

THE GHANA GOVERNMENT

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WHEN the Gold Coast became independent in March 1957, it was under a pattern of government modelled on British practice—a constitutional sovereign, a Westminster-style parliament, a two-party system (at constituency level and in the national assembly), an anonymous public service and an independent judiciary. How firmly established was this modern apparatus of government at the time of independence, and how effective has it proved to be during the past two years?

Colonial legislative and executive councils existed in the Gold Coast for over a century; African government from time immemorial. Mr. Martin Wight (in 1946) traced the origins of the legislative council in the Gold Coast back to 1850 and found that, from a very early time, there were African representatives who took part in its meetings. Wight also thought, at the time of writing, that there was “no intrinsic disharmony between the indigenous institutions of the Gold Coast and the imported Western representative system”—a judgment which the Coussey Committee accepted as being still valid in 1949. When, in the same year, the Convention People’s Party under Dr. Nkrumah began to show the strength of popular feeling that existed outside (and often against) the system of Native Authorities, different arguments were used to link the present Ghana government with its Gold Coast past. Mr. Apter, for example, has written quite a lot (in terms not always easy to understand) about the ‘secularisation’ of traditional institutions, and the ‘bestowal of legitimacy’ on modern forms of government; and these processes he explains, not by the development of early legislative councils, but by the magic of Nkrumah’s person and leadership.

Yet it is difficult to see government in Ghana in 1959 as being in any direct line of succession to earlier forms, to see any organic connection between the legislative councils of 1850 to 1950 and the party dominated assembly which replaced them. To read the debates of the 1925-’50 legislative councils, and then to watch the Ghana parliament at work, is to measure the distance travelled by the country during the riots and disturbances of 1948-’50. And to explain the rise of the CPP in terms of Nkrumah’s “personal charisma” acting as a “primary functional

vehicle of institutionalisation" hardly does justice to the party's powers of organisation or its ability to adapt itself so rapidly from being a nationalist movement in opposition to the sober tasks of a party government in power. In terms of practical support at the polls, for example, the CPP had to fight for its victories: they did not come by the magic of charisma:

	CPP Votes	Seats	Non-CPP Votes	Seats
1954	391,817	68	314,903	33
1956	398,141	66	299,116	33

(Note: there were three unopposed (CPP) seats in 1954, five in 1956.)

The fact is that there was a sharp break in Gold Coast political development as a result of the 1948 riots. Even at the time, it was clear that the violence of the trade boycott, and the mass demonstrations in many of the southern towns, were of a different order from the kind of discontent expressed before the war by Ratepayers' Associations, farmers' councils and youth conferences. The riots, which pointed the way *via* the Watson Commission and the Coussey Committee to the declaration of Positive Action in January 1950, marked the beginnings of mass party organisation, held together by a network of local branches, with a nationally directed policy and a broad emotional appeal. In previous years, agitation had been conducted against particular abuses, to remedy specific grievances: after 1948, the colonial system itself was condemned in general terms. When the CPP was formed in 1949 it did not campaign for constitutional reform but 'freedom'. And because British officials, chiefs and the somewhat dated 'intelligentsia' had been closely associated on the old legislative councils, the party was suspicious of the effectiveness of constitutional action. Its leaders had to justify, to the growing mass of its followers, their decision to contest elections to be held under the Coussey constitution—which Nkrumah had already labelled as being "bogus and fraudulent". "To remain any longer merely as agitators from the platform", said the party's election manifesto, "would spell national disaster . . . Our entry into the Assembly in full strength will open up better opportunities to struggle for immediate self-government."

The Coussey constitution did not look a very attractive proposition, especially after the legislative council and the United Kingdom government had added their amendments. (The party's newspaper, *The Accra Evening News*, called it a "toothless gift horse.") Nor did it look like being an effective instrument

of modern government. For the members of the Coussey Committee had made what proved to be a last attempt to combine Native Authority institutions with (now) a quasi-cabinet system of government. With the entry of the CPP, however, into political life, and in 'full strength' in the new Assembly, the Coussey constitution was turned upside-down. Designed to meet the requirements of a pre-party age, it became a weapon of party use. Despite the political immaturity of the party (none of its leaders or parliamentary rank-and-file had had any previous 'training' on the old legislative council), despite its difficult minority position in the Assembly (where until 1954 representatives of semi-traditional councils *plus* European officials and 'special members' outnumbered party supporters), despite, too, the obligation to respect the conventions of a two-party system where no national party opposition existed—the CPP was able to use the clumsy assembly machinery of the Coussey constitution to advance its own programme of 'immediate self-government'.

