human capital from this country and from the agricultural industry, as a result of the political instability and uncertainty of the past—from agriculture in particular as a result of low salaries.

The dead may be left to bury the dead; but ways and means must be found to retain the qualified and experienced of our men and women within the country and in agriculture, to help the process of development in the ways they alone can offer. This is the fifth secret of the magic of development.

(6) The sixth trick concerns the export-mindedness of the farming community. The importance

of agricultural exports as a source of foreign exchange is underscored by the fact that there are few alternative export possiblilities in Ghana, such as large deposits of petroleum or mineral resources. Furthermore, the expansion of export crops has a special importance in that it represents the main possiblity in present circumstances for increasing agricultural incomes independent of the process of structural transformation.

This requires, therefore, that in the traditional peasant sector, the farmers become more export-minded, and grow a diversity of crops in quantity for export.

(7) Even though agricultural exports have to be increased, a cost-of-production-mindedness must prevail in all our endeavours. This is the seventh secret of successful economic growth. Cost-of-production-mindedness must be on a national as well as individual farmer basis. It requires, in the first instance, that a proper appraisal of development projects be made with regard to their cost compared with alternative processes. The view is too prevalently held that development implies the use of the most modern machinery and equipment and visibly huge processing plants. The administrator often believes that the most expensive form of enterprise yields the highest returns, and that the most expensive thing must necessarily be the best thing.

Consciousness of the cost of production must prevail in the traditional sector also in order to curtail inflationary tendencies. A low-cost-producing peasant sector which is conscious of its cost of production can apply the reins to the common temptation to indulge in projects and enterprises that increase the cost of development, costs which are often considered fashionable and a natural consequence of development.

(8) Finally, factors relating to social, cultural and institutional change, are important. It has been stated by a leading expert on society that although "traditional behaviour may sometimes conflct with the demands of modernization and technological change, usually it is an important reinforcing element in the maintenance or support of stability in a period of rapid change. On the whole, the peristence of tradition in social behaviour may be an important factor mitigating the many dislocations and disorganisations which tend to accompany rapid industrialisation and technical change. Since traditionalistic action, on the other hand, tries to elevate out-dated practices and values to the level of current behavioral norms, it usually has strong reactionary ingredients, and hence is a factor acting to retard change".

The reason why our agricultural industries trail behind those of a similar kind in Europe and America may be found in the nature of our social and institutions as well as in economic considerations. The land tenure arrangements, credit institutions and certain religious observances (as non-farming days), which were useful in ancient time, have become outmoded and out of step with development.

Africa

THE SOUTH WEST AFRICA CASE —A CRISIS OF CONFIDENCE

by

O. Y. Asamoah

South West Africa is in the news as a result of the judgment of the International Court of Justice in the proceedings instituted against South Africa by Ethiopia and Liberia seeking a declaration that South Africa has violated the terms of the mandate agreement governing the territory. The decision climaxes a tug of war that has been going on between South Africa and the United Nations since 1946. As a matter of immediate intersest the action of Ethiopia and Liberia was intended to lead to the termination of South Africa's government of the territory. There is, however, a wider interest in a legal condemnation of, and possibily an end to, *apartheid* or " separate development ", that cruel policy of segregation and enslavement of the black population of South Africa. The ultimate aim of the South African government is to re-group the black Africans, who number 9 million out of a total population of 12 million, into 8 bantustan "homelands" covering about 13% of the poorest areas of South Africa.

It is the intention of the South African government to extend this scheme to South West Africa, and in effect to annex it, which has incensed the United Nations, especially its African members. The South African government has accepted the recommendations of a Commission it appointed in 1962 to advice it on the ways of promoting progress in the territory. These include the establishment of 10 "homelands", the integration of South West Africa's political and administrative structure more closely with that of South Africa, and the implementation of three five-year development plans. The rest of the territory will become one "White Area" administered by existing bodies but with reduced powers.

History

South West Africa was part of Germany's share of the scramble for Africa. After the First World War the League of Nations was established to foster international co-operation and to achieve peace and security. As a means of preventing rivalry among the victorious powers for the spoils of war, German and Turkish territories were placed under the League of Nations mandate system. This involved the allocation of the territories to some members of the League to be administered on its behalf in accordance with standards prescribed in the League of Nations Covenant and mandate agreements. South West Africa was allocated to South Africa.

There were three categories of mandates, South West Africa falling into category "C". The "C" mandates were those territories which, for a variety of reasons, were considered best administered as integral parts of the administering states. This idea of administration of a territory as an integral part of the administering state was to encourage South Africa later to demand the integration of South West Africa.

