

REVIEW

The effect of the Public Order Act of 1994, (Act 491) on Democracy in Ghana

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Abstract: Background: The thirty-year-old Public Order Act of Ghana of 1994 (Act 491), is seen as archaic legislation over the people's civil libertarian rights to assemble in protest against inimical and corrupt government actions. It has become the bane of democratic development in Ghana, preventing the citizens right to conduct non-violent civil disobedience acts, and seen as anti-establishment act. **Methods:** This is an exploratory as well as retrospective review of government security apparatus's interpersonal relationship with the Ghanaian public who engage(d) in non-violent demonstrations and protests since the promulgation of the act. **Results:** The assessment revealed that, for the average Ghanaian citizen, his or her only means of getting the attention of government is through public demonstration or protest. The Parliamentarians for their constituencies are disconnected from them giving them no avenue for the redress of grievances. It also found that, the international development partners operating in Ghana are perceived to be siphoning the life-blood out of the people of Ghana, sort of domestic economic hit men, who promote Ghana as a democracy despite the realities on the ground, due to the effect of their role on increasing income inequalities among the populations. **Conclusion:** Despite the persistent denial of the public's right to assemble and protest against government conduct: corruption, stealing, extravagant living and spending, denial of meritocratic job placement, and the harm caused to their freedoms, the international development partners and nations continue to issue endorsements to the government as running a democratic system, despite evidence-based corruption, indebtedness to both international and domestic creditors and poor socio-economic outcomes for the people of Ghana due poor leadership and management of the economy.

Keywords: Public Order Act, civil-disobedience, domestic and western economic hit men, endorsement of corrupt leaders, suppression of civil liberties

1 Introduction

For the ordinary Ghanaian, Nigerian, Ugandan or Kenyan youth or person, the only power he has against the huge state security apparatus: (blind devotion to officials or political party, without independent thought), is derived from the collective power of being members of a social movement for change. Some, perhaps, conservative, researchers considered social movement as mob inspired group, with irrational set of demands (Kornhauser, 1959). Others like Marshall Ganz, the author of books like *People, Power, Change: Organizing for Democratic Renewal*, (2024) and others, hold the view that social movements arise out of purposeful actors, individuals or organizations that decide to respond to changes or conditions they experience and deem as unjust, not just inconvenient so as to assert new public values, form new relationships, mobilize political and economic as well as cultural power for change (Ganz, 2024; Fard, 2022; Porta & Diani, 2020; Escobar, 2017). Africa has seen its share of social movements leading to independence of all the 54 nations that were almost all under colonial rule. The post-independent leadership of the now independent African nations tend to treat the population of Africa derisively as rudderless hammerheads and, who need to be shepherded to destinations desired by the political elite (Burkitt, 2014; Carney, 2014). This position often leads to confrontation due to the inherent disconnect by the leaders from the citizenry and their desires to deny the population of their civil liberties and freedom of association, freedom of assembly and freedom from fear, even if the fear is being generated by the elected leaders of the government in power (Brownstein et al., 2021). It appears most of the political leaders in Ghana and in other African nations court the endorsement of Western nations to declare Africa's poorly run economies as democratic and somewhat doing well, with Ghana as an example. Despite this position, other researchers have also reproached institutions such as the "IMF for causing or

increasing political instability (...) the IMF often stands accused in discussion on adjustment programs (Nelson & Wallace, 2016, p. 1-2; 2017, 523-525). In 2022, the President of Ghana, William Nana Addo Dankwa Akufo-Addo at a meeting with the U.S. Secretary State, Antony Blinken, at the State Department, in Washington DC., reported on Burkina Faso before the international press in a way that was, probably, inconsistent with the tenets of international diplomacy and politics. He reported on Burkina Faso to Mr. Antony Blinken as if he, President Akufo-Addo, alone was the only one with such intelligence, which incidentally was a fact well-known in West Africa and among the international actors in the region. Quoting Akufo-Addo, he reported:

“Today, Russian mercenaries are on our northern border. Burkina Faso has now entered into arrangement to go along with Mali in employing the Wagner forces there. I believe a mine in southern Burkina has been allocated to them as a form of payment for their services. Prime Minister of Burkina Faso in the last 10 days has been in Moscow. And to have them operating on our northern border is particularly distressing for us in Ghana” (Akufo Addo, Personal Communication, 2022, para. 2).