Then, early in 1954, troubles multiplied. As the probability of independence became more certain, claims were revived by displaced although still powerful traditional leaders, in alliance with regional *cum* tribal groups, to their own share of 'self-government'. Both in the elections of 1954, however, and in those of 1956, the CPP was given a strong mandate for its policy of a strong centralised unitary government. And, by 1957, a modern (British-patterned) parliamentary system was in full operation. But it was as unlike the advisory colonial councils which had existed hitherto, as the CPP, with its disciplined central committee, its rough and tough organisers and nationalist mass following, was unlike the earlier political congresses and debating clubs.

It is against this background that government in Ghana in 1959 should be seen, with the conventions and machinery of British government having been accepted 'on approval', not as the end-product of a long process of constitutional evolution. How, then, have they stood the test of use during the past two years?

It seems clear that parliament itself has come to stay. At the very least it is useful as an instrument of party control at national and constituency levels (through the prestige and salaries it gives its members) and as a convenient forum in which to explain party policy. But a party which has always valued

efficient organisation was quick, too, to grasp the effectiveness of action through parliament. It is interesting to see how readily the CPP adopted the technique of the special select committee, and the government-appointed commission of enquiry, as a basis for radical legislation. In this way, parliament is probably as useful to the CPP as it was to the Tudors. Its representatives keep the government informed about what is happening in the country, and its legislative powers are used as a final weapon of authority against the government's opponents—against the private wealth and privileges of monasteries in Tudor England, and local chiefdoms in Ghana. "The function of parliamentary democracy under universal franchise, historically considered, is to expose wealth to the attack of the people. It is a sword pointed at the heart of the property owner."* In Ghana, it has been made a sword pointed especially at the chief and tradition—where tradition is a rival to the authority of government; and parliament itself has been made an instrument for the transfer not of wealth or property, but power from the chief to the party.

Where is the basis, then, for a two party system? There were six or seven party groups at independence although, in practice, in each region there was usually a straightforward rivalry between the CPP and allied non-CPP supporters. At the end of 1957, the government forced the latter—a loose association of regional, confessional (Moslem), and neo-tribal groupings to amalgamate, by the passage of the 'Avoidance of Discrimination Act' which made it illegal for such sectional parties to exist. The act followed the sudden Ga protest movement in Accra (the *Ga Shifimo Kpee*), and when the National Liberation Movement was still quite powerful in Ashanti. During 1955/56, and up to the eve of independence, the N.L.M.—with its allies, the Northern People's Party, the Togoland Congress and the Moslem Association Party—threatened the whole structure of government by a refusal to accept the national assembly in Accra as the final arbiter of who should govern the country. And in the months following independence the CPP struck out, more ruthlessly than most observers expected, at every attempt to weaken the authority of the central government. One may note here—ignored by critics of the government's actions—that in order to be a parliamentary democracy, and to run a democratic parliamentary system, it is necessary first to be a

*Aneurin Bevan's 'In Place of Fear' Page 6

nation. And the CPP understood this difficulty the more easily perhaps in that, other than the large overseas trading companies and the various church organisations, the party was the only effective association of a national character in the country.

One of the problems, therefore, which should be noted since independence, is that of finding a legitimate stand for the opposition—including opposition to the steady monopolising of all authority by the party in power. However difficult it may be to undertake from scratch the task of running a parliamentary machinery of government, it is less than that of learning and playing the part of a constitutional opposition. When parliamentary institutions have been abruptly introduced and put to work, as in Ghana, the opposition has to accept the delicate position of perpetual critic without ever having known the responsibilities of power, and without much chance of enjoying them in the foreseeable future. And it becomes doubly difficult if, again as in Ghana, the opposition has to defend itself against the charge that, having hampered the struggle for self-government, it should not assume any right to share in its benefits. The temptation is strong, in such a situation, to use extra-parliamentary methods—violence, where force can intimidate the government, or the machinery of the courts, in a series of constitutional cases, to humiliate and thereby discredit the government.