But there are other reasons why Ethiopia and Liberia had to be in the forefront of an action instigated by the African stated and in which the United Nations was interested. Ethiopia and Liberia as members of the League of Nations acquird individual interests in the mandated territories. (Mandated territories were of three categories, South West Africa falling into category "C"). The "C" mandates were those territories which, for a variety of reasons, were considered best administered as integral parts of the administering stated. This idea of administration as integral parts was to encourage South Africa later to demand the integration of South West Africa.

After the Second World War, the United Nations was established in place of the League of Nations, and the trusteeship system of the United Nations replaced the mandate system. When the League was dissolved in 1946, it was understood that the mandated territories would be placed under the trusteeship system. South Africa, as well as Ethiopia and Liberia, joined the United Nations on the basis of this understanding. However, no binding obligation to place the mandated territories under the trusteeship system was created. All the countries chosen to administer mandated territories, with the exception of South Africa, placed their territories under the trusteeship system. As a result the Court has held that South West Africa continues basically to be governed by the mandate system.

Nature Of Mandate System

In terms of legal rights and duties, what does South Africa's mandate over the territory involve? The International Court of Justice has described the obligations as of two kinds: (*a*) those directly related to the administration of the territory, and (*b*) those related to the machinery of implementation and closely linked to the supervision and control of the League. The first type included, *inter alia*, the obligation to promote to the utmost the material and moral well-being and social progress of the inhabitants of the territory. The second type involved submission of annual reports and the transmission of petitions from the inhabitants to the League Council. The supervisory functions of the League Council assisted by the Mandates Commission were, according to the Court, now to be taken over by the General Assembly of the United Nations. In addition, however, there are other obligations corresponding to the rights conferred directly upon members of the League as individual states or in favour of their nationals. Furthermore, there was system of judicial supervision under which any disputes between the Mandatory and "another Member of the League of Nations relating to the interpretation or application of the provisions of the Mandate" which could not be settled by negotiation could be submitted to the Permanent Court of International Justice. The judicial protection of those obligations relating to the administration in each mandate has been described by the International Court of Justice as "an essential feature of the Mandates System" intended to "serve as the final bulwark of protection. . . against possible abuse or breaches of the Mandate. "What Ethiopia and Liberia sought to do as members of the League of Nations was to implement this judicial supervision.

Tug Of War

South Africa's wish even before the United Nations was born has always been to annex South West Africa. Following a consultation of some chiefs, reminiscent of the famous *indaba* held by Ian Smith at which he claimed the Africans expressed support for independence for Rhodesia, South Africa sought United Nations consent to its wishes. The rebuff which it met signalled the tug of war between South Africa and the United Nations.

This tug of war has been in two broad phases merging with the growing exasperation of the international community with South Africa's racial policies and the war against colonialism. In the first phase, the United Nations was interested in defining its legal relationship with South Africa

over South West Africa. Since the Court ruled that, although South Africa was not obligated to place the territory under the trusteeship system the territory continued to be governed by the mandate system, and the General Assembly could take over the supervisory functions of the League, the Assembly has sought to perform its functions. At first it sought co-operation from South Africa and when this failed it established procedures of its own.

The second phase in the light of which the Ethiopian and Liberian action must be seen is the attempt to secure sanctions against South Africa. The attempt, which is not confined to the problem of South West Africa but symbolizes a crusade against what South Africa stands for, is led on two fronts, the political and the legal. The political front aims at getting the Security Council to characterize the conduct of South Africa, including the policy of *apartheid*, as a threat to international peace while the legal is in the form of the action brought by Ethiopia and Liberia. Two types of sanctions can be ordered by the Security Council—economic and military—but only if there is a finding that the conduct of a particular state is a threat to peace, a breach of the peace, or aggression. On the political front, the Western powers have resisted the sanctions crusade by refusing to accept that South Africa is a threat to peace. As members of the Security Council they constitute a formidable roadblock. In the light of this, the Assembly, in which the African states form the dominant block, *recommended* a diplomatic and trade boycott and advised members to refrain from exporting goods, including arms, to South Africa. It has further warned that any attempt to annex South West Arrica will constitute aggression. But in these matters only the Security Council can take binding decisions. The most the Security Council will concede is the appointment of a committee of experts to study the feasibility of applying sanctions

To be concluded — Ed.

Politics

EPITAPH TO NKRUMAH'S REGIME:
The lesson of the past fifteen years

by

A. S. Y. Andoh

Every country deserves the government that it gets. Kwame Nkrumah could not have succeeded in becoming the despot and tyrant that he turned out to be if the people of this country had not lent him their active support. For even though he was a person motivated by boundless personal ambition, he could not have captured and misused power if the people of this country had not been oblivious of their rights. They watched the gradual but steady and calculated invasion of their political and human rights with almost careless abandon. They watched the reckless dissipation of their inheritance without a murmur. The people of Ghana cannot therefore escape their share of the blame for the tyranny they suffered under Kwame Nkrumah's regime. They paid dearly for their complacency.