Perhaps, the President of Ghana was looking for endorsement from the U.S. Secretary of State for allegedly being a democratic, truth-telling, regionalist and realistic leader, at a time when his domestic policy was yielding negative dividends with high unemployment rate, dwindling foreign reserves, inability to service its debts to both international and domestic creditors, coupled with massive and systemic official corruption, and depreciation of the local currency, the cedi to the U.S. dollar on the international and local forex markets and galloping inflation rate of 24% and still growing. At a May 2023 meeting between Ghana and the IMF in Washington, DC, on Ghana's search for \$3 billion-3-year Extended Credit Facility Agreement, it appeared as if Ghana's problems were novel problems that erupted out of nowhere without the active machinations of the government of President Akufo Addo and his nephew Finance Minister, Ken Ofori Atta. Ghana was represented by Ken Ofori Atta in person and the governor of the Bank of Ghana, Dr. Earnest Addison via Zoom. IMF officials at the meeting in person were Tatiana Mossot, Communications Director, and Stephane Roudet, IMF Mission Chief for Ghana. At that Press Conference, all agreed wrongly or rightly that, “Ghana has been facing a severe economic and financial crisis with a debt burden assessed as unsustainable. More specifically, a combination of pre-existing vulnerability and external shocks as the COVID-19 pandemic, Russia's war in Ukraine have resulted in acute financing pressures, depreciating cedi, declining international reserves, slowing economic activities, and high inflation”. For these reasons, the loan was approved to help shore Ghana up its economy and arrest its run-away public spending. The goal of this loan included “bringing back public finances to sustainable path, by mobilizing more domestic revenue and improve the efficiency of public spending, provide for the least vulnerable such as those on the Livelihood Empowerment Against Poverty, (LEAP) program”. The second goal was to “support fiscal adjustment and enhance resilience to shocks, ambitious structural reforms, tax policy and revenue administration”. The third goal was to “control inflation”, “raise interest rates” and introduce, among others, “flexible exchange rate”. The fourth goal was to “preserve financial stability” and “implement reforms to encourage private investment, higher growth and job creation” (IMF Press Briefing on Ghana, 2023, para. 1-11). These appeared salient at the time, but the etiology of all these economic burdens emanated from Akufo-Addo's mal-administration, reckless public spending, including the appointment of 110 ministers, in the first one hundred days of his administration by March 18th, 2017 for a new of a little over 32 million inhabitants, the same man who “promised to cut superfluous government spending” before his election several months later. This was in addition to 50 deputy ministers. Government top appointees received \$4,000 a month, plus two cars, free fuel, a house, free utilities and personal security protective detail” (Farand, 2017, para. 1-5).

2 Economic disruptive strategies presented as Acts of Economic Empowerment

Although some have viewed the book by Perkins, the *Economic Hit Men*, (2006) as propaganda or conspiracy theory, there appears to be a great deal of scholastic inculpatory evidence to support Perkins submission as a self-confessed economic hit man, and an agent of world financial institutions and capital markets. Other researchers have also made statements that point to the conclusion that, “IMF programs increase income inequalities” due to “absolute income losses for the poor and not by income gains for the rich” with negative effects of such losses “persisting for up to 5 years, and stronger for IMF programs in democracies, and when policy conditions, particularly those that demand social-spending cuts and labor market

reforms are more expensive” (Lang, 2021, pp. 599-600). His advice on accessing international liquidity to the leaderships of struggling periphery nations encouraged them to be burdened with international debt by borrowing from the World Bank, IMF and other Western capital markets. The goal was unknowingly perhaps, aimed at the corrupt African leaders, to perpetuate neo-colonialism and coloniality. It was also meant to amplify the dependency of those nations on the periphery on the core Western industrialized nations, in order to sustain the exploitative agenda of the Western nations (Bauer, Cruz, & Graham, 2012). Vicariously, by institutions like the IMF and the World Bank using the vulnerabilities of corrupt African leaders as well as their egos to accept failure and leave the scene, encouraged these seemingly inept leaders to become indebted to the IMF, and thus recruiting these leaders as ‘domestic economic hit men’ and women against their own people. Though these international financial institutions are aware of the poor operationalization and interpretation of democratic principles in Ghana and elsewhere in Africa, they have rather chosen, as part of the groups’ modus operandi, to be oblivious to the harm their endorsement of Ghana as a democratic nation in West Africa has caused; and is causing to the citizens *satisfaction-with-life* and *happiness-with-life* situations (Dreher, 2006; Dreher et al., 2009). These are the same institutions that support research that say that Africans suffer from happiness deficit. “It is not just individual researchers that make such negative claims and help to perpetuate Africa as a ‘sad and unhappy continent’, but institutions like the World Bank, African Development Bank (. . .)”. A World Bank blogger, Bundervoet (2012) made the argument in a piece titled *Poor but Happy? (2013)* that, “the common belief in rich nations is that the people in Africa are “poor but happy” cannot be accepted. He offered that based on empirical studies, “by and large, people in Sub-Saharan Africa do not appear to be particularly happy”. The median level of *happiness-with-life* in Sub-Saharan Africa amounts to (4.4) points score, which is significantly lower than the happiness levels in South America (6.7), Eurozone (7.1), and the USA and Canada (7.6). He concluded that given that “the African continent generally has higher poverty rates than all of these other blocs, it does not appear that poor people are happier (Bundervoet, 2013, para. 1-4). The leading proponents of this line of argument, apart from the institutions already mentioned, are: Moller, Tiliouine & Loschky in their paper, *Waiting for Happiness in Africa, (2017)*. The authors wrote that “(. . .) happiness is less evident in Africa than in other regions of the world” and that, “Africa has a “happiness deficit” (Ibid, 2017, para. 2; 8-9). They attributed their position to the fact that Africa has had a short history of self-rule and that, “low levels of subjective wellbeing are likely not to be a recent development in Africa”, that “the evaluation of life was less positive in African countries south of the Sahara than elsewhere” (Ibid, 2017, para 9-30). There were other researchers that supported this view. Kapano Ratele and Carmine Rustin’s paper: *Africa-Centered Psychological Perception on Happiness (2023)* appears to second that position. Part of the promotion of Africa as a ‘sad and unhappy continent’ stem from the reality that, a nation such as Ghana, for example, has multiple social and infrastructural challenges that impinge on the mundane activities of the citizenry and thus reducing the level of their happiness on a daily basis (In Norman et al., 2024).