But of the many handicaps which face the opposition in Ghana, the most serious is probably lack of funds. In Britain, each of the main parties can keep going financially by virtue of its connections with organized labour (and the TUC political levy) or organized capital (with its private sources of party wealth). In Ghana, the opposition financed its campaigns, in part at least, by tapping the revenue of friendly Native Authorities (from stool lands, rents, chiefs' salaries etc.). But this laid both open to the charge (as recent commissions of enquiry have shown) of mis-using public funds and exceeding customary or statutory powers. Yet individual contributions are difficult to come by for a party out of power, which has nothing to offer by way of material inducements or benefits, and at best are inadequate for running a modern party organisation.

From almost every standpoint, therefore, the CPP has dominated the political scene since independence. And it has extended its control over its allies—the trade unions, whose

TUC general secretary is a member of the party's national executive, the farmers (through the Ghana Farmers' Council), the youth (through its youth leagues and Workers' Brigade), and the market women's associations. The attraction of power is strong, and it is not easy to see its limits. But, in 1959, how has this growth of the party's authority affected the non-political sections of government—in particular, the public service and the judiciary?

Perhaps the time is too short in which to be able to judge accurately but, so far, the party has respected, by and large, the British concept of a neutral civil service and judiciary. Both are staffed by a mixture of British and African officials and judges; each is watched over by a statutory Public (or Judicial) Service Commission. Criticisms are made that government jobs go to the 'fighters for freedom' rather than those who merit them, but such charges apply more to the public corporations—the Cocoa Marketing Board, the Industrial Development Corporation and the Agricultural Development Corporation—than to the main body of the civil service. The administration has not had an easy time, with the pressure of new legislation, and the departure of many of its overseas officers on generous 'abolition terms' of retirement. But it has borne the strain well. And it is far from being a party preserve: there are, for example, senior African civil servants at the highest level who are at least neutral and probably antipathetic to much that the CPP stands for and does. There is also very little enthusiasm for the CPP among students at the University College, most of whom enter government service. But the party is apparently unconcerned about either group and is remarkably detached in its recognition of the need for administrative efficiency.

Charges of partiality and government interference in the administration of justice are heard less often, if only because the courts in Ghana, far more than the political machinery of government, have had a steady continuity of growth and practice. Appointments have been made since independence of senior African and European magistrates to the bench which have quite clearly not been party appointments. (Appeals still go, for that matter, to the Judicial Committee of the Privy Council). Nevertheless there has been an unfortunate tendency in recent months for the courts to be brought into politics *via* the constitution. The 1957 constitution is not an easy document to interpret, being born of bitter political differences. It contains whole

sections concerned with safe-guarding the position and powers of chiefs and the proposed regional assemblies and houses of chiefs. And since these clauses were the price of opposition agreement to the constitution as a whole, they are naturally a source of friction still between the CPP and the United Party. But to drag the constitution through the courts, with each side straining the interpretation of these vaguely worded clauses, may in the end damage more than the loser, and bring the judiciary itself into question. Constitutional storms tend to be dangerous; for one is never quite sure what will be left standing when the storm abates.

Lastly, the question of a republic. There is very little to add to what members of the government have already said: that the question of replacing the office of Governor-General (there have been two holders of the office since independence, both British) by that of a President within a republican system is not particularly high up on the list of probabilities. But, it is on the list. The more interesting speculation is whether Dr. Nkrumah will want eventually to see a 'working President', as in Tunisia and Guinea, or a constitutional head, as in India. Very little has been heard on this, although no doubt more will be said before 1960/61 when the first post-war independence elections are due.

The most immediate problems, however, are not those which concern the outward form of the constitution, but its day to day working. With Indonesia and Iraq and the Lebanon in mind, the government can justly congratulate itself on having maintained its hold on the country since independence without losing its immense popularity, and with the minimum of force. There is no danger of a military junta imposing its will. The CPP has probably been right to stress the dangers of disunity, and the need for closer ties between each part of the country. But, admitting this need, can the party also recognise the usefulness of criticism and opposition when it is genuinely offered in the national interest? And can the opposition find a national platform—and sufficient patience—from which to offer such advice? These are perhaps the questions to be answered one way or the other in the coming few years.