It is necessary to pin-point and analyse not only the steps Kwame Nkrumah took, but also, and even more important, the reasons for his success in acquiring unlimited power over the people of this country. The reasons are several.

Perhaps the most important and fundamental reason for Kwame Nkrumah's success is the attitude the people of this country have towards Government. For the majority of people the transfer of power by the Colonial Government was a transfer of legal authority to Kwame Nkrumah and his government. It was not a transfer of power to the people. They were unaware that they were the ultimate source of power; that through the machinery of elections, they could control and restrict, or limit, the exercise of power by the Government. They were unaware that government was a trustee, that the national income was their collective product, and not the personal, private income of Kwame Nkrumah and the members of the Government. The Minister of Social Welfare and Community Development could not have gone round the country distributing bags of cement and bundles of roofing sheets bought with Government funds as personal contributions by Nkrumah towards self-help projects; they would not have looked on with indifference and complacency while Nkrumah and his Ministers amassed immense personal wealth which they ostentatiously displayed in cars, buildings etc., if they had been aware that the national income was their collective contribution for the maintenace of the Government and the provision of the services expected from it.

Kwame Nkrumah's Government therefore remained detached from the people as the country was subjected to the sickening spectacle of chiefs and their people everywhere begging the Government, in resolutions and addresses of loyalty and support, for the very services for which they were making contributions in taxes, and levies. The provision of services and the construction of development projects were acknowledged with profuse expressions of appreciation and gratitude as if they were gifts from the personal pockets of members of the government. These services and projects were never regarded as falling within

a general national framework or plan for development; and this attitude confirmed the government in its diabolical policy of penalising areas where it had little or no support, by denying them essential services. It also made it possible for the government to be guided solely by political considerations in the proviision of services.

The "unsober adulation" of Kwame Nkrumah stemmed in large part from this attitude the the people of this country have had towards Government. The two institutions—the Legislature and the Judiciary—which could have provided checks against reckless abuse of power, and which could, in the process, have helped to educate the people, simply wilted before the withering "charisma" of Nkrumah.

Members of Parliament, before that institution was finally muzzled in 1960, saw as their main duty, the begging for development projects and services for their constituencies from goverment, in addition of course to advancing themselves both materially and in the political and party hierarchy. It is no doubt true that fear for their lives was one resson which decided several members of the opposition to cross the carpet immediately after independence. The Preventive Detention Act was certainly the most powerful weapon, used by Nkrumah to kill organized opposition. However, the knowledge that "opposition constituencies" would be starved of services and projects by the Government was certainly another reason why several opposition Members of Parliament crossed the carpet. By 1960, Parliament had become not even a debating body, much less a legislative assembly, but a mere rubber stamp, for endorsing the policies of the Government. The one M.P. who consistently refused to be muzzled, who demanded and exercised his rights to free speech, was summarily dismissed from Parliament. (In February 1966, Mr. S. I. Iddrisu, M.P. for Kusasi East, was dismissed from Parliament by the Central Committee of the Party)

As for the Judicary, one can only wonder and marvel at the lengths to which it was prepared to go in order to accommodate the ambitions of Kwame Nkrumah. The political history of the United States cannot be recounted without the glorious part played by Chief Justice Marshall and his successors in preventing the administration, the Executive that is to say, and Congress, from unconstitutional acts. The Independence Constitution of Ghana entrenched not only the establishement of Regional Assemblies, but also the exercise by these Assemblies of "effective powers" within certain fields. The Judiciary of Ghana made nonsense of this entrenched provision by deciding to support the Government's claims that "effective powers" and "advisory powers" meant one and the same thing! So the government was able to concentrate all effective powers within its hands, and to establish regional assemblies whose uselessness justified their abolition a few months later in 1958/59. The Judiciary was unable, when there seemed to the ordinary person clear cases of electoral fraud, of ballot papers illegally possession of party agents, to declare these elections null and void. By its decisions, it lent the weight of its august authority to the farcical drama enacted in 1960, and euphemestically called the referendum, which gave Kwame Nkrumah unlimited personal powers. Nor would it come to the rescue of the people when it was asked to declare that an oath was, at least in African customary law, legally binding. To help Kwame Nkrumah, it decided in 1960/61 that the Presidential oath of office, in which Kwame Nkrumah had pledged to safeguard the fundamental liberties of the people was not part of the constitution and therefore not legally binding, although the contents of the oath were to have been approved by the source of all power—the people, that is to say, at the rigged referendum! The Judiciary merely aided Kwame Nkrumah in taking the people for a ride. It had so discredited itself in the eyes of the people that when in 1963, it attempted to establish its independence, not a tear was shed in its sympathy when the heavy hand of Nkrumah fell on it.