The discourse brings us naturally to the question begging to be asked: What should the average citizen who chooses not to be a spectator but a participant do in order to get the leaders of his nation to become more accountable, responsible, honest, incorruptible and with strong communitarian principles other than picking up arms in military take-over, or assassinations or domestic terrorism? An attempt to answer these questions is found in Part III of this paper.

3 The right to demonstrate, engage in civil disobedience and protest

“Civil Disobedience” is simply an argument for the scientific and legal disobedience to an unjust State, and the promotion of Civil Liberties” (Thoreau, 1849). Even today, Thoreau is considered the father of Climate Change advocacy, and the general ecological and environmental awareness of the world society. Our society appears to be now influenced by rights-based demands not only on employers but on Central government. Worker agitations, Civil Society demonstrations for political or social change has become rampant in Ghana and in the sub-region. Such agitations sometimes diverge into violence, because a significant number of the leaders of workers unions, CSOs and NGOs do not appreciate the demands on their positions as leaders and what is required to organize civil disobedience or worker demonstrations (Thoreau, 1849; Hills, 1996; Green, 2008). From Mahatma Gandhi of India to Martin Luther King of the USA, through the pre-independence movement of Ghana and many nations in Africa, non-violent action has been effective in causing dramatic social change and government positions on race, universal suffrage, segregation, apartheid, human rights, and climate change. Such public

demonstrations can easily be infiltrated by trouble makers and even terrorist organizations (Ganz, 2022). Currently, among the courses for civil disobedience in Ghana is the unacceptable pollution of about 70% of Ghana's water bodies due to reckless illegal mining activities, the lack of government oversight of the general mining industry and related activities. The Ghana Water Company that treats water for potability and domestic uses, reported that the Turbidity of the nation's water which even at 100 Nephelometric Turbidity Units was costly to the government agency, has risen to 7,000 NTU due to illegal mining activities and the resulting pollution (Barnie, 2024, para. 3-4). The question is, do the citizens have a right to demonstrate against government neglect of the environment just because some of the financiers, if not all, of the illegal miners are political operatives of the current government? In Ghana, the 1992 Constitution of Ghana and the Public Order Act, Act 491 allow for civil disobedience, with permissible modalities for organizers as well as the police to be mindful of, to avoid the police use of force as was the case in Ejura in 2021 and as has been witnessed in Accra in 1993-1994 with the Kume Preko demonstrations under President Jerry Rawlings. The impact(s) of localized disasters, including droughts, local and regional floods, epidemics, conflicts and wildfires have contributed to the worsening of livelihoods and safety nets for large groups of people in Ghana, which could lead to public disorder and agitation.

Against the population's effort to meet their basic needs, is the question of State government intrusion against the level of freedom and choice the citizens may have in pursuing their livelihoods, or agitating for social and political reforms. The mainstreaming of personal autonomy and individual freedoms is still slowly becoming a reality for many of the population of Africa due to cultural, religious and patriarchal controls and gender dynamics, coupled with low levels of education. The lack of individual freedom, autonomy against the effect of unfettered presidential and state controls over everything in Ghana and in Sub-Saharan Africa in general, should be substantially blamed on the World Bank, IMF and African Development Bank and domestic commercial banks that continue as principals to lend huge sums of money to corrupt African nations, whose leaders as the agents of these supranational institutions, only turn around to siphon these funds back to European, American, British and other banks. Money transfers are done through families and friends, and thus creating the classic revolving equation for Neo-colonialism, coloniality, chronic dependency and international financial crimes (Nkrumah, 1966). Like Kwame Nkrumah of Ghana's neocolonialism book offered, it appears neocolonialism is more pernicious and destructive to Africa and Africans than colonialism because colonialism's is the more insidious aspect that creates coloniality, which is invasive, seductive and habitual than colonialism (Lukose, 2018; Kamau, 2014; Quijano, 2002; Lear, 1968; Nkrumah, 1966, pp. 5-12). It is through coloniality that the Western world perpetuates its control over African nations by rationalizing some of the mundane activities which would be totally intolerable in their own nations as signs of progress in Africa. That is to say, the end of colonialism was certainly not the end of coloniality (Quijano, 2002). "Neo-colonialism is also the worst form of imperialism. For those who practice it, it means power without responsibility and for those who suffer from it, it means exploitation without redress" (Nkrumah, 1966, p. 5). African middle classes expect Western economists, bankers, and investors to salvage their ever-depressing economies, an economy made depressive through systemic corruption, without taking the trouble to appreciate the economic and political divide between the two pairs of the world economic system, with one keen on exploitation and the other keen on receiving alms, investor opportunities and loans. The effect of the middle classes on corruption in Ghana is immense and cuts across many activities despite the incremental growth of salaries of public service workers with a multiplier effect on private sector pay (Foltz & Opoku-Agyemang, 2015). "There appears to be anecdotal evidence in the literature suggesting that corruption in general would be minimized over time, when the underlying macro- and micro-economic policies are improved across board" (Agbodeka, 1992; Abbink, 2002; Lindner, 2013; Chene, 2009; Mtonya & Chizimbi, 2006; Norman & Aviisah, 2015; Norman et al., 2014; Agbodohu & Quarmyne, 2014). Based upon the number of allegations of corruption against members of the middleclass and the ruling class, there is, however, unsubstantiated evidence so far identified in the literature to suggest that unmitigated corruption among the middle and ruling classes in Ghana is the bane of the economic woes of the nation (Ugaz, 2015; Public Accounts Committee, 2014; Ghana Controller's General, 2013; Killick, 2010; Kiltgaard, 1998; Norman & Aviisah, 2015).

"In fact, and consistent with the finding of Foltz and Opoku-Agyemang (2015), confirmed by Afrobarometer 2023 Survey of Ghana's Corruption Index as well as Ghana's Subjective Happiness Index Survey of 2024, the very people caught in the quagmire of massive corruption across many nations in Sub-Saharan Africa are those who are already wealthy and not just rich. They are most connected in each nation and have access that goes all the way to the very seat of government and power. Even when the fundamentals of the nation

improve, there ought to be simultaneous improvement in the judiciary services and general justice administration as well as in criminology and penology. Many of the perpetrators of massive corruption in the respective nations know they can get away with murder, so to speak and often they do" (Foltz & Opoku-Agyeman, 2015; Lindner, 2013; Abbink et al., 2009; Abbink, 2002; Ul-Haque et al., 1996; In Norman & Aviisah, 2015).

Ghana's comparator nations such as Kenya and beginning from the 1990's through a greater part of 2000's, the Goldenberg Scandal erupted which was reported to have cost the nation some USD \$600 that vanished from the national exchequer during the Presidency of Arap Moi's and Mwai Kibaki's governments. Such huge sums of dollars cannot simply evaporate from Kenya without it landing in some foreign banks in Europe, U.S. and other banks around the world, occupied the attention of both donors and nationals for a long time. Reports about such huge sums of money should have been investigated worldwide by the Financial Action Task Force (FATF) set up in 1989 by the Ministers of its member Jurisdictions, through all banks. The mandate of FATF is to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and the financing of proliferation, and other related threats to the integrity of the international financial system. It is to work in collaboration with other international stakeholders. The FATF also works to identify national-level vulnerabilities with the aim of protecting the international financial system from misuse. If FATF is really working as it was designed to be, how come huge sums of money continue to be siphoned out of African into European, Canadian, U.S. and other Off-shore banking centers without a trace by this institution? The absence of international and domestic political will marshalled against the corruption menace across the world by politicians speaks to the big plan of the Western world to ensure that Africa and nations like Ghana continue to experience double negative progress backwards, for every meaningful developmental step forward these nations make (Financial Action Task Force, Recommendations, 2012). Similarly vanishing sums of money have occurred in Nigeria, where it has been reported that 60 million barrels of oil valued at \$13.7bn was stolen under the watch of the National oil giant, Nigerian National Petroleum Corporation from 2009 to 2012 (NNPC, 2016). Such sums of money end up in Western Banks where for a cut from the deposits, the Bankers, probably, turn the blind eye to allow the perpetrators to wash and launder their stolen wealth. Where does FATF feature in all of such illicit world transactions?

4 Procedural approach for literature selection and analysis

The author searched databases such as JSTOR, Google Scholar, PubMed, EconLit, Medline and others for reports, editorials and published papers in the English Language. A search on Goggle Scholar included phrases such as "Democracy in Africa" yielded over 77 million entries and "Rule of Law and Democracy in Africa" yielded close to 21 million with "Rule of law and Democracy in Ghana" yielding over 714,000 entries. This outcome supported opportunistic literature selection, due to the difficulty of having to read and assess all the entries the search revealed. Additional Internet search was conducted, with hand searching of grey literature produced by the Government Printers, Ministry of Finance, Interior, Local Government, Balme Library, University of Ghana, Legon, Accra, and other libraries at the Institute for Security, Disaster and Emergency Studies, Langma, CR, Ghana Armed Forces Command and Staff College, Teshie, Accra. The search was broken into three main thematic areas: Democracy in Ghana, Socio-Cultural embed of democratic principles in the norms of the society, Rule of Law to evaluate evidence of democracy, the effect of IMF and World Bank borrowing on the people particularly in the exercise of choice and the overall capabilities and functioning of the people of Ghana (Barnett, 2009). It was necessary to also look for historical evidence and to assess how Ghanaian politicians have managed the economy vis-à-vis the corruption perception in the nation. Issues of due process and the administration of justice of those accused of embezzlement, theft, or engaging in official corruption were assessed. The author adopted strict inclusion criteria for the papers reviewed for this article. As much as 130 papers were briefed by the author and two research assistants out of the initial figure of 300,000 articles, opinions, blogs, grey literature and policy documents identified. Out of these only 93 publications met the inclusion criteria and marked for additional review, briefing and re-analyzed for this paper, until saturation was reached at 64 papers on the various themes embedded in this topic. Each of the 64 papers was assigned an overall score. A score of: 1 = Entirely Relevant (ER); 1/2 = Somewhat Relevant (SR); and 0 = Not Relevant at All, (NRaA) against the themes used in this paper. The selected papers were rated and the papers that received scores above 2.5 out of 4

in this evaluation were further analyzed for specific linkages and relationships or as rebuttal evidence, using the remaining papers of 83 original selection. The findings were summarized into their respective units, and interpreted them based upon the author's skills and knowledge in policy, international diplomacy and politics, national development and law. The author excluded papers and reports that did not provide empirical data or analytical reports or studies on public demonstrations, democracy, the rule of law and governance. This exercise was purely a desk top review of published literature.