Largely ignorant of their rights, deserted by the legislature, terrorized by the Executive and denied protection by the Judiciary, the people of this country found themselves with an incubus around their necks. A few truths emerge from this study. The successful working of any constitution, the attainment of the high hopes trumpeted in justification for its establishment and the maintenace of the spirit (invariably of good will) in which it was established: all these depend on the people called upon to work its provisions.

Aside, therefore, from entrenching "separtion of powers" in any future constitution, a massive programme of education in citizenship is required, if this country is not to return to another era of oligarchic dictatorship. Mass education should teach people not merely to become literate; it should not merely encourage people to pay their taxes and local levies: it should teach people what they should expect from local government; it should teach people to realise and appreciate that government, whether local or central, is their own creation; that it is a mere trustee which should be made accountable to them for its

stewardship. This educational progamme should teach people to appreciate the fact that no sane person entrusts the custody of his property to a thief.

Those who in 1956, with all the evidence of theft and waste provided by Jibowu, declared that they would vote for the C.P.P., in order, in their words, "to continue to squander public funds", should be made through education to hang their heads in shame. Blind uncritical allegiance to a political party led this country to a situation where a high party official and member of the Government could ask a constituency to vote for the C.P.P. even if its candidate was a dog! Little wonder that Nkrumah could in 1954 and 1956, insult the people by nominating as C.P.P. candidates people who were generally men of straw. Little wonder again, that the last contested local elections were held in 1958, and that incompetent men and women, nearly all of them self-seekers, some of them convicted of criminal offences, have since 1958 manned not only local government but other important government agencies in this country.

Education in citizenship can be neglected only at our own peril.

THE RELEASES

We welcome back into what is now a free Ghana all those recently released from protective custody. We trust that they do appreciate that they are getting a better deal than they would have surely meted out to others had the coup failed.

THE LESSONS OF HISTORY

To preserve the newly recovered liberty in Rome, it was necessary that the sons of Brutus should have been executed.

THE SEVERITY of Brutus was not only useful, but necessary for the maintenance of that liberty in Rome which he had restored to her; and certainly it is one of the rarest examples within the memory of man for a father not only to sit in judgement and condemn his own sons, but actually to be present at their execution. **Every student of ancient history well knows that any change of government, be it from a republic to a tyranny, or from a tyranny to a republic, must necessarily be followed by some terrible punishment of the enemies of the existing state of things. And whosoever makes himself tyrant of a state and does not kill Brutus, or who ever restores liberty to a state and does not immolate his sons, will not maintain himself in his position long. Pietro Soderini believed that he would be able by patience and gentleness to overcome the determination of the new sons of Brutus to return to another form of government; in this, however, he greatly deceived himself.** And although his natural sagacity recognized the necessity of destroying them and although the quality and ambition of his adversaries afforded him the opportunity, yet he had not the courage to do it. For he thought, and several times acknowledged it to his friends, that boldly to strike down his adversaries and all opposition would oblige him to assume extraordinary authority, and even legally to destroy civil equality; and that, even if he should not afterwards use his power tyrannically, this cause would alarm the masses. **This respect for the laws was most praiseworthy and wise on the part of Soderini. Still one should never allow an evil to run on out of respect for the law, especially when the law itself might easily be destroyed by the evil;** and he should have borne in mind, that as his acts and motive would have to be judged by the result, . . . everybody would have attested that what he had done was for the good of his country. . . **But Soderini was the dupe of his opinions, not knowing that malignity is neither effaced by time, nor placated by gifts. So that by failing to imitate Brutus he lost at the same time his country, his state, and his reputation.**

—(From Machiavelli's *Discourses Ch.* 3)

"Tyrant" means a ruler; "Sons" means followers

— Editor

Law

LAWYERS: MERCENARIES OR CHARLATANS ?

by

D. K. Afreh

IT IS GENERALLY claimed that the legal profession is a noble and honourable one. Lawyers consider themselves as faithful ministers and custodians of justice: their first duty, they say, is to ensure that in every case not only must justice be done but must be seen to have manifestly been done.

As members of a so-called honourable profession lawyers are expected to be honest, incorruptible, trustworthy and truthful. They are expected to use every legitimate means to fight, and with all their energy, in defence not only of their clients' rights but also of justice. Lawyers must provide leadership or at least play a predominant role in the struggle for freedom and justice for the establishment of the rule of law. As a group, lawyers know more than most the consequences and effects of laws and certain acts of governments and the difficulties that may have to be overcome before a free society can be established.

No society, will, however, look for leadership from any group, however rich or well-placed or learned, unless that group proves it deserves

respect and honour, and that it is prepared to use its wisdom, learning, and experience in the service of the nation.

Measured by such standards, the legal profession in this country has failed and is failing to render full services to the country. After many years of indifference, apathy, corruption, and low professional standards and ethics, the legal profession has lost the great respect and honour it once had in the eyes of intelligent and right-thinking members of the community.