5 Results: Content analysis of the literature review

5.1 The contents of the Public Order Act, 1994 (Act 491)

The Public Order Act, (POA) has three main parts, namely, the holding of special event; imposition of curfews; and arms and ammunition. The defines 'special event' as:- "a process, parade, carnival, street dance, celebration of traditional custom, outdooring of traditional ruler, demonstration, public meeting and similar events" (Part 1, Section 4). Notice that, the POA was promulgated at the same time several public emergency powers laws were also passed, including the Emergency Powers Act of 1994. The goal was for the State to protect the fragile democracy it has just launched after a long hiatus from democratic rule to Military/Marxist rule which was imposed by the force of Coup d'états. Therefore, the civil liberties of the population were not key concerns of the Public Order Act, but how to compel the citizenry to do what the Central government wanted. The Act was passed by the First Parliament of Ghana in 1994 under the Fourth Republic, which was controlled largely by the members of the National Democratic Congress with 189 seats out of a total of 200 under the civilian Presidency of Jerry John Rawlings, who had by this time, morphed as a military head of state into his then status as the democratically elected President of Ghana. Ghana's democracy moves by waves, such as wave of populous discontent, wave of the popularity of a political party and its leadership, wave of poor economic management and perception of corruption, wave against family and friends' government, and lastly wave against political hubris. Some of such waves have combined or singularly characterized the political changes noticed throughout the narrative of the First through the Eighth parliament of Ghana and, which is likely to influence the make-up of the Ninth Parliament come 6th January 2025.

5.2 Notification of police

It is a requirement of POA to inform the Ghana Police Service in not less than five (5) days before holding any public event under the Act 491, Section 5. However, events such as religious meeting; charitable event such as fund raising; social or sporting gathering; and any lawful public entertainment or meeting in any public place. A critical look at the POA simply means that, for so long as organizers do not label their gathering as a demonstration, perhaps, it could meet legal definition of a "social gathering", provided the leaders are not considered by the regime police as enemies of the State or particularly the President. A 'public place' means any space at which, or to which the public has or is permitted to have access whether on a pavement or otherwise. Although it may appear that the POA is a kind of compromise between the right of the people to exercise their right of freedom of assembly and the need of the police to protect the regime or the State from encroachment by the citizenry or cause disorder against the establishment, its main goal is the suppression of the rights of the people, it seems. The right of the freedom for peaceful assembly is not merely to converge at "*der treffpunkt*" or at a concourse, but to meet and discuss or raise protest talk against government policies and actions. It is outcome of the meeting or assembly which is important to the citizenry and which happens to be presumed to be kind of existential threat to the State or the Presidency.

5.3 Constitutional provision promoting the citizenry's right to freedom of assembly

Under the 1992 Constitution of Ghana, Article 21(1)(d), "All persons shall have the right to freedom of assembly including freedom to take part in processions and demonstrations". This right is not absolute, but restricted by government consistent with the exigencies of the moment, and whether or not, there is a least restrictive means to maintain law and order without denying the citizens right to freedom of assembly. In Ghana, such consideration is seldom practiced, particularly when the regime police consider the leaders of the movement seeking to demonstrate against government conduct are viewed as saboteurs or social disrupters. Ghana's brand of democracy is a type of democracy which is closely found at the voting booth during

general elections, controlling for vote-buying by incumbent and incoming politicians, and bribery and corruption of voters by the politicians. Although there is a modicum of the freedom of expression, there have been a number of cases when agents of the government of have found the wherewithal to close down television and radio stations, when media reporters have been beaten by the police and military personnel, when citizens have been arrested for minor infractions due to police excesses. An example of such excesses was in 2021. Soon after Dr. George Akuffo Dampare was appointed as Inspector General of Police, Ghana Police on its Facebook page issued a warning that, although Ghanaians have freedom of worship, speech and religion, no man of God was going to issue any prophecy (Grace Ansah-Akrofi; In the Times, 2022, GPS Facebook page, 2021). In 2022, the Ghana Police lost a lawsuit against a Pastor who had issued an alarming prophecy about a local celebrity. There is no law in Ghana which grants the police administration any powers to regulate prophecies" (...) "religious freedom is more than the freedom to worship at a synagogue, church or mosque. It means people shouldn't have to go against their core values and beliefs in order to conform to culture or government unless it violates a specific law" (Darko; In the Times, 2022, para. 6). When such events are reviewed under the Universal Declaration of Human Rights, Article 20(1) and the African Charter on Human and People's Rights, Article 71, it can be surmised that Ghana's democracy is still in its nascent stages, or that Ghanaians do not understand the application of universal values of democracy. The limitations on whether a permit would be given to organizers of an upcoming protest or demonstration would depend on POA, Section 4, Part 1 of the Act which states:

"Where a police officer notified of a special event under Subsection (1) has reasonable grounds to believe that the special event if held may lead to violence or endanger public safety, public health or the running of essential services or violate the right and freedoms of other persons, he may request the organizers to postpone the special event to any other date, or relocate the special event".

When the subjective decision to ask the organizers to either postpone or relocate the event is given out by the police officer, which normally emanates from the top brass or the IGP's office, the organizers have forty-eight hours to comply or refuse to comply with the request. The discretionary nature of police powers to allow or disallow public demonstrations is often issued in favor of government or the establishment, irrespective of whether or not the establishment stands to lose anything of value or public confidence in the government. The law vests too much discretionary powers in the police officer to determine, based often on the antecedents of the leaders of the planned protest, whether the demonstration would lead to violence or not. Historically, the eruption of violence in demonstrations and protests has been initiated by the regime police or military in their effort to use maximum force to disrupt, disperse, or halt demonstration already in peaceful procession. In June 29th, 2021, two persons were shot in Ejura, Ashanti Region by joint security personnel made up of police and the army with four others injured. The joint security personnel had been deployed to Ejura in anticipation of violence after the burial of the Social Activist Ibrahim Anyass Muhammed, alias Kaaka on 28th June, 2021 but ended up clashing with the protesters which led to the death of the two persons and the injuries of others. The protest initially erupted after burying the Social Activist, Kaaka, who had been murdered by some thugs (Media Foundation for West Africa, 2021, para. 1-2). In the case of the Ejura incident, there was no formal demonstration other than a funeral procession which the local authorities feared had the potential to turn violent, and thus ensured that it became violent when those in the procession were asked to disperse and did not. Refusal to comply with police orders not to conduct public demonstration, apart from direct security personnel confrontation in hostilities against the protesters, will, alternatively lead to judicial review under Section (6) and (7) of the Act. It states that: -

"The police may apply to any judge or a chairman of a tribunal for an order to prohibit the holding of the special event on the proposed location".

"The judge or chairman may make such order as he considers to be reasonably required in the interest of defense of public order, public safety, public health, the running of essential service, or prevent violation of the rights and freedom of other persons.

The 1992 Constitution of Ghana provides a more supportive provisions to enable the citizens to resist dictatorial leadership driven by patrimonial and neopatrimonialism coupled with social exclusionary tactics as witnessed in Ghana most especially between 2017 and 2024. Article 21(4)(a) to (e) of the 1992 Constitution allows restrictions on the exercise of the right to protest by the citizens, when the restriction is executed in the defence of the nation, public safety and public order, public health, the running of essential services and similar purposes. In weighing the people's right to protest, the decision to disallow a planned protest ought to meet legal

muster and also ought to be reasonable in the eyes of the law and the constitution. In the case of the *New Patriotic Party vs. Inspector General of Police [1993-94] 2 GLR 459-509*, the plaintiff sought a declaration that Sections 7, 8, 12(a) and 13 of the Public Order Decree, 1972 (NRCD 68) was inconsistent with Article 21(1)(d) of the constitution. This was as a result of the police cancelling an earlier permit granted to the plaintiffs to hold their procession in protest against government action. The Supreme Court of Ghana in a unanimous decision ruled that Sections 7, 8, 12 and 13 of the Public Order Decree were in contravention of the Article 21(1)(d) of the 1992 Constitution and therefore not enforceable. There was language in the decision to suggest that the Decree of 1972 was archaic and needed to be modified to reflect democratic developments in Ghana using other nations handling of the citizens right to peaceful demonstration as case study, and that the law requiring prior permission before citizens can express their grievances presented undue limitation on the freedom of thought and association. The new POA of 1994 (Act 491) was thus meant to replace the 1972 Decree (NRCD 68) although it appears the only thing that seems to have been modified is the title and year of promulgation of the new Act. The content of both the Decree of 1972 and the Act of 1994 are more or less the same, and the purpose of both legal instruments remain more or less the same, despite the Supreme Court decision of 1993; and despite the liberal Constitutional provisions on the people's right to free speech, freedom of assembly and of protest and demonstrations in Article 21. Ghana has consistently considered the citizenry as existential threat to the State and therefore use actual force intimidation and legislations to control the population. Ghana grapples with the kind of democracy it should follow and it is constantly sandwiched between State security and Societal security in policy and legislation development to advance its democratic credentials. Such claw back on the people's liberties negatively contribute to the stagnation of democratic growth and social transformation which delays invariably the progressive development of the nation in many ways.

“Statism or Realism proffers that the State is the main actor in politics, and, therefore, the Referent Object. This belief appears to be the predominate basis of governance in Sub-Saharan Africa, despite the region's efforts towards mainstreaming democratic principles in governance. There are several other progressive schools of thought that inure society with authority superior to that of the State on the basis of Rule of law. The resulting polarity of power presents problems for aligning State Security influenced by realist securitization theories and Societal Security influenced by the United Nations Development Program's Human Development Report since 1994 and the Welsh School of Security Studies” (Norman, 2022, p. 15; Igbogo, 2015; Huysmanns, 2004a; Williams, 1998).