Few lawyers are interested in participating in discussions on the grave issues of freedom and justice. A large number of our lawyers have no interest in anything besides earning as much money as possible in the shortest possible time. They may murmur in their chambers and in their homes about instances of injustice, but they will not join in any move or take any action to get redress for the victim or injustice — unless they are briefed for a handsome fee to do so.

Touting, the practice of soliciting custom, is a disgraceful feature of the legal profession in Ghana. Some lawyers associate with undesirable lay-abouts or depend on agents to bring cases to them. For instance, as soon as there is a motor accident these agents would be on the spot, persuading and cajoling injured persons to see their principals about a possible insurance claim. (Sometimes the lawyer himself may go to the spot for this purpose). Touts are to be found standing in front of District Courts looking for clients for their principals. Some lawyers are the first in the precincts of the courts in the hope that accused persons who have not briefed a lawyer would brief them.

The behaviour of such lawyers has brought the profession into disrepute. They have created an impression that lawyers would do anything for money. Soliciting for work is against the etiquette of the profession. That useful handbook of rules for barristers —" Conduct and Etiquette at the Bar " — which incidentally in England is supplied to every lawyer on call day — asserts:

> " It is contrary to professional etiquette for a barrister to do, or cause or allow to be done, anything for the purpose of touting, directly or indirectly, or which is calculated to suggest that it is done for that purpose."

And again:

> "It has long been recognised that it is contrary to professional etiquette, as being a form of indirect touting, for a barrister to seek out the company of, or associate unduly with, (other than his personal friends), who are in a position to influence the sending of professional work to the barrister."

Certain serious allegations have been made against lawyers. A few of such allegations are:

(1) That some lawyers are corrupt; they ask their clients to pay extra sums of money which they allege would be needed to influence a judge or a magistrate.

(2) That some lawyers take bribes from the opposing camp in return for handling their clients' case badly.

(3) That some lawyers are in collusion with some magistrates who direct cases to them.

(4) That some lawyers make " ghost " claims on behalf of injured persons who might never have briefed them.

(5) That some lawyers sometimes induce uninterested parties to sign documents as relatives of persons who have died from motor accident injuries;

(6) That some lawyers make use of clients' money or pocket part of insurance claims and share the remainder with their clients.

(7) Many lawyers go to court with little or no preparation. As a result they conduct their cases in a way which would be an insult to the common sense and wisdom of a layman.

Probably many of these allegations have no foundation in truth. But they are persistently made.

There have been many occasions when lawyers have failed to appear when their case is called, leaving a poor client who might have struggled to pay his fees to do the best he can in his own defence. Some lawyers would refuse to go on with a case unless the whole of the fee they have charged has been paid.

All these are contrary to the ethics of the profession. It may be true that only a minority of lawyers are guilty of these charges — but they constitute a substantial minority. If lawyers want to win back their reputation the black sheep in the profession must be removed.

In a free society everyone must have access to the courts and in theory everyone has this right in Ghana. In practice however, few people can go to court or brief lawyers to defend them when they are charged before a court: they cannot pay the fees lawyers charge. Lawyers' professional fees are often too high. If our lawyers are really interested in seeing that everyone can have the services of a lawyer they must do something about this.

The following suggestions may be made: *firstly*, that the Legal Council, in co-operation with the government, institute a scheme of legal aid for those too poor to pay for legal advice.

The only form of legal aid in Ghana is in murder cases: but the fees paid by the General Legal Council are so low that except in a few cases only inexperienced and struggling lawyers are prepared to accept the murder briefs assigned to them. The *second* suggestion, therefore, is that the Bar Association should create a fund to supplement whatever the General Legal Council can offer so that the better and more experienced lawyers (who naturally command higher fees) can be induced to take up such cases. I am of the firm opinion that unless ways and means are devised which would enable everyone to protect his rights all talk of freedom and justice would continue to be meaningless to a large section of Ghanaians.

Thirdly, if lawyers are to play the role expected of them they must improve their image. They must shed some of their outmoded ideas on a lawyer's place in society. The ideas, for example, that they would be respected only if they rode in long cars, or went about in three-piece suits or striped trousers and black coats. The bowler-hatted and black-coated, middle-class lawyer in the Strand, London, is surely the wrong model here. In the 1920's or 1930's, lawyers who behaved in this way might have been respected or even held in awe. But the fact is that the present generation of Ghanaians are not impressed by this outward and vain show of respectability. The lawyers they respect are the intelligent and honest ones. They do not see why a lawyer as a lawyer is entitled to special treatment. The wig and gown far from inspiring awe is an eye-sore to many.