Ghana Police Service appreciation of the citizens' right to freedom of expression, assembly, protest, and association emanates from the intellectual sophistication and understanding of the IGP of the municipal translation of democratic norms within the day-to-day lives of the people in a given settlement. It would be gainsaying to deny that the Ghana Police Service has not used Act 491, Sections (5) through (12) to stop demonstrations, under the convenient excuse of either postponing the special event to another period, or relocating it to another vicinity which may be far removed from the locus of the protest or demonstration. Ghana's democracy and for that matter all of Africa's, is part and parcel of the democratic tradition of the world inherited from Athenian sources of ancient Greece, although there are competing claims (Raaflaub et al. 2007). Each nation's democratic practices are modified by experience, struggle and constitutional provisions over time, although democracy came late to Africa (Boahen, 1966; Fayemi, 2009; Raaflaub et al., 2007; Fleck & Hanssen, 2002; Wallace, 2007). Despite this reality, Ghana promotes itself and it is promoted by other bilateral partners and supranational institutions to be a democratic nation, although it is only democratic principles are experienced more generally in Ghana in a few days in the year when elections are taking place, particularly between 2017 and 2024 that a modicum of popular democracy is allowed by the political elite to be manifested and experienced by the people. For most part of the year since 2017, freedom of speech has been restricted insidiously through denial of promotion, merit-based appointments, relocation to remote areas of the nation with no role or task assignment, or dismissal from one's employment when one exercised his or her to free speech. The national media archives contain multiple examples of such conduct (Norman, 2017, p. 115).

6 Discussion

There is not a single one of the goals for the \$3billion loan from the IMF that the common man on the streets of Ghana did not know. Ukraine-Russia war may have had some marginal ripple effect on consumption in Ghana but the staple food items in Ghana is not wheat or bread,

but plantain, cassava, palm oil, chicken, meat, vegetables, soups, and the other locally grown fruits, pawpaw, mango, avocado, groundnuts, almonds, cashew, oranges, and banana, produce grown in West Africa but not in the Ukraine. Ukraine-Russian war's effect on Ghana's food supply is an exaggerated lie, is amplified by even the IMF. The IMF simply took the known and tired explanations of the government of the New Patriotic Party under President Akufo Addo and his family and friends administration to justify why the IMF was approving the loan of \$3 billion dollars to Ghana. This is part of the reason why this author thinks the President of Ghana was groomed as a "domestic economic hit man". The endorsement of foreign nations, or institutions of African leaders such as Akufo-Addo, is, probably, the biggest racist and paternalistic act by any Western government, the International Monetary Fund, the World Bank, and the culturally schizophrenic African Development Bank against the wellbeing and happiness of the people of Ghana. Those who should endorse a leader are the citizens of that nation, not foreigners or profit-oriented supranational institutions or banking institutions. That submission by President Akufo-Addo, presenting Burkina Faso and Mali as nations with leaders who did not know what was good for their countries, was, perhaps, part of the government's lobby to get the IMF to approve its request for \$3 billion-3-year Extended Credit. The World Bank and the International Monetary Fund are not about financial emancipation of developing and, or, borrowing countries. They are, perhaps, more about the emasculation of these Black nations as part of the debt perpetuation and amplification hypothesis on which these institutions have operated for a long time: To keep Black people down. They are mega-economic-hit-entities with staff that actually execute the measures to hold down nations like Ghana with the tacit support of leaders like Akufo-Addo. These economic disruptive financial institutions, undermine the nation's ability to develop pristine democratic governance system; untainted by ethnicity and tribalism; primitivism and nepotism; insatiable desires for unsustainable materialism, and identity politics. Such a situation, promotes irrational official excuses for bad governance, with excuses and prevaricating statements that there is domestic hardships in Ghana, for example, not because the government is corrupt and incompetent administratively speaking, including extensive destruction of the nations' forest reserves and farmlands due to illegal mining, but it is because of the Ukraine-Russian war, or because of Covid-19 outbreak (Perkins, 2006).

In the last few months, there have been antigovernment protests in Kenya against President William Ruto's planned tax hikes, which forced the President to repeal those tax hikes, in Uganda against political allegations of financial shenanigans as well as Ghana, Liberia, Mali, and Burkina Faso, which led to military takeovers in Mali and Burkina Faso. In Kampala, Uganda, dozens of protesters were detained by the Police totaling 104 people for taking part in banned anticorruption protests against the abuse of office, failing hospitals, potholes on the roads and general official corruption", fashioned after the Kenyan rush on the Senate. The protesters tagged Parliamentary Speaker, Anita Among who is alleged to have been paid some \$894,000 illegally, as per diem and entertainment allowances between January and July of 2024. Among had had the parliamentary commission which Among headed to raise her daily per diem from \$990 to \$4,000 (Africanews, 2024, para. 1). Although the U.S. Ambassador and the representative of Amnesty International raised their objection to the arrest, but their appeal fell on deaf ears of President Yoweri Museveni. It was expected that, the U.S. government will withdraw its residential ambassador in protest, but in the end, the national interests of the United States overtook the humanitarian concerns of the average man or woman in Uganda. The Kenyan protests resulted in the death of 50 protesters. In Abuja, Nigeria, protesters carrying banners with slogans protesting "against hunger and insecurity in Nigeria" against the background of soaring cost of living, high fuel prices, currency devaluation and reforms introduced by President Bola Ahmed Tinubu to revamp the economy, was quelled by the Police with tear gas, arrests, beatings and detentions. In Ghana, a High Court in Accra, issued a ban or bar against a planned 7-day youth protest, named, "The Gen-Z Demo", which was scheduled to take place from July 31 to August 6, 2024 at the Black Star Square. The reason for the bar or ban was predicated upon the increasing youth-led demonstrations across Africa in recent months (Morris, 1999). The protesters, meant to demand decisive action from President Akufo Addo on corruption and living conditions, as well as protest against delays in passing an anti-LGBTQ Bill passed by Ghana's Parliament into law. In 2020, Ghana Police Service, obtained an injunction restraining post-election protests against the opposition National Democratic Congress, NDC which planned a protest between 20th December, 2020 through 10 January, 2021. In that election, President Akufo Addo, the presidential candidate of the New Patriotic Party was declared the winner. Ghana has had a checkered history with protesters and heavy-handed government responses against the protesters. In 1890, some educated coastal elite formed the Aborigines' Rights Protection Society to protest land bill that threatened traditional land tenure. This initial protest led to the formation of political action groups leading to the independence