If the present generation of Ghanaians do not have much respect for the legal profession, the fault lies with the lawyers themselves; and unless they are prepared to change their ways, lack of respect may develop into contempt for the profession. How can people respect lawyers when some members of the profession are so unscrupulous and greedy as to take, for professional fees, one-third — in some cases one-half — of money paid to their clients under insurance claims ? How can they consider lawyers as custodians of justice when so many behave in a manner detrimental to the interests of justice ?

The new Ghana wants a new breed of lawyers, and members of the legal profession must be made to live up to the standards of the profession. Our lawyers must prove that they are dedicated to freedom and justice, truth and honour; they must be prepared at great cost and inconvenience to themselves to fight and defend these ideals. Ghana wants lawyers who will fight with all their strength and learning and wisdom in the defence of the rights of even the lowest members of the community. They must show that their interest in law goes beyond the squalid business of accumulating wealth. They should become the stand-bearers of freedom, inspired by the example of such men as Chief Justice Coke, Mansfield, and Erskine of England, and Lincoln and Chief Justice Marshall of America. They must not hesitate to oppose any Acts which tend to destroy the basic rights of men. They must be prepared to expose corruption and arbitrariness wherever they may find them. They must so act and behave that Ghanaians can say of lawyers: " They are the bulwark of freedom."

The performance of lawyers in the last fifteen years did nothing to justify the description of the legal profession as a noble profession. Great damage has been done to the legal profession in this country by the activities of a minority of lawyers. The damage must be repaired. The General Legal Council and the Bar Association should investigate the circumstances and the reasons which compel some lawyers to behave as they do and take firm measures to remedy the defects in professional conduct.

Administration

OFFICIAL RED-TAPE: Need for the Tax-Payer's Watch-Dog (Ombudsman)

Part II — Concluded

by

S. O. Gyandoh, Jnr.

THE PREVIOUS instalment of this article concluded with a distinction in the practice of the "Ombudsman" machinery as between Western countries, like the Scandinavian countries, and Eastern European countries, like Soviet Russia and Poland. The essence of that distinction is that the latter countries conceive the Office as an appendage of the Executive branch of government while the former consider it as an independent watchdog over *all* branches of government. It would appear fairly incontrovertible that where an Ombudsman — using the word in its general sense — is answerable to the Executive, his freedom to investigate and castigate (where necessary) Executive action is somewhat more limited than in cases where he is independent of Executive authority in terms of both appointment and answerability.

The case for an Ombudsman for the new Ghana

It is possible to assert, that the Ombudsman idea is superfluous in a truly democratic system because it merely duplicates the mechanism whereby individual rights and fundamental freedoms are protected; that, generally, the ordinary courts can be relied upon for the adequate protection of these rights and freedoms provided these are effectively

entrenched as legally enforceable either in a constitutional document or in the general laws of the land or both. It is also easy to slip into the illusory belief that criminal prosecution of erring officials through the normal operation of the criminal law provides an adequate remedy against abuse of power by officials. Then there are those who believe, rather naively, that the sweeping drive against official corruption and related social ills which this country has so boldly embarked upon since the epoch-making events of the 24th February, 1966, can effectively deal, for all time, with the insidious problem of maladministration in our public services.

Against these various doubts and skepticism, it is necessary to urge the following general comments: *First*, men are not angels, and so long as this observable fact of human behaviour continues to exist, mankind must continually seek institutional devices for checking official corruption, nepotism, dishonesty, bad administration and other such social ills. *Second*, court action, used as a device for checking such ills, is inherently weak because such action is almost always *ex post facto*, that is, it generally provides the aggrieved individual with a remedy *after the* abuse has occurred, rather than before. By contrast, much of the Ombudsman's work, as will be seen presently, consists in preventing official maladministration *before* it has a chance of occurring. *Third*, contrary to widely-held but essentially uninformed belief, there are just not enough practising lawyers in this country to make possible the extension of legal aid to all those who may need it, because of property. *Fourth*, even if it were possible to extend legal aid to all, this by itself would not take care of the numerous cases in which men with genuine grievances, capable of judicial redress, are scared away by the forebodingly formal atmosphere and complex procedures of court action. *Finally*, the protection of individual rights is essentially a psychological matter with the great majority of people, as was pointed out by Montesquieu when he described political liberty as the "tranquility of mind arising from the opinion which a person has of his own safety." So that, the presence in a country of an institutional device of the Ombudsman type acts as an excellent safety valve against violent erruptions in the political set-up.

Area of Operation of the Ombudsman Concept

It now remains to delineate, with some particularlity, the boundaries of the field of operation of the office of Ombudsman, as is recommended for this country. At this point, it must be emphasized that the institutional device which is being recommended here is not meant to be the sole guarantor of official propriety in matters of public administration. Indeed, a cardinal principle to be observed is that resort to the Ombudsman should come only in cases where other remedies, such as appeal to an administrative tribunal, do not exist and where alternative remedies have been exhausted. The Office will have jurisdiction over all government organs, namely, the various Executive departments (or Ministries), the Judiciary, public corporations and local government authorities. The Armed Forces should be excluded from the jurisdiction of the Office, although at a later stage, it may be found necessary to appoint a Militia Ombudsman, as Sweden has done.

The right of complaint to the Ombudsman's Office would be available to all persons lawfully resident in Ghana, companies, and other corporate bodies except Government corporations (which can effectively ventilate their grievances through the State Enterprises Secretariat). The complaint must be lodged in written form, and must be signed by the complainant, who must be prepared to substantiate his allegations if called upon to do so. In addition to complaints originated by citizens and other residents, the Ombudsman should be empowered to initiate action following newspaper reports, persistent rumours, etc., about some malpractices in any sphere of the public administration within his competent jurisdiction. The powers of the Ombudsman should include:

(*a*) the power to conduct on-the-spot inspections of government agencies and departments periodically;

(*b*) the power to investigate and report on infringement of the law (whether procedural or substantive), misuse of power for private or unauthorised ends, intentional excess of powers (even if for otherwise laudable purposes), and neglect of duty by public officials;

(*c*) the power to recommend dismissal, suspension, or other punishment of officials, changes in administrative procedures, uniform application of laws in similar cases, and reform of legislation found to work unjustly.

(*d*) the power to subpoena persons and documents in the execution of his duties.

The Ombudsman must be under a duty to submit *Annual Reports* to the legislature, whose officer he is, though this should not prevent him from submitting other reports in the interim if he should deem this necessary or is required to do so by resolution of the legislature.

Ideally, the Ombudsman should not be a prosecuting agency. That is the job of the Attorney-General's department. He may, however, refer

cases of criminal conduct by public officials which he uncovers during the course of his investigations to that department for necessary action.

It will be a vital part of the Ombudsman's function to check corruption and see to the observance of the Rule of Law within our public services. To this end, a crucial aspect of the Ombudsman's concept is the unqualified respect which the person chosen for this high office must command. As intimated earlier, not all of his investigatory exercises need result in specific recommendations as to what action is to be taken against an erring official. In many instances, he can effectively deal with incipient corruption and fault in administration, such as irregularities in the allocation of estate houses by the Housing Corporation, by issuing admonishments, coupled with thinly-veiled threat of the consequences of ignoring such admonishments. It stands to reason, therefore, that the person chosen should be of unimpeachable integrity. In addition, he must be a person of sound legal training with a considerable knowledge of public administration.

It will have become clear by now that unless great care is exercised, the Office of Ombudsman can itself become corrupted or subjected to undue influence by high and rich officials who may have been involved in malpractices coming within the Ombudsman's sphere of activity. It is, therefore, suggested that the Office must be endowed with an independence and limited security of tenure which will tend to mitigate, indeed destroy, such baneful forces. We might, with profit, assimilate the position of the Ombudsman to that of the Auditor-General. His salary, which should be at least as high as that of a Supreme Court judge, should be charged on the Consolidated Fund, and he must be made removable only by an address of the Legislature on grounds of stated misbehaviour, infirmity of mind or body. But, as an officer of the Legislature, he should hold office only for the duration of the Legislature that elects him, though he may be eligible for re-election by a new Legislature. In any case, he should not hold office for more than two terms.

Education

REAL INVESTMENT IN EDUCATION

by

K. A. Karikari

ONE OF THE most significant things to remember about the Budget Statement for 1966-67 is the the decision of the National Liberation Council that "the free text-books scheme should be modified and made more efficient." The government will from the next academic year supply to all school pupils basic text-books, exercise books and other materials which will become the property of the children. Parents are asked to make a modest contribution. Education is a real investment in people, and if Ghana must attain a high standard of living, her citizens must be prepared to invest heavily in education.

New nations have always been told that the development of their economy is dependent on an adequate supply of suitably educated and trained manpower. Education thus becomes the most important factor of development, since there is a widespread need for manpower. However some specialists in the field of education object to solely relating investment in education to mere manpower needs. They argue that any philosophy of education should go beyond this limited need and that 'education should be concerned with the whole of life', and not merely with man-power needs. This article attempts to relate real investment in education to manpower needs in Ghana. In the early stages of Ghana's economic growth, top priority should be given to manpower needs.

There has been a remarkable expansion in educational opportunities in Ghana in recent years. Village after village now has its primary school, and there has been a spectacular growth in the number of secondary schools, nearly all of them designed for boarding pupils, in almost every fair-sized town. The buildings are generally well designed and reasonably equipped, though adequate staffing presents problems. Teacher-training colleges have also sprung up in areas which were hitherto neglected. Already there are 5,000 training college students, and the scrapped Seven-Year plan anticipated an increase to 21,000 by 1970. Technical education has also leaped forward in recent years in an endeavour to produce more of the technically trained people so urgently needed to help in the country's economic progress.