struggle. These kinds of protests were not instigated by ethnicity or racist police officers against the protesters as seen in other places in the U.S. and Europe, but by African governments and their regime security apparatus against their subject who have fallen out of line in the civic space.

The World Bank, the International Monetary Fund, IMF, do not seem to appreciate the correlation between central government's access to funds from these institutions and their respect for the inalienable rights of the citizenry. Those financial institutions reckon that, *ceteris paribus*, (all things being equal) and considering its ability to service its loan portfolio since the 1970s, a nation like Ghana would continue to borrow huge sums of money from the International Monetary Fund and the World Bank, whether Ghana treats its citizens with respect or not. They are also aware of the effect the loans would put on economic stresses on the people culminating in demonstrations against government policies. Ghana, some economist argue, should not have ever been awarded another huge loan by IMF, the World Bank or the African Development Bank. Although not all the underlying variables are the same from one government administration to the other, the historicity of borrowing, managing the funds borrowed, growing the borrowed money and the rest, reveal that these international financial institutions are wickedly aware that no matter how much money they give out as loans, Ghana would remain in the economic doldrums and to such economic disrupters, to keep Ghana and nations like it underdeveloped, maintain coloniality of power over them, their culture, neurosis, the happiness and aspirations, it is best to continue to dole out money to their known and well-established corrupt leaders so as to sink Ghana deeper into debt, poverty and loss of self-identity. As international economic hitmen, instead of killing the African population with weapons, they use their domestic agents, the Presidents and the ministers, directors and managers, the finance Ministers and the family members to do their thirty deeds for them.

In the *Rise and Rise of the Middle Class (2011)*, Deloitte researchers for the African Development Bank provided that "as a percentage of the population, the middle class has been steadily rising, which appears to be proportionate to the debt levels of the continent. Prior to the 1980's it represented over 111 million or 26% of the Continent's population inclusive of floaters. This figure fell due to exogenous economic shocks and stresses of the decade (AfDB 2011). Some of these shocks and stresses were a series of coup d'états in Sub-Saharan Africa between 1978 and 1989. These developments were inconsistent with good governance (Norman & Aviisah, 2015). The coup planners justified their usurpation of power on the basis of the deterioration of the fortunes of the populations (Aryeetey, 1996; Bernstein & Putnam, 1993; Blanchard, et al. 1996; Bluwey, 1998). To help arrest what appeared as persistent bad governance, over-blown national deficit budget and financing, coupled with a general sense of doom, the World Bank with the IMF introduced an economic bandage that came to be called the Structural Adjustment Program. It was reasoned that the fundamental national fiscal and economic structure were catastrophically fractured (Agbodohu & Quarmyne, 2014). The seemingly never-ending World Bank and IMF inspired Structural Adjustment Programs and other economic burdens placed on African economies and their populations a great deal of stresses. But by 1990's and despite the noticeable economic hardships, the middle class has risen to 151.4 million of the population or 27%. It surged to 196 million in 2000 with a dramatic rise to 313 million in 2010 or 34.3% of the Continent's total population (African Development Bank, 2011). This represents a growth rate of 3.1% in the middleclass population over the period 1980 to 2010, compared with a growth rate of 2.6% in the continent's overall population over the same period (Ncube et al., 2011; In Norman & Aviisah, 2015). Even within the middleclass cohort, there is further segmentation into upper-middle, middle-middle and lower-middle classes, which is determined by wealth and other antecedents such as education and income levels (Banerjee & Duflo, 2008; Easterly, 2001; Kharas & Gertz, 2010; Visagie, 2013; Visagie & Posel, 2013; Wilson & Dragusanu, 2008). For example whereas "Botswana's middle class were at the upper limit with 48% of its population classified as middle class, Gabon was at the lower limit of the next category of the classification with 75% of its population classified as middle class. Algeria was the next nation to show upward trend with respect to the overall growth of the middle class with 77%, Egypt with 80%, Morocco having 85% and Tunisia 90%" (AfDB, 2011; Villasenor & Arnold, 1984, 1989; Kakwani, 1980; Ravallion & Huppi, 1990; Datt, 1998; World Wealth Report, 2009).

7 Conclusion

When it comes to the debate surrounding the rights of the people of Ghana and Africa to demonstrate or not to demonstrate to show their displeasure with central government policies, practices and conduct, it is really a matter of whether or not the leaderships of the respective

African nations understand democracy in the mundane perambulations of the citizens as they strive to explore and execute their capabilities and functionalities within the opportunities available. Democracy should be mainstreamed in Africa before the citizens can probably become more patriotic, more devoted to their nations, commit to stay and not run away to greener pastures, and contribute to the development of each nation.

Conflict of Interest

The author declares there is no conflict of interest.

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