Three institutions of higher learning offer opportunities in higher education. The University of Ghana now has a student enrolment of 2,000; this is likely to be doubled within the next two years. The Kumasi University of Science and Technology concentrates on the teaching of the applied sciences, such as engineering, architecture, and town planning. The University of Science Education, at Cape Coast, is concentrating on the production of graduate teachers.

There was no doubt of governmental, and indeed national, concern for education. The fee-free primary education, instituted in 1952, compulsory primary education, introduced ins 1961, and the introduction of the free text-books scheme, were claimed to "have laid the foundation

for the greatest revolution in Ghana's history." However, evidence of persisting manpower shortages (both middle and high-level) suggests that something is fundamentally wrong with the educational system, from the point of view of manpower needs.

In the early 1960's, it was believed that Ghana needed middle and high level manpower, especially the managers, teachers, doctors and technicians. Emphasis was therefore placed on teacher training, secondary, and technical education. However, because of cost and the pressing need for manpower, the length of schooling was reduced by two years at the elementary school level, and by one year at the secondary school level. Enrolment increased rapidly at all levels, but judged by the needs for skilled or specialized manpower, education at the intermediate and lower levels fell behind.

Expansion of education at all levels must be properly coordinated. This may prevent the high rate of wastage in primary education, such as the uneconomic use of classroom space and teacher time, and the lack of qualified teachers.

Technical Education

Technical education suffers from lack of specialist technical teachers. Possibly, a more effective co-operation with industry would benefit both teachers and students on the one hand, and industry on the other. In-service training has to be reorganised to benefit both industry and technical schools.

Finance

The total budgeted cost of education and research has increased from £G12.7 million in 1960-61 to £G36.8 million in 1965. Recurrent costs alone amounted to £G29.7 million in 1965. The overall 10 per cent cut of government expenditure on education need not necessarily affect the capital and recurrent costs per student. In general, building costs in education are too high, some construction being mere luxuries, as is the case of most universities, and for most teacher bungalows. These costs must definitely be reduced.

Real investment in education must be viewed as a means to an end. Education must serve as a tool for development, for man is the object of development, not just an agent of it. It is education which sets a value on the human factor in development. It is through education that the maximum use can be made of our human resources; and, on this account, the N.L.C. decision to do some rethinking on our educational system is most welcome.

Letters

Sir,

May I humbly make a request which in my view will go a long way to establish greater confidence in your paper in the minds of the Ghana Public.

In your issue there was a series of correspondence (page 3) marked " The Times, Thomas Hodgkin, and the Legon Committee on National Reconstruction." If it is practicable could the correspondence be published in our local papers so that more Ghanaians in Ghana will also have the opportunity of fully knowing and understanding the views expressed by the courageous signatories of the letter of 14th March, 1966 which unfortunately did not appear in the " London Times ".

Yours sincerely,

(SGD) *Sir Edward Asafu-Adjaye*

Sir,

The suggestion is welcome; and in fact the Evening News *has once culled an article from this paper. The* Legon Observer, *like all other Ghanaian periodicals and newspapers, is dedicated to the service of Ghana. Any newspaper which believes that a particular letter or article is interesting is at liberty to cull it, provided that it acknowledges the source.*

— Editor

Sir,

Permit me space in your journal to comment briefly and only briefly on the letter which was culled from the London Times of February 25th, written by Mr. Thomas Hodgkin.

By saying that "a substantial body" of Ghanaians in the towns and villages, etc., etc., supported Nkrumah, Thomas Hodgkin has exposed himself as the grossest ignoramus. As a historian of world-wide repute, one would expect him to check his facts most scrupulously before putting pen to paper. As it is, one cannot now help entertaining doubts as to the authenticity of some of the assertions in his books on Africa. And I had to read through all this! Pah !

Kudos to your journalistic efforts.

H. Mills-Lutterodt
c/o District Office,
Salaga.

Printed by the Liberty Press Ltd., P.O. Box 1957, Accra, for the Legon Committee on National Reconstruction, Legon, Accra. Editorial Committee:—**Chairman:** K. A. B. Jones-Quartey, **Members:** A. S. Y. Andoh, K. B. Dickson, B. D. G. Folson, J. A. Dadson, O. Y. Asamoah, E. Yaw Twumasi, K. Arhin, E. A. Kwapong, **Treasurer:** E. A. Kwapong, **Editor:** E. Yaw Twumasi. All correspondence to The Editor, c/o Department of Political Science, Legon, Ghana. The University of Ghana and its Departments are in no way connected with the **Legon Observer.** Licence No. NP/GIS/388/